

1 *Senate* BILL NO. 189
 2 INTRODUCED BY LYNCH
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS
 5 23-3704, 23-3706, 23-3707, 23-3712, 23-3713, 23-3717, AND
 6 23-3722, R.C.M. 1947, TO PROVIDE THAT ABSENTEE VOTER
 7 APPLICATION FORMS AND BALLOT ENVELOPES SHALL BE AFFIRMED BY
 8 THE ABSENTEE ELECTOR."
 9

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

11 Section 1. Section 23-3704, R.C.M. 1947, is amended to
 12 read as follows:

13 "23-3704. Form of application--~~affidavit~~-- manner.

14 (1) Application for absentee ballots shall be made on a
 15 form furnished by the registrar of the county of which the
 16 applicant is an elector, the city clerk, or clerk of a first
 17 class school district. The form shall be prescribed by the
 18 secretary of state except as provided in section 23-3702.

19 (2) The applicant shall subscribe the application ~~and~~
 20 ~~swear-to-it-before-an-officer-authorized-to-administer-oaths~~
 21 affirming that the information contained in the application
 22 is true and complete to the best of his knowledge. The
 23 application is not complete without this ~~affidavit~~
 24 affirmation.

25 (3) Application for an absentee ballot may be made by

1 any elector in the United States service by the federal post
 2 card application or by any written request signed by the
 3 applicant, addressed to the registrar of the applicant's
 4 residence."

5 Section 2. Section 23-3706, R.C.M. 1947, is amended to
 6 read as follows:

7 "23-3706. Mailing ballot to elector--~~affidavit~~
 8 affirmation--electors in the United States service. (1)
 9 Either upon receipt of the application or immediately after
 10 the official ballot for the precinct of the applicant's
 11 residence has been printed, the registrar, city clerk, or
 12 clerk of a first class school district shall send by mail,
 13 postage prepaid, whatever official ballots are necessary.

14 (2) The proper officer shall enclose an envelope with
 15 the ballots which has written on the front the name, title,
 16 and post-office address of the officer sending it, and upon
 17 the other side a printed ~~affidavit~~ affirmation in a form
 18 prescribed by the secretary of state.

19 (3) Both the envelope in which the ballot is mailed to
 20 an elector in the United States service and the return
 21 envelope shall have printed across the face two parallel
 22 horizontal red bars, each one-quarter (1/4) inch wide,
 23 extending from one side of the envelope to the other, with
 24 an intervening space of one-quarter (1/4) inch, with the
 25 words "Official Election Ballot Material--via Air Mail,"

1 between the bars. In the upper right-hand corner shall be
 2 printed "Free of U.S. Postage." In the upper left-hand
 3 corner shall be blanks sufficient for the recipient to place
 4 his return address. All printing on the face of the
 5 envelope shall be in red. The gummed flap of the envelope
 6 supplied for the return of the ballot shall be separated by
 7 wax paper or other appropriate protective insert. Voting
 8 instructions provided in subparagraph (5) of this section
 9 shall include a procedure to be followed by absentee voters,
 10 such as notation of the facts on the back of the envelope
 11 duly signed by the voter ~~and--witnessing--officer,~~ in
 12 instances of adhesion of the balloting material.

13 (4) The return address shall be self-addressed to the
 14 registrar or city clerk.

15 (5) Instructions for voting shall be enclosed with the
 16 ballots for electors in the United States service.
 17 Instructions shall include information concerning the type
 18 or types of writing instruments which may be used to mark
 19 the absentee ballot."

20 Section 3. Section 23-3707, R.C.M. 1947, is amended to
 21 read as follows:

22 "23-3707. Marking and ~~swearing~~ affirming to ballot by
 23 elector. (1) The elector shall complete the affidavit
 24 ~~before--an--officer--authorized--by--law--at--the--place--of~~
 25 ~~execution--to--administer--oaths,~~ affirmation at the time he

1 executes his vote.

2 (2) The elector shall mark each ballot ~~in-the--presence~~
 3 ~~of--the--officer--only,~~ in a manner so ~~the-officer-cannot no~~
 4 other person can see the vote.

5 (3) The ~~ballot-shall-be-folded-by--the~~ elector shall
 6 fold the ballot to conceal the vote ~~in-the-presence-of-the~~
 7 ~~officer~~ and ~~the-elector~~ shall, ~~in-the--officer's--presence,~~
 8 place it in the envelope and seal it.

9 (4) The ~~officer~~ elector shall sign at the end of the
 10 certificate and ~~affidavit,~~ affirmation.

11 (5) The elector shall mail the envelope, postage
 12 prepaid, or deliver it to the registrar, city clerk, or
 13 clerk of a first class school district."

14 Section 4. Section 23-3712, R.C.M. 1947, is amended to
 15 read as follows:

16 "23-3712. Voting before election day by prospective
 17 absentee or physically incapacitated elector. (1) An elector
 18 who is present in his county after the official ballots of
 19 his county or school district have been printed who has
 20 reason to believe that he will be absent from the county or
 21 school district or physically incapacitated on election day,
 22 may vote before election day before the registrar, city
 23 clerk, ~~or~~ school district clerk, or ~~some-officer-authorized~~
 24 ~~to-administer--oaths--and--having--the--official--seal~~ the
 25 respective deputy.

1 (2) The provisions of this chapter apply to such
2 voting.

3 (3) If the ballot is marked before the registrar, city
4 clerk, ~~or~~ school district clerk, or the respective deputy,
5 he shall deal with it in the same manner as if it had come
6 by mail."

7 Section 5. Section 23-3713, R.C.M. 1947, is amended to
8 read as follows:

9 "23-3713. Envelopes containing ballots--deposit in box
10 and rejection of ballot. (1) While the polls are open on
11 election day, the election judges shall first open the outer
12 envelope only, and compare the signature of the voter on the
13 application and on the affidavit affirmation.

14 (2) If the election judges find that the signatures
15 correspond, that the affidavit affirmation is sufficient,
16 and that the absentee elector is qualified and has not yet
17 voted, they shall open the absentee voter's envelope and
18 take out the ballot or ballots and, without unfolding it or
19 permitting it to be examined, ascertain whether the stub is
20 still attached and whether the number corresponds to the
21 number in the certificate of the registrar or city clerk.

22 (3) If so, they shall endorse it the same way that
23 other ballots are endorsed, detach the stub, deposit the
24 ballots in the proper ballot boxes, and make entries in
25 their election records to show the elector has voted.

1 (4) If the affidavit affirmation is found defective,
2 the numbers do not correspond, or the voter is unqualified,
3 the election judges, without opening the absentee ballot,
4 shall mark across the face of it "rejected as defective" or
5 "rejected as not an elector."

6 (5) The absentee ballot envelope, when it has been
7 voted or rejected, shall be deposited in the ballot box
8 containing the general or party ballots, and shall be
9 retained and preserved in the manner provided for official
10 ballots.

11 (6) If, upon opening the absentee ballot envelope, it
12 is found that the stub of any ballot has been detached, or
13 that the number does not correspond to the number on the
14 certificate of the registrar or clerk, the ballot shall be
15 rejected. It shall be marked on back as "rejected for
16", filling the blank with the reason. This statement
17 shall be dated and signed by a majority of the election
18 judges.

19 (7) The rejected ballots, together with the absentee
20 ballot envelope bearing the application shall be enclosed in
21 an envelope, sealed, and the judges shall write on the
22 envelope, "rejected ballot of absentee voter" (writing in
23 the elector's name). "The rejected ballot(s) is (are)
24"

25 (8) The election judges shall designate the rejected

1 ballot as "general ballot," if it is a ballot for candidates
2 that are rejected.

3 (9) If the rejected ballot is on a question submitted
4 to the vote of the electors, the judges shall designate it
5 as ballot question No. in the certificate on the
6 envelope.

7 (10) A separate enclosing envelope shall be used for
8 each absentee ballot rejected. This envelope shall be
9 placed in the envelope in which the other ballots voted are
10 required to be placed and shall not be opened without a
11 court order.

12 (11) The registrar or clerk shall provide and deliver
13 to the election judges suitable envelopes for enclosing
14 rejected absentee ballots."

15 Section 6. Section 23-3717, R.C.M. 1947, is amended to
16 read as follows:

17 "23-3717. False ~~swearing~~ affirmation perjury--official
18 misconduct a misdemeanor. (1) If a person willfully ~~swears~~
19 ~~falsely-to-any--affidavit-~~ makes false statements in an
20 affirmation required by this chapter he is guilty of
21 perjury.

22 (2) If the registrar, clerk, or any election officer:

23 (a) Refuses or neglects to perform any duties
24 prescribed by this act,

25 (b) Makes false statements in his certificate regarding

1 ~~affidavits~~ affirmations,

2 (c) Looks at any marks made by the voter upon the
3 ballot,

4 (d) Allows any person other than the voter to be
5 present at the marking of such ballot,

6 (e) Sees any marks made by the voter on the ballot, he
7 is guilty of a misdemeanor and upon conviction shall be
8 fined not more than five hundred dollars (\$500), imprisoned
9 in the county jail for not more than six (6) months, or
10 both."

11 Section 7. Section 23-3722, R.C.M. 1947, is amended to
12 read as follows:

13 "23-3722. Method of registration of voter absent from
14 county. (1) An elector who is unable to make personal
15 application for registration by reason of being absent from
16 the county, may register to vote prior to the close of
17 registration before any election, by ~~appearing,~~
18 ~~and--verifying--under--oath,--before--a--notary--public--or--other~~
19 ~~officer--empowered--to--administer--oaths,~~ completing at any
20 place within the United States, a registration card as
21 provided in sections 23-3701 through 23-3723.

22 (2) He must return the card in sufficient time to reach
23 the registrar before the close of registration.

24 (3) The elector's name may not be entered in the
25 official register until at least two (2) registered electors

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1 of the county in which the elector desiring to be registered
2 has his place of residence as stated in his application for
3 registration, appear before the registrar and make
4 affidavits in writing, stating that they are personally
5 acquainted with the applicant, are familiar with and know
6 his signature, and have seen him write and that the
7 signature subscribed to the application ~~or~~ {for}
8 registration is the signature of the elector."

-End-

Approved by Committee
on Judiciary

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17 class school district. The form shall be prescribed by the
18 secretary of state except as provided in section 23-3702.
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20 ~~swear-to-it-before-an-officer-authorized-to-administer-oaths~~
21 affirming that the information contained in the application
22 is true and complete to the best of his knowledge. The
23 application is not complete without this ~~affidavit~~
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25 (3) Application for an absentee ballot may be made by

1 any elector in the United States service by the federal post
2 card application or by any written request signed by the
3 applicant, addressed to the registrar of the applicant's
4 residence."
5 Section 2. Section 23-3706, R.C.M. 1947, is amended to
6 read as follows:
7 "23-3706. Mailing ballot to elector--~~affidavit~~
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9 Either upon receipt of the application or immediately after
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11 residence has been printed, the registrar, city clerk, or
12 clerk of a first class school district shall send by mail,
13 postage prepaid, whatever official ballots are necessary.
14 (2) The proper officer shall enclose an envelope with
15 the ballots which has written on the front the name, title,
16 and post-office address of the officer sending it, and upon
17 the other side a printed ~~affidavit~~ affirmation in a form
18 prescribed by the secretary of state.
19 (3) Both the envelope in which the ballot is mailed to
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21 envelope shall have printed across the face two parallel
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24 an intervening space of one-quarter (1/4) inch, with the
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 3 corner shall be blanks sufficient for the recipient to place
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 7 wax paper or other appropriate protective insert. Voting
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 9 shall include a procedure to be followed by absentee voters,
 10 such as notation of the facts on the back of the envelope
 11 duly signed by the voter ~~and--witnessing--officer~~, in
 12 instances of adhesion of the balloting material.

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 17 Instructions shall include information concerning the type
 18 or types of writing instruments which may be used to mark
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 25 ~~execution--to--administer--oaths,~~ affirmation at the time he

1 executes his vote.

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 3 ~~of--the--officer--only,~~ in a manner so ~~the-officer-cannot no~~
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 6 fold the ballot to conceal the vote ~~in-the-presence-of-the~~
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 12 prepaid, or deliver it to the registrar, city clerk, or
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14 Section 4. Section 23-3712, R.C.M. 1947, is amended to
 15 read as follows:

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 17 absentee or physically incapacitated elector. (1) An elector
 18 who is present in his county after the official ballots of
 19 his county or school district have been printed who has
 20 reason to believe that he will be absent from the county or
 21 school district or physically incapacitated on election day,
 22 may vote before election day before the registrar, city
 23 clerk, ~~or~~ school district clerk, or ~~some-officer-authorized~~
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 25 respective deputy.

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6 by mail."

7 Section 5. Section 23-3713, R.C.M. 1947, is amended to
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9 "23-3713. Envelopes containing ballots--deposit in box
10 and rejection of ballot. (1) While the polls are open on
11 election day, the election judges shall first open the outer
12 envelope only, and compare the signature of the voter on the
13 application and on the affidavit affirmation.

14 (2) If the election judges find that the signatures
15 correspond, that the affidavit affirmation is sufficient,
16 and that the absentee elector is qualified and has not yet
17 voted, they shall open the absentee voter's envelope and
18 take out the ballot or ballots and, without unfolding it or
19 permitting it to be examined, ascertain whether the stub is
20 still attached and whether the number corresponds to the
21 number in the certificate of the registrar or city clerk.

22 (3) If so, they shall endorse it the same way that
23 other ballots are endorsed, detach the stub, deposit the
24 ballots in the proper ballot boxes, and make entries in
25 their election records to show the elector has voted.

1 (4) If the affidavit affirmation is found defective,
2 the numbers do not correspond, or the voter is unqualified,
3 the election judges, without opening the absentee ballot,
4 shall mark across the face of it "rejected as defective" or
5 "rejected as not an elector."

6 (5) The absentee ballot envelope, when it has been
7 voted or rejected, shall be deposited in the ballot box
8 containing the general or party ballots, and shall be
9 retained and preserved in the manner provided for official
10 ballots.

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12 is found that the stub of any ballot has been detached, or
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14 certificate of the registrar or clerk, the ballot shall be
15 rejected. It shall be marked on back as "rejected for
16", filling the blank with the reason. This statement
17 shall be dated and signed by a majority of the election
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20 ballot envelope bearing the application shall be enclosed in
21 an envelope, sealed, and the judges shall write on the
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23 the elector's name). "The rejected ballot(s) is (are)
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1 ballot as "general ballot," if it is a ballot for candidates
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4 to the vote of the electors, the judges shall designate it
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8 each absentee ballot rejected. This envelope shall be
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15 Section 6. Section 23-3717, R.C.M. 1947, is amended to
16 read as follows:

17 "23-3717. False swearing affirmation perjury--official
18 misconduct a misdemeanor. (1) If a person willfully swears
19 falsely to any affidavit makes false statements in an
20 affirmation required by this chapter he is guilty of
21 perjury.

22 (2) If the registrar, clerk, or any election officer:

23 (a) Refuses or neglects to perform any duties
24 prescribed by this act,

25 (b) Makes false statements in his certificate regarding

1 affidavits affirmations,

2 (c) Looks at any marks made by the voter upon the
3 ballot,

4 (d) Allows any person other than the voter to be
5 present at the marking of such ballot,

6 (e) Sees any marks made by the voter on the ballot, he
7 is guilty of a misdemeanor and upon conviction shall be
8 fined not more than five hundred dollars (\$500), imprisoned
9 in the county jail for not more than six (6) months, or
10 both."

11 ~~Section 7,--Section 23-3722,--R.C.M.--1947,--is--amended--to~~
12 ~~read--as--follows:~~

13 ~~"23-3722,--Method--of--registration--of--voter--absent--from~~
14 ~~county,--(1)--An--elector--who--is--unable--to--make--personal~~
15 ~~application--for--registration--by--reason--of--being--absent--from~~
16 ~~the--county,--may--register--to--vote--prior--to--the--close--of~~
17 ~~registration--before--any--election,--by--appearing,--executing~~
18 ~~and--verifying--under--oath,--before--a--notary--public--or--other~~
19 ~~officer--empowered--to--administer--oaths, completing at--any~~
20 ~~place--within--the--United--States,--a--registration--card--as~~
21 ~~provided--in--sections--23-3701--through--23-3723,~~

22 ~~(2)--He--must--return--the--card--in--sufficient--time--to--reach~~
23 ~~the--registrar--before--the--close--of--registration,~~

24 ~~(3)--The--elector's--name--may--not--be--entered--in--the~~
25 ~~official--register--until--at--least--two--(2)--registered--electors~~

1 of-the-county-in-which-the-electer-desiring-to-be-registered
2 has--his-place-of-residence-as-stated-in-his-application-for
3 registration,--appear--before---the---registrax---and---make
4 affidavits--in--writing,--stating--that--they-are-personally
5 acquainted-with-the-applicant,-are-familiar--with--and--know
6 his--signature,--and--have--seen--him--write--and--that--the
7 signature---subscribed---to---the---application---or {for}
8 registration-is-the-signature-of-the-electer."

-End-

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2 INTRODUCED BY LYNCH

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS
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17 class school district. The form shall be prescribed by the
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20 ~~swear-to-it-before-an-officer-authorized-to-administer-oaths~~
21 affirming that the information contained in the application
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23 application is not complete without this affidavit
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25 (3) Application for an absentee ballot may be made by

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5 Section 2. Section 23-3706, R.C.M. 1947, is amended to
6 read as follows:

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12 envelope only, and compare the signature of the voter on the
13 application and on the affidavit affirmation.

14 (2) If the election judges find that the signatures
15 correspond, that the affidavit affirmation is sufficient,
16 and that the absentee elector is qualified and has not yet
17 voted, they shall open the absentee voter's envelope and
18 take out the ballot or ballots and, without unfolding it or
19 permitting it to be examined, ascertain whether the stub is
20 still attached and whether the number corresponds to the
21 number in the certificate of the registrar or city clerk.

22 (3) If so, they shall endorse it the same way that
23 other ballots are endorsed, detach the stub, deposit the
24 ballots in the proper ballot boxes, and make entries in
25 their election records to show the elector has voted.

1 (4) If the affidavit affirmation is found defective,
2 the numbers do not correspond, or the voter is unqualified,
3 the election judges, without opening the absentee ballot,
4 shall mark across the face of it "rejected as defective" or
5 "rejected as not an elector."

6 (5) The absentee ballot envelope, when it has been
7 voted or rejected, shall be deposited in the ballot box
8 containing the general or party ballots, and shall be
9 retained and preserved in the manner provided for official
10 ballots.

11 (6) If, upon opening the absentee ballot envelope, it
12 is found that the stub of any ballot has been detached, or
13 that the number does not correspond to the number on the
14 certificate of the registrar or clerk, the ballot shall be
15 rejected. It shall be marked on back as "rejected for
16", filling the blank with the reason. This statement
17 shall be dated and signed by a majority of the election
18 judges.

19 (7) The rejected ballots, together with the absentee
20 ballot envelope bearing the application shall be enclosed in
21 an envelope, sealed, and the judges shall write on the
22 envelope, "rejected ballot of absentee voter" (writing in
23 the elector's name). "The rejected ballot(s) is (are)
24"

25 (8) The election judges shall designate the rejected

1 ballot as "general ballot," if it is a ballot for candidates
2 that are rejected.

3 (9) If the rejected ballot is on a question submitted
4 to the vote of the electors, the judges shall designate it
5 as ballot question No. in the certificate on the
6 envelope.

7 (10) A separate enclosing envelope shall be used for
8 each absentee ballot rejected. This envelope shall be
9 placed in the envelope in which the other ballots voted are
10 required to be placed and shall not be opened without a
11 court order.

12 (11) The registrar or clerk shall provide and deliver
13 to the election judges suitable envelopes for enclosing
14 rejected absentee ballots."

15 Section 6. Section 23-3717, R.C.M. 1947, is amended to
16 read as follows:

17 "23-3717. False swearing affirmation perjury--official
18 misconduct a misdemeanor. (1) If a person willfully swears
19 falsely to any affidavit makes false statements in an
20 affirmation required by this chapter he is guilty of
21 perjury.

22 (2) If the registrar, clerk, or any election officer:

23 (a) Refuses or neglects to perform any duties
24 prescribed by this act,

25 (b) Makes false statements in his certificate regarding

1 affidavits affirmations,

2 (c) Looks at any marks made by the voter upon the
3 ballot,

4 (d) Allows any person other than the voter to be
5 present at the marking of such ballot,

6 (e) Sees any marks made by the voter on the ballot, he
7 is guilty of a misdemeanor and upon conviction shall be
8 fined not more than five hundred dollars (\$500), imprisoned
9 in the county jail for not more than six (6) months, or
10 both."

11 ~~Section 7, Section 23-3722, R.C.M. 1947, is amended to~~
12 ~~read as follows:~~

13 ~~"23-3722. Method of registration of voter absent from~~
14 ~~county. (1) An elector who is unable to make personal~~
15 ~~application for registration by reason of being absent from~~
16 ~~the county, may register to vote prior to the close of~~
17 ~~registration before any election, by appearing, executing~~
18 ~~and verifying under oath, before a notary public or other~~
19 ~~officer empowered to administer oaths, completing at any~~
20 ~~place within the United States, a registration card as~~
21 ~~provided in sections 23-3701 through 23-3723.~~

22 ~~(2) He must return the card in sufficient time to reach~~
23 ~~the registrar before the close of registration.~~

24 ~~(3) The elector's name may not be entered in the~~
25 ~~official register until at least two (2) registered electors~~

1 ~~of the county in which the elector desiring to be registered~~
2 ~~has his place of residence as stated in his application for~~
3 ~~registration, appear before the registrar and make~~
4 ~~affidavits in writing, stating that they are personally~~
5 ~~acquainted with the applicant, are familiar with and know~~
6 ~~his signature, and have seen him write and that the~~
7 ~~signature subscribed to the application or {for}~~
8 ~~registration is the signature of the elector."~~

-End-

HOUSE OF REPRESENTATIVES

March 6, 1975

HOUSE COMMITTEE ON JUDICIARY AMENDMENTS TO SENATE BILL NO. 189.

Be amended in the third reading bill as follows:

1. Amend page 4, section 4, subsection (1), line 23.
Following: "clerk"
Strike: ", or"
Insert: "or"
2. Amend page 4, section 4, subsection (1), line 23.
Following: "district clerk"
Strike: ", or"
3. Amend page 4, section 4, subsection (1), lines 24 and 25.
Following: "~~seal-~~"
Strike: "the respective deputy"
4. Amend page 4, section 4, subsection (3), line 4.
Following: "clerk"
Strike: ", or"
Insert: "or"
5. Amend page 4, section 4, subsection (3), line 4.
Following: "district clerk,"
Strike: "or the respective deputy,"

AS SO AMENDED
BE CONCURRED IN

1 SENATE BILL NO. 139

2 INTRODUCED BY LYNCH

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS
5 23-3704, 23-3706, 23-3707, 23-3712, 23-3713, AND 23-3717,
6 ~~AND-23-3722~~, R.C.M. 1947, TO PROVIDE THAT ABSENTEE VOTER
7 APPLICATION FORMS AND BALLOT ENVELOPES SHALL BE AFFIRMED BY
8 THE ABSENTEE ELECTOR."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 23-3704, R.C.M. 1947, is amended to
12 read as follows:

13 "23-3704. Form of application--~~affidavit~~-- manner.

14 (1) Application for absentee ballots shall be made on a
15 form furnished by the registrar of the county of which the
16 applicant is an elector, the city clerk, or clerk of a first
17 class school district. The form shall be prescribed by the
18 secretary of state except as provided in section 23-3702.

19 (2) The applicant shall subscribe the application ~~and~~
20 ~~swear-to-it-before-an-officer-authorized-to-administer-oaths~~
21 affirming that the information contained in the application
22 is true and complete to the best of his knowledge. The
23 application is not complete without this ~~affidavit~~
24 affirmation.

25 (3) Application for an absentee ballot may be made by

1 any elector in the United States service by the federal post
2 card application or by any written request signed by the
3 applicant, addressed to the registrar of the applicant's
4 residence."

5 Section 2. Section 23-3706, R.C.M. 1947, is amended to
6 read as follows:

7 "23-3706. Mailing ballot to elector--~~affidavit~~
8 affirmation--electors in the United States service. (1)
9 Either upon receipt of the application or immediately after
10 the official ballot for the precinct of the applicant's
11 residence has been printed, the registrar, city clerk, or
12 clerk of a first class school district shall send by mail,
13 postage prepaid, whatever official ballots are necessary.

14 (2) The proper officer shall enclose an envelope with
15 the ballots which has written on the front the name, title,
16 and post-office address of the officer sending it, and upon
17 the other side a printed ~~affidavit~~ affirmation in a form
18 prescribed by the secretary of state.

19 (3) Both the envelope in which the ballot is mailed to
20 an elector in the United States service and the return
21 envelope shall have printed across the face two parallel
22 horizontal red bars, each one-quarter (1/4) inch wide,
23 extending from one side of the envelope to the other, with
24 an intervening space of one-quarter (1/4) inch, with the
25 words "Official Election Ballot Material--via Air Mail,"

1 between the bars. In the upper right-hand corner shall be
 2 printed "Free of U.S. Postage." In the upper left-hand
 3 corner shall be blanks sufficient for the recipient to place
 4 his return address. All printing on the face of the
 5 envelope shall be in red. The gummed flap of the envelope
 6 supplied for the return of the ballot shall be separated by
 7 wax paper or other appropriate protective insert. Voting
 8 instructions provided in subparagraph (5) of this section
 9 shall include a procedure to be followed by absentee voters,
 10 such as notation of the facts on the back of the envelope
 11 duly signed by the voter ~~and--witnessing--officer,~~ in
 12 instances of adhesion of the balloting material.

13 (4) The return address shall be self-addressed to the
 14 registrar or city clerk.

15 (5) Instructions for voting shall be enclosed with the
 16 ballots for electors in the United States service.
 17 Instructions shall include information concerning the type
 18 or types of writing instruments which may be used to mark
 19 the absentee ballot."

20 Section 3. Section 23-3707, R.C.M. 1947, is amended to
 21 read as follows:

22 "23-3707. Marking and ~~swearing~~ affirming to ballot by
 23 elector. (1) The elector shall complete the affidavit
 24 ~~before--an--officer--authorized--by--law--at--the--place--of~~
 25 ~~execution--to--administer--oaths,~~ affirmation at the time he

1 executes his vote.

2 (2) The elector shall mark each ballot ~~in-the--presence~~
 3 ~~of--the--officer--only,~~ in a manner so ~~the-officer-cannot no~~
 4 other person can see the vote.

5 (3) The ~~ballot-shall-be-folded-by--the~~ elector shall
 6 fold the ballot to conceal the vote ~~in-the-presence-of-the~~
 7 ~~officer~~ and ~~the-elector~~ shall, ~~in-the--officer's--presence,~~
 8 place it in the envelope and seal it.

9 (4) The ~~officer~~ elector shall sign at the end of the
 10 certificate and ~~affidavit,~~ affirmation.

11 (5) The elector shall mail the envelope, postage
 12 prepaid, or deliver it to the registrar, city clerk, or
 13 clerk of a first class school district."

14 Section 4. Section 23-3712, R.C.M. 1947, is amended to
 15 read as follows:

16 "23-3712. Voting before election day by prospective
 17 absentee or physically incapacitated elector. (1) An elector
 18 who is present in his county after the official ballots of
 19 his county or school district have been printed who has
 20 reason to believe that he will be absent from the county or
 21 school district or physically incapacitated on election day,
 22 may vote before election day before the registrar, city
 23 clerk, ~~---or~~ OR school district clerk, ~~---or~~ ~~some--officer~~
 24 ~~authorized-to-administer-oaths-and-having-the-official-seal,~~
 25 the-respective-deputy.

1 (2) The provisions of this chapter apply to such
2 voting.

3 (3) If the ballot is marked before the registrar, city
4 clerk ~~or~~ OR school district clerk, ~~or--the--respective~~
5 ~~deputy~~ he shall deal with it in the same manner as if it
6 had come by mail."

7 Section 5. Section 23-3713, R.C.M. 1947, is amended to
8 read as follows:

9 "23-3713. Envelopes containing ballots--deposit in box
10 and rejection of ballot. (1) While the polls are open on
11 election day, the election judges shall first open the outer
12 envelope only, and compare the signature of the voter on the
13 application and on the affidavit affirmation.

14 (2) If the election judges find that the signatures
15 correspond, that the affidavit affirmation is sufficient,
16 and that the absentee elector is qualified and has not yet
17 voted, they shall open the absentee voter's envelope and
18 take out the ballot or ballots and, without unfolding it or
19 permitting it to be examined, ascertain whether the stub is
20 still attached and whether the number corresponds to the
21 number in the certificate of the registrar or city clerk.

22 (3) If so, they shall endorse it the same way that
23 other ballots are endorsed, detach the stub, deposit the
24 ballots in the proper ballot boxes, and make entries in
25 their election records to show the elector has voted.

1 (4) If the affidavit affirmation is found defective,
2 the numbers do not correspond, or the voter is unqualified,
3 the election judges, without opening the absentee ballot,
4 shall mark across the face of it "rejected as defective" or
5 "rejected as not an elector."

6 (5) The absentee ballot envelope, when it has been
7 voted or rejected, shall be deposited in the ballot box
8 containing the general or party ballots, and shall be
9 retained and preserved in the manner provided for official
10 ballots.

11 (6) If, upon opening the absentee ballot envelope, it
12 is found that the stub of any ballot has been detached, or
13 that the number does not correspond to the number on the
14 certificate of the registrar or clerk, the ballot shall be
15 rejected. It shall be marked on back as "rejected for
16", filling the blank with the reason. This statement
17 shall be dated and signed by a majority of the election
18 judges.

19 (7) The rejected ballots, together with the absentee
20 ballot envelope bearing the application shall be enclosed in
21 an envelope, sealed, and the judges shall write on the
22 envelope, "rejected ballot of absentee voter" (writing in
23 the elector's name). "The rejected ballot(s) is (are)
24"

25 (8) The election judges shall designate the rejected

1 ballot as "general ballot," if it is a ballot for candidates
2 that are rejected.

3 (9) If the rejected ballot is on a question submitted
4 to the vote of the electors, the judges shall designate it
5 as ballot question No. in the certificate on the
6 envelope.

7 (10) A separate enclosing envelope shall be used for
8 each absentee ballot rejected. This envelope shall be
9 placed in the envelope in which the other ballots voted are
10 required to be placed and shall not be opened without a
11 court order.

12 (11) The registrar or clerk shall provide and deliver
13 to the election judges suitable envelopes for enclosing
14 rejected absentee ballots."

15 Section 6. Section 23-3717, R.C.M. 1947, is amended to
16 read as follows:

17 "23-3717. False swearing affirmation perjury--official
18 misconduct a misdemeanor. (1) If a person willfully swears
19 falsely--to--any--affidavitt- makes false statements in an
20 affirmation required by this chapter he is guilty of
21 perjury.

- 22 (2) If the registrar, clerk, or any election officer:
- 23 (a) Refuses or neglects to perform any duties
- 24 prescribed by this act,
- 25 (b) Makes false statements in his certificate regarding

1 affidavits affirmations,

2 (c) Looks at any marks made by the voter upon the
3 ballot,

4 (d) Allows any person other than the voter to be
5 present at the marking of such ballot,

6 (e) Sees any marks made by the voter on the ballot, he
7 is guilty of a misdemeanor and upon conviction shall be
8 fined not more than five hundred dollars (\$500), imprisoned
9 in the county jail for not more than six (6) months, or
10 both."

11 ~~Section 7. Section 23-3722, R.C.M. 1947, is amended to~~
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16 ~~the county, may register to vote prior to the close of~~
17 ~~registration before any election, by appearing, executing~~
18 ~~and verifying under oath, before a notary public or other~~
19 ~~officer empowered to administer oaths, completing at any~~
20 ~~place within the United States, a registration card as~~
21 ~~provided in sections 23-3701 through 23-3721.~~

22 ~~(2) He must return the card in sufficient time to reach~~
23 ~~the registrar before the close of registration.~~

24 ~~(3) The elector's name may not be entered in the~~
25 ~~official register until at least two (2) registered electors~~

1 of-the-county-in-which-the-elector-desiring-to-be-registered
2 has--his-place-of-residence-as-stated-in-his-application-for
3 registration,--appear--before---the---registrar---and---make
4 affidavits--in--writing,--stating--that--they-are-personally
5 acquainted-with-the-applicant,-are-familiar--with--and--know
6 his--signature,--and--have--seen--him--write--and--that--the
7 signature---subscribed---to---the---application---or {for}
8 registration-is-the-signature-of-the-elector."

-End-