

HOUSE BILL NO. 829
INTRODUCED BY PHILLIPS

IN THE HOUSE

FEBRUARY 13, 1991 INTRODUCED AND REFERRED TO COMMITTEE
 ON STATE ADMINISTRATION.

FEBRUARY 14, 1991 FIRST READING.

FEBRUARY 20, 1991 COMMITTEE RECOMMEND BILL
 DO PASS. REPORT ADOPTED.

 POSTED ON CONSENT CALENDAR.

FEBRUARY 21, 1991 CONSENT CALENDAR, QUESTIONS AND ANSWERS.
 ENGROSSING REPORT.

FEBRUARY 23, 1991 THIRD READING, PASSED.
 AYES, 95; NOES, 3.

 TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 25, 1991 INTRODUCED AND REFERRED TO COMMITTEE
 ON STATE ADMINISTRATION.

 FIRST READING.

MARCH 14, 1991 COMMITTEE RECOMMEND BILL BE
 CONCURRED IN AS AMENDED. REPORT
 ADOPTED.

MARCH 16, 1991 SECOND READING, CONCURRED IN.

MARCH 18, 1991 THIRD READING, CONCURRED IN.
 AYES, 48; NOES, 1.

 RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 21, 1991 RECEIVED FROM SENATE.

 SECOND READING, AMENDMENTS
 CONCURRED IN.

MARCH 23, 1991 THIRD READING, AMENDMENTS

CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 829
2 INTRODUCED BY Phillips

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT MEMBERS
5 OF THE ARMED FORCES ON ACTIVE DUTY WHO ARE ABSENT FROM THE
6 STATE MAY REGISTER TO VOTE AND VOTE BY ABSENTEE BALLOT UP TO
7 NOON ON THE DAY BEFORE CERTAIN ELECTIONS; AMENDING SECTIONS
8 13-2-212, 13-2-214, 13-2-301, AND 13-13-271, MCA; AND
9 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 13-2-212, MCA, is amended to read:

13 "13-2-212. Registration of electors in the United
14 States service. (1) Any Notwithstanding the provisions of
15 subsection (3), an elector in the United States service who
16 is absent from the state and the county of which he is a
17 resident may register by mailing to the election
18 administrator:

- 19 (a) the registration form, filled out and signed; or
- 20 (b) the federal post card application, filled out and
- 21 signed.
- 22 (2) The form of the federal post card application,
- 23 which may be used both as an application for registration
- 24 and for a ballot, shall be prescribed by the secretary of
- 25 state.

1 (3) A member of the armed forces in active service who
2 is absent from the state may register to vote by federal
3 post card application and vote by federal write-in absentee
4 ballot for the next primary or general election up to noon
5 on the day before the election."

6 **Section 2.** Section 13-2-214, MCA, is amended to read:

7 "13-2-214. Classification of federal post card
8 application. (1) Unless Notwithstanding the provisions of
9 13-2-212(3), unless the elector is already registered, a
10 federal post card application received from an elector in
11 the United States service shall be treated as a simultaneous
12 application for registration and for ballot for each primary
13 and general election in which he is entitled to vote during
14 the year of its receipt.

15 (2) Upon receipt by the election administrator of a
16 federal post card application, properly filled out and
17 signed, the election administrator shall:

- 18 (a) classify the application according to the precinct
- 19 in which the elector resides or, if the information is
- 20 insufficient to determine precinct of residence, assign an
- 21 appropriate precinct;
- 22 (b) immediately enter all information in the
- 23 registration records of the office and either file the post
- 24 card application with regular registration forms or file a
- 25 photocopy attached to a regular registration form on which



1 the information has been entered;

2 (c) send to the applicant by the fastest mail service
3 available a notice that he has been registered and informing
4 him that a ballot is enclosed or that he will be mailed an
5 absentee ballot for the next election in which he is
6 entitled to vote under subsection (1).

7 (3) The election administrator may use photocopies of
8 the post card application to complete all necessary
9 records."

10 **Section 3.** Section 13-2-301, MCA, is amended to read:

11 "13-2-301. Close of registration -- procedure. (1) The
12 election administrator shall:

13 (a) close registrations for 30 days before any
14 election, except as provided in 13-2-212(3); and

15 (b) publish a notice specifying the day registrations
16 will close on radio or television as provided in 2-3-105
17 through 2-3-107 or in a newspaper of general circulation in
18 the county at least once a week for 3 weeks before the close
19 of registration.

20 (2) Information to be included in the notice shall be
21 prescribed by the secretary of state.

22 (3) An individual who submits a completed registration
23 form to the election administrator before the deadline
24 provided in subsection (1)(a) is allowed to correct a
25 mistake on the completed registration form until 5 p.m. on

1 the 10th day following the close of registration, and
2 thereafter the qualified elector is eligible to vote in the
3 next election."

4 **Section 4.** Section 13-13-271, MCA, is amended to read:

5 "13-13-271. Federal write-in absentee ballot --
6 qualifications. (1) An elector qualified by 13-2-211 who
7 fears his regular absentee ballot might not arrive in time
8 to vote and return to the election administrator of the
9 county of his residence and registration may also vote a
10 federal write-in absentee ballot.

11 (2) The federal write-in absentee ballot is available
12 to military personnel and civilians overseas through the
13 same source that provides federal post card application
14 forms and is only valid for federal elections.

15 (3) ~~The~~ Except as provided in 13-2-212(3), the elector
16 shall apply for a regular absentee ballot as provided in
17 13-13-212(2) not less than 30 days before the general
18 election."

19 NEW SECTION. **Section 5.** Effective date. [This act] is
20 effective on passage and approval.

-End-

1 House BILL NO. 829
2 INTRODUCED BY Phillips
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT MEMBERS
5 OF THE ARMED FORCES ON ACTIVE DUTY WHO ARE ABSENT FROM THE
6 STATE MAY REGISTER TO VOTE AND VOTE BY ABSENTEE BALLOT UP TO
7 NOON ON THE DAY BEFORE CERTAIN ELECTIONS; AMENDING SECTIONS
8 13-2-212, 13-2-214, 13-2-301, AND 13-13-271, MCA; AND
9 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 13-2-212, MCA, is amended to read:
13 "13-2-212. Registration of electors in the United
14 States service. (1) Any Notwithstanding the provisions of
15 subsection (3), an elector in the United States service who
16 is absent from the state and the county of which he is a
17 resident may register by mailing to the election
18 administrator:
19 (a) the registration form, filled out and signed; or
20 (b) the federal post card application, filled out and
21 signed.
22 (2) The form of the federal post card application,
23 which may be used both as an application for registration
24 and for a ballot, shall be prescribed by the secretary of
25 state.

1 (3) A member of the armed forces in active service who
2 is absent from the state may register to vote by federal
3 post card application and vote by federal write-in absentee
4 ballot for the next primary or general election up to noon
5 on the day before the election."

6 **Section 2.** Section 13-2-214, MCA, is amended to read:
7 "13-2-214. Classification of federal post card
8 application. (1) Unless Notwithstanding the provisions of
9 13-2-212(3), unless the elector is already registered, a
10 federal post card application received from an elector in
11 the United States service shall be treated as a simultaneous
12 application for registration and for ballot for each primary
13 and general election in which he is entitled to vote during
14 the year of its receipt.
15 (2) Upon receipt by the election administrator of a
16 federal post card application, properly filled out and
17 signed, the election administrator shall:
18 (a) classify the application according to the precinct
19 in which the elector resides or, if the information is
20 insufficient to determine precinct of residence, assign an
21 appropriate precinct;
22 (b) immediately enter all information in the
23 registration records of the office and either file the post
24 card application with regular registration forms or file a
25 photocopy attached to a regular registration form on which



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CONSENT CALENDAR

1 the information has been entered;

2 (c) send to the applicant by the fastest mail service
3 available a notice that he has been registered and informing
4 him that a ballot is enclosed or that he will be mailed an
5 absentee ballot for the next election in which he is
6 entitled to vote under subsection (1).

7 (3) The election administrator may use photocopies of
8 the post card application to complete all necessary
9 records."

10 **Section 3.** Section 13-2-301, MCA, is amended to read:

11 "13-2-301. Close of registration -- procedure. (1) The
12 election administrator shall:

13 (a) close registrations for 30 days before any
14 election, except as provided in 13-2-212(3); and

15 (b) publish a notice specifying the day registrations
16 will close on radio or television as provided in 2-3-105
17 through 2-3-107 or in a newspaper of general circulation in
18 the county at least once a week for 3 weeks before the close
19 of registration.

20 (2) Information to be included in the notice shall be
21 prescribed by the secretary of state.

22 (3) An individual who submits a completed registration
23 form to the election administrator before the deadline
24 provided in subsection (1)(a) is allowed to correct a
25 mistake on the completed registration form until 5 p.m. on

1 the 10th day following the close of registration, and
2 thereafter the qualified elector is eligible to vote in the
3 next election."

4 **Section 4.** Section 13-13-271, MCA, is amended to read:

5 "13-13-271. Federal write-in absentee ballot --
6 qualifications. (1) An elector qualified by 13-2-211 who
7 fears his regular absentee ballot might not arrive in time
8 to vote and return to the election administrator of the
9 county of his residence and registration may also vote a
10 federal write-in absentee ballot.

11 (2) The federal write-in absentee ballot is available
12 to military personnel and civilians overseas through the
13 same source that provides federal post card application
14 forms and is only valid for federal elections.

15 (3) The Except as provided in 13-2-212(3), the elector
16 shall apply for a regular absentee ballot as provided in
17 13-13-212(2) not less than 30 days before the general
18 election."

19 **NEW SECTION. Section 5.** Effective date. [This act] is
20 effective on passage and approval.

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 14, 1991

MR. PRESIDENT:

We, your committee on State Administration having had under consideration House Bill No. 829 (third reading copy -- blue), respectfully report that House Bill No. 829 be amended and as so amended be concurred in:

1. Title, lines 4 and 5.

Strike: "MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY"

Insert: "electors in United States service"

2. Title, line 8.

Strike: "13-2-214,"

3. Page 1, lines 14 and 15.

Strike: "Notwithstanding the provisions of subsection (3), an"

Insert: "An"

4. Page 2, line 1.

Strike: "A member of the armed forces in active service"

Insert: "An elector in the United States service"

5. Page 2, line 2.

Following: "state"

Insert: "and county of which he is a resident"

6. Page 2, line 6 through line 9 on page 3.

Strike: section 2 in its entirety

Renumber: subsequent sections

Signed: Eleanor Vaughn
Eleanor Vaughn, Chairman

MA 3-14-91
Ad. Coord.

SB 3-14 12:45
Sec. of Senate

SENATE
HB 829

1 HOUSE BILL NO. 829

2 INTRODUCED BY PHILLIPS

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT MEMBERS
5 ~~OF THE ARMED FORCES ON ACTIVE DUTY~~ ELECTORS IN UNITED STATES
6 SERVICE WHO ARE ABSENT FROM THE STATE MAY REGISTER TO VOTE
7 AND VOTE BY ABSENTEE BALLOT UP TO NOON ON THE DAY BEFORE
8 CERTAIN ELECTIONS; AMENDING SECTIONS 13-2-212, ~~13-2-214,~~
9 13-2-301, AND 13-13-271, MCA; AND PROVIDING AN IMMEDIATE
10 EFFECTIVE DATE."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 **Section 1.** Section 13-2-212, MCA, is amended to read:

14 "13-2-212. Registration of electors in the United
15 States service. (1) Any ~~Notwithstanding the provisions of~~
16 ~~subsection (3)~~ an AN elector in the United States service
17 who is absent from the state and the county of which he is a
18 resident may register by mailing to the election
19 administrator:

20 (a) the registration form, filled out and signed; or

21 (b) the federal post card application, filled out and
22 signed.

23 (2) The form of the federal post card application,
24 which may be used both as an application for registration
25 and for a ballot, shall be prescribed by the secretary of

1 state.

2 ~~(3) A member of the armed forces in active service~~ AN
3 ELECTOR IN THE UNITED STATES SERVICE who is absent from the
4 state AND COUNTY OF WHICH HE IS A RESIDENT may register to
5 vote by federal post card application and vote by federal
6 write-in absentee ballot for the next primary or general
7 election up to noon on the day before the election."

8 **Section 2.** ~~Section 13-2-214, MCA, is amended to read:~~

9 "13-2-214. ~~Classification of federal post card~~
10 ~~application. (1) Unless Notwithstanding the provisions of~~
11 ~~13-2-212(3), unless the elector is already registered, a~~
12 ~~federal post card application received from an elector in~~
13 ~~the United States service shall be treated as a simultaneous~~
14 ~~application for registration and for ballot for each primary~~
15 ~~and general election in which he is entitled to vote during~~
16 ~~the year of its receipt.~~

17 (2) ~~Upon receipt by the election administrator of a~~
18 ~~federal post card application, properly filled out and~~
19 ~~signed, the election administrator shall:~~

20 (a) ~~classify the application according to the precinct~~
21 ~~in which the elector resides or, if the information is~~
22 ~~insufficient to determine precinct of residence, assign an~~
23 ~~appropriate precinct;~~

24 (b) ~~immediately enter all information in the~~
25 ~~registration records of the office and either file the post~~



1 ~~card--application--with-regular-registration-forms-or-file-a~~
 2 ~~photocopy-attached-to-a-regular-registration-form--on--which~~
 3 ~~the-information-has-been-entered;~~

4 ~~(c)--send--to--the-applicant-by-the-fastest-mail-service~~
 5 ~~available-a-notice-that-he-has-been-registered-and-informing~~
 6 ~~him-that-a-ballot-is-enclosed-or-that-he-will-be-mailed--an~~
 7 ~~absentee--ballot--for--the--next--election--in--which--he-is~~
 8 ~~entitled-to-vote-under-subsection-(1);~~

9 ~~(3)--The-election-administrator-may-use--photocopies--of~~
 10 ~~the--post--card--application--to--complete--all--necessary~~
 11 ~~records."~~

12 **Section 2.** Section 13-2-301, MCA, is amended to read:

13 **"13-2-301. Close of registration -- procedure.** (1) The
 14 election administrator shall:

15 (a) close registrations for 30 days before any
 16 election, except as provided in 13-2-212(3); and

17 (b) publish a notice specifying the day registrations
 18 will close on radio or television as provided in 2-3-105
 19 through 2-3-107 or in a newspaper of general circulation in
 20 the county at least once a week for 3 weeks before the close
 21 of registration.

22 (2) Information to be included in the notice shall be
 23 prescribed by the secretary of state.

24 (3) An individual who submits a completed registration
 25 form to the election administrator before the deadline

1 provided in subsection (1)(a) is allowed to correct a
 2 mistake on the completed registration form until 5 p.m. on
 3 the 10th day following the close of registration, and
 4 thereafter the qualified elector is eligible to vote in the
 5 next election."

6 **Section 3.** Section 13-13-271, MCA, is amended to read:

7 **"13-13-271. Federal write-in absentee ballot --**
 8 **qualifications.** (1) An elector qualified by 13-2-211 who
 9 fears his regular absentee ballot might not arrive in time
 10 to vote and return to the election administrator of the
 11 county of his residence and registration may also vote a
 12 federal write-in absentee ballot.

13 (2) The federal write-in absentee ballot is available
 14 to military personnel and civilians overseas through the
 15 same source that provides federal post card application
 16 forms and is only valid for federal elections.

17 (3) The Except as provided in 13-2-212(3), the elector
 18 shall apply for a regular absentee ballot as provided in
 19 13-13-212(2) not less than 30 days before the general
 20 election."

21 **NEW SECTION. Section 4. Effective date.** [This act] is
 22 effective on passage and approval.

-End-