

HOUSE BILL NO. 152

INTRODUCED BY KITSELMAN

IN THE HOUSE

January 10, 1983	Introduced and referred to Committee on Local Government.
January 26, 1983	Committee recommend bill do pass as amended. Report adopted.
January 27, 1983	Bill printed and placed on members' desks.
January 28, 1983	Second reading, do pass.
January 29, 1983	Considered correctly engrossed.
January 31, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 1, 1983	Introduced and referred to Committee on Local Government.
March 2, 1983	Committee recommend bill be concurred in. Report adopted.
March 4, 1983	Second reading, concurred in.
March 7, 1983	Third reading, concurred in. Ayes, 47; Noes, 0.

IN THE HOUSE

March 7, 1983	Returned to House.
March 8, 1983	Sent to enrolling. Reported correctly enrolled.

Transmitted to Governor: 03/15/83
Signed: 03/16/83, Chapter 120

1 HOUSE BILL NO. 152
 2 INTRODUCED BY Kitselmann

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE COUNTY
 5 GOVERNING BODY TO APPOINT A BOARD OF ELECTION JUDGES TO BE
 6 DESIGNATED AS A COUNTING BOARD FOR ABSENTEE BALLOTS;
 7 PRESCRIBING PROCEDURES FOR A COUNTING BOARD FOR ABSENTEE
 8 BALLOTS; ELIMINATING THE PROVISION THAT ALLOWS AN ELECTOR
 9 WHO HAS VOTED BY ABSENTEE BALLOT TO VOTE IN PERSON ON
 10 ELECTION DAY; AMENDING SECTIONS 13-4-101, 13-13-204,
 11 13-13-233, AND 13-13-243, MCA."

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

14 Section 1. Section 13-4-101, MCA, is amended to read:

15 "13-4-101. Appointment of election judges -- second
 16 board other boards of election judges. (1) At least 30 days
 17 before the primary election in even-numbered years, the
 18 county governing body shall appoint 3 or more election
 19 judges for each precinct, one of whom shall be designated
 20 chief judge.

21 (2) A second board of election judges, designated as a
 22 counting board, may be appointed in any precinct if
 23 recommended by the election administrator.

24 (3) A board of election judges, designated as a
 25 counting board for absentee ballots, may be appointed to

1 ~~count all absentee ballots for all precincts if recommended~~
 2 ~~by the election administrator."~~

3 Section 2. Section 13-13-204, MCA, is amended to read:

4 "13-13-204. Elector ~~voting absentee ballot authorized~~
 5 ~~to vote in person -- effect~~ Effect of absentee elector's
 6 death. (1) ~~If an elector has voted by absentee ballot but on~~
 7 ~~election day is present in the county and able to go to the~~
 8 ~~polls or if he learns his absentee ballot has been rejected~~
 9 ~~by the judges as provided in 13-13-243, the elector may vote~~
 10 ~~in person at his polling place. If voting machines or~~
 11 ~~devices are used, he may vote by machine or device.~~

12 (2) If an elector votes by absentee ballot and dies
 13 between the time of balloting and election day, his ballot
 14 does not count."

15 Section 3. Section 13-13-233, MCA, is amended to read:

16 "13-13-233. Issue and record of absentee ballots --
 17 certificate. (1) The absentee ballots delivered shall be
 18 regular official ballots beginning with ballot number 1 and
 19 following consecutively according to the number of
 20 applications for absentee ballots.

21 (2) The election administrator shall keep a record of
 22 all absentee ballots delivered, as well as of ballots marked
 23 before him.

24 (3) The election administrator shall deliver to the
 25 chief election judges to whom the ballots are delivered a

1 certificate stating:

2 (a) the number of absentee ballots delivered as well
3 as those marked before him;

4 (b) the number of ballots retained for late absentee
5 voting; and

6 (c) the names of the electors to whom such ballots
7 were delivered or by whom they have been marked if marked
8 before him.

9 ~~(4) The chief election judge shall post in a~~
10 ~~conspicuous location at the polling place a list of the~~
11 ~~names of electors appearing on the certificate required~~
12 ~~under subsection (3).~~"

13 Section 4. Section 13-13-243, MCA, is amended to read:

14 "13-13-243. Rejected absentee ballots. (1) The
15 rejected ballots, the applications, and all envelopes shall
16 be enclosed in an envelope and sealed, and the judges shall
17 write on the envelope "rejected ballot(s) of absentee
18 elector" (writing in the elector's name).

19 ~~(2) The unopened absentee ballot envelope of an~~
20 ~~elector who has voted in person on election day as provided~~
21 ~~in 13-13-204 shall be marked "voted in person" and initialed~~
22 ~~by a majority of the election judges.~~

23 ~~(3)(2)~~ The unopened absentee ballot envelope of an
24 elector who dies before election day shall be marked "died
25 before election day" and initialed by a majority of the

1 election judges if they are notified of the death on
2 election day. The election administrator shall make and sign
3 the notation if notice of the death is received before
4 delivery of the absentee ballot to the polling place.

5 ~~(4)(3)~~ All rejected ballots shall be placed in the
6 sealed package in which the voted ballots are required to be
7 placed and may not be opened without a court order."

8 NEW SECTION. Section 5. Counting board for absentee
9 ballots. (1) The election administrator shall:

10 (a) give special instructions to any counting board
11 for absentee ballots appointed under 13-4-101 on the proper
12 procedures for counting the absentee ballots; and

13 (b) provide the forms and supplies necessary for the
14 board to perform its duties.

15 (2) The counting board for absentee ballots shall:

16 (a) be sequestered in a room in the county courthouses;

17 (b) start the count of the absentee votes cast, at any
18 time prior to the closing of the polls but not before the
19 polls open; and

20 (c) follow the procedures outlined in 13-13-242 and
21 13-15-103 for the counting of the votes cast.

22 (3) No election judge or other individual having
23 access to any results of early counting may disclose the
24 information while the polls are open.

25 (4) (a) In addition to the official oath taken and

1 subscribed to by the election judges, the members of the
2 counting board for absentee ballots shall complete and sign
3 the following affirmation: "I,, will not discuss or
4 disclose or allow anyone else to discuss or disclose to
5 anyone the results of the early counting of votes while the
6 polls are open."

7 (b) The chief election judge shall witness and sign
8 the affirmation.

9 NEW SECTION. Section 6. Codification Instruction.
10 Section 5 is intended to be codified as an integral part of
11 Title 13, chapter 15, part 1, and the provisions of Title 13
12 apply to section 5.

-End-

Approved by Comm.
on Local Government

HOUSE BILL NO. 152

INTRODUCED BY KITSELMAN

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE COUNTY GOVERNING BODY TO APPOINT A BOARD OF ELECTION JUDGES TO BE DESIGNATED AS A COUNTING BOARD FOR ABSENTEE BALLOTS; PRESCRIBING PROCEDURES FOR A COUNTING BOARD FOR ABSENTEE BALLOTS; ELIMINATING THE PROVISION THAT ALLOWS AN ELECTOR WHO HAS VOTED BY ABSENTEE BALLOT TO VOTE IN PERSON ON ELECTION DAY UNLESS THERE HAS BEEN AN ERROR IN PRINTING ABSENTEE BALLOTS OR AN ABSENTEE BALLOT WAS DESTROYED; AMENDING SECTIONS 13-4-101, 13-13-204, 13-13-233, AND 13-13-243, MCA."

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

Section 1. Section 13-4-101, MCA, is amended to read:

"13-4-101. Appointment of election judges -- second board ~~other boards~~ of election judges. (1) At least 30 days before the primary election in even-numbered years, the county governing body shall appoint 3 or more election judges for each precinct, one of whom shall be designated chief judge.

(2) A second board of election judges, designated as a counting board, may be appointed in any precinct if recommended by the election administrator.

~~(1) A board of election judges, designated as a counting board for absentee ballots, may be appointed to count all absentee ballots for all precincts if recommended by the election administrator."~~

Section 2. Section 13-13-204, MCA, is amended to read:

"13-13-204. Elector--voting-absentee-ballot-authorized to-vote-in-person---effect ~~Effect~~ AUTHORITY TO VOTE IN PERSON -- PRINTING ERROR OR BALLOT DESTROYED -- EFFECT of absentee elector's death. ~~(1)-if-an-elector--has--voted--by absentee-ballot-but-on-election-day-is-present-in-the-county and--able--to--go--to-the-polls-or-if-he-learns-his-absentee ballot-has-been--rejected--by--the-judges--as--provided--in 13-13-241--the-elector--may--vote-in-person-at-his-polling place--if-voting-machines-or-devices-are-used--he--may--vote by--machine--or--device~~ (1) IF AN ELECTOR HAS VOTED BY ABSENTEE BALLOT BUT THE ABSENTEE BALLOT CONTAINS PRINTING ERRORS OR OMISSIONS OR IF THE ABSENTEE BALLOT WAS DESTROYED, THE ELECTOR MAY VOTE IN PERSON IN ANY MANNER AT HIS POLLING PLACE.

~~(2) If an elector votes by absentee ballot and dies between the time of balloting and election day, his ballot does not count."~~

Section 3. Section 13-13-233, MCA, is amended to read:

"13-13-233. Issue and record of absentee ballots -- certificate. (1) The absentee ballots delivered shall be

1 regular official ballots beginning with ballot number 1 and
2 following consecutively according to the number of
3 applications for absentee ballots.

4 (2) The election administrator shall keep a record of
5 all absentee ballots delivered, as well as of ballots marked
6 before him.

7 (3) The election administrator shall deliver to the
8 chief election judges to whom the ballots are delivered a
9 certificate stating:

10 (a) the number of absentee ballots delivered as well
11 as those marked before him;

12 (b) the number of ballots retained for late absentee
13 voting; and

14 (c) the names of the electors to whom such ballots
15 were delivered or by whom they have been marked if marked
16 before him.

17 ~~(4) The chief election judge shall post in a~~
18 ~~conspicuous location at the polling place a list of the~~
19 ~~names of electors appearing on the certificate required~~
20 ~~under subsection (3)."~~

21 Section 4. Section 13-13-243, MCA, is amended to read:

22 "13-13-243. Rejected absentee ballots. (1) The
23 rejected ballots, the applications, and all envelopes shall
24 be enclosed in an envelope and sealed, and the judges shall
25 write on the envelope "rejected ballot(s) of absentee

1 elector" (writing in the elector's name).

2 ~~(2) The unopened absentee ballot envelope of an~~
3 ~~elector who has voted in person on election day as provided~~
4 ~~in 13-13-204 shall be marked "voted in person" and initialed~~
5 ~~by a majority of the election judges.~~

6 (2) THE UNOPENED ABSENTEE BALLOT ENVELOPE OF AN
7 ELECTOR WHO HAS VOTED IN PERSON AS PROVIDED IN 13-13-204
8 MUST BE MARKED "VOTED IN PERSON" AND INITIALED BY A MAJORITY
9 OF THE ELECTION JUDGES.

10 ~~(3) (2) (3)~~ The unopened absentee ballot envelope of an
11 elector who dies before election day shall be marked "died
12 before election day" and initialed by a majority of the
13 election judges if they are notified of the death on
14 election day. The election administrator shall make and sign
15 the notation if notice of the death is received before
16 delivery of the absentee ballot to the polling place.

17 ~~(4) (3) (4)~~ All rejected ballots shall be placed in the
18 sealed package in which the voted ballots are required to be
19 placed and may not be opened without a court order."

20 NEW SECTION. Section 5. Counting board for absentee
21 ballots. (1) The election administrator shall:

22 (a) give special instructions to any counting board
23 for absentee ballots appointed under 13-4-101 on the proper
24 procedures for counting the absentee ballots; and

25 (b) provide the forms and supplies necessary for the

board to perform its duties.

(2) The counting board for absentee ballots shall:

(a) be sequestered in a room ~~in the county courthouse~~
SEPARATE FROM WHERE BALLOTS ARE BEING CAST;

(b) start the count of the absentee votes cast, at any time prior to the closing of the polls but not before the polls open; and

(c) follow the procedures outlined in 13-13-242 and 13-15-103 for the counting of the votes cast.

(3) No election judge or other individual having access to any results of early counting may disclose the information while the polls are open AND MUST REMAIN SEQUESTERED UNTIL THE CLOSING OF THE POLLS.

(4) (a) In addition to the official oath taken and subscribed to by the election judges, the members of the counting board for absentee ballots shall complete and sign the following affirmation: "I,, will not discuss or disclose or allow anyone else to discuss or disclose to anyone the results of the early counting of votes while the polls are open."

(b) The chief election judge shall witness and sign the affirmation.

THERE IS A NEW MCA SECTION THAT READS:

NEW SECTION. Section 6. Notices relating to counting board for absentee ballots. Whenever a counting board for

absentee ballots is appointed under 13-4-101, the election administrator shall:

(1) publish in the contracted newspaper of the county as provided in 7-5-2411 a notice indicating that such a method will be used for counting absentee ballots;

(2) post in a conspicuous location at the office of the election administrator, by 5 p.m. of the day before an election, a notice that indicates the place and time the counting board for absentee ballots will meet on election day. The notice must inform the public that any person observing the procedures of the counting board must be sequestered with the board until the polls are closed and the counting board is released and must take the oath provided in [section 5].

NEW SECTION. Section 7. Codification instruction. Section 5 is intended to be codified as an integral part of Title 13, chapter 15, part 1, and the provisions of Title 13 apply to section 5.

-End-

HOUSE BILL NO. 152

INTRODUCED BY KITSELMAN

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE COUNTY GOVERNING BODY TO APPOINT A BOARD OF ELECTION JUDGES TO BE DESIGNATED AS A COUNTING BOARD FOR ABSENTEE BALLOTS; PRESCRIBING PROCEDURES FOR A COUNTING BOARD FOR ABSENTEE BALLOTS; ELIMINATING THE PROVISION THAT ALLOWS AN ELECTOR WHO HAS VOTED BY ABSENTEE BALLOT TO VOTE IN PERSON ON ELECTION DAY UNLESS THERE HAS BEEN AN ERROR IN PRINTING ABSENTEE BALLOTS OR AN ABSENTEE BALLOT WAS DESTROYED; AMENDING SECTIONS 13-4-101, 13-13-204, 13-13-233, AND 13-13-243, MCA."

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

Section 1. Section 13-4-101, MCA, is amended to read:

"13-4-101. Appointment of election judges -- second board ~~other boards~~ of election judges. (1) At least 30 days before the primary election in even-numbered years, the county governing body shall appoint 3 or more election judges for each precinct, one of whom shall be designated chief judge.

(2) A second board of election judges, designated as a counting board, may be appointed in any precinct if recommended by the election administrator.

~~(3) A board of election judges, designated as a counting board for absentee ballots, may be appointed to count all absentee ballots for all precincts if recommended by the election administrator."~~

Section 2. Section 13-13-204, MCA, is amended to read:

"13-13-204. Elector--voting-absentee-ballot-authorized to-vote-in-person---effect ~~Effect~~ AUTHORITY TO VOTE IN PERSON -- PRINTING ERROR OR BALLOT DESTROYED -- EFFECT of absentee elector's death. ~~(1) If an elector has voted by absentee ballot but on election day is present in the county and able to go to the polls or if he learns his absentee ballot has been rejected by the judges as provided in 13-13-241, the elector may vote in person at his polling place. If voting machines or devices are used, he may vote by machine or device. (1) IF AN ELECTOR HAS VOTED BY ABSENTEE BALLOT BUT THE ABSENTEE BALLOT CONTAINS PRINTING ERRORS OR OMISSIONS OR IF THE ABSENTEE BALLOT WAS DESTROYED, THE ELECTOR MAY VOTE IN PERSON IN ANY MANNER AT HIS POLLING PLACE.~~

~~(2) If an elector votes by absentee ballot and dies between the time of balloting and election day, his ballot does not count."~~

Section 3. Section 13-13-233, MCA, is amended to read:

"13-13-233. Issue and record of absentee ballots -- certificate. (1) The absentee ballots delivered shall be

1 regular official ballots beginning with ballot number 1 and
2 following consecutively according to the number of
3 applications for absentee ballots.

4 (2) The election administrator shall keep a record of
5 all absentee ballots delivered, as well as of ballots marked
6 before him.

7 (3) The election administrator shall deliver to the
8 chief election judges to whom the ballots are delivered a
9 certificate stating:

10 (a) the number of absentee ballots delivered as well
11 as those marked before him;

12 (b) the number of ballots retained for late absentee
13 voting; and

14 (c) the names of the electors to whom such ballots
15 were delivered or by whom they have been marked if marked
16 before him.

17 (4) The chief election judge shall post in a
18 conspicuous location at the polling place a list of the
19 names of electors appearing on the certificate required
20 under subsection (3).

21 Section 4. Section 13-13-243, MCA, is amended to read:

22 "13-13-243. Rejected absentee ballots. (1) The
23 rejected ballots, the applications, and all envelopes shall
24 be enclosed in an envelope and sealed, and the judges shall
25 write on the envelope "rejected ballot(s) of absentee

1 elector" (writing in the elector's name).

2 ~~(2) The unopened absentee ballot envelope of an~~
3 ~~elector who has voted in person on election day as provided~~
4 ~~in 13-13-204 shall be marked "voted in person" and initialed~~
5 ~~by a majority of the election judges.~~

6 (2) THE UNOPENED ABSENTEE BALLOT ENVELOPE OF AN
7 ELECTOR WHO HAS VOTED IN PERSON AS PROVIDED IN 13-13-204
8 MUST BE MARKED "VOTED IN PERSON" AND INITIALED BY A MAJORITY
9 OF THE ELECTION JUDGES.

10 ~~(3) (2) (3)~~ The unopened absentee ballot envelope of an
11 elector who dies before election day shall be marked "died
12 before election day" and initialed by a majority of the
13 election judges if they are notified of the death on
14 election day. The election administrator shall make and sign
15 the notation if notice of the death is received before
16 delivery of the absentee ballot to the polling place.

17 ~~(4) (3) (4)~~ All rejected ballots shall be placed in the
18 sealed package in which the voted ballots are required to be
19 placed and may not be opened without a court order."

20 NEW SECTION. Section 5. Counting board for absentee
21 ballots. (1) The election administrator shall:

22 (a) give special instructions to any counting board
23 for absentee ballots appointed under 13-4-101 on the proper
24 procedures for counting the absentee ballots; and

25 (b) provide the forms and supplies necessary for the

1 board to perform its duties.

2 (2) The counting board for absentee ballots shall:

3 (a) be sequestered in a room ~~in the county courthouse~~
4 SEPARATE FROM WHERE BALLOTS ARE BEING CAST;

5 (b) start the count of the absentee votes cast, at any
6 time prior to the closing of the polls but not before the
7 polls open; and

8 (c) follow the procedures outlined in 13-13-242 and
9 13-15-103 for the counting of the votes cast.

10 (3) No election judge or other individual having
11 access to any results of early counting may disclose the
12 information while the polls are open AND MUST REMAIN
13 SEQUESTERED UNTIL THE CLOSING OF THE POLLS.

14 (4) (a) In addition to the official oath taken and
15 subscribed to by the election judges, the members of the
16 counting board for absentee ballots shall complete and sign
17 the following affirmation: "I,, will not discuss or
18 disclose or allow anyone else to discuss or disclose to
19 anyone the results of the early counting of votes while the
20 polls are open."

21 (b) The chief election judge shall witness and sign
22 the affirmation.

23 THERE IS A NEW MCA SECTION THAT READS:

24 NEW SECTION. Section 6. Notices relating to counting
25 board for absentee ballots. Whenever a counting board for

1 absentee ballots is appointed under 13-4-101, the election
2 administrator shall:

3 (1) publish in the contracted newspaper of the county
4 as provided in 7-5-2411 a notice indicating that such a
5 method will be used for counting absentee ballots;

6 (2) post in a conspicuous location at the office of
7 the election administrator, by 5 p.m. of the day before an
8 election, a notice that indicates the place and time the
9 counting board for absentee ballots will meet on election
10 day. The notice must inform the public that any person
11 observing the procedures of the counting board must be
12 sequestered with the board until the polls are closed and
13 the counting board is released and must take the oath
14 provided in [section 5].

15 NEW SECTION. Section 7. Codification instruction.
16 Section 5 is intended to be codified as an integral part of
17 Title 13, chapter 15, part 1, and the provisions of Title 13
18 apply to section 5.

-End-

HOUSE BILL NO. 152

INTRODUCED BY KITSELMAN

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE COUNTY GOVERNING BODY TO APPOINT A BOARD OF ELECTION JUDGES TO BE DESIGNATED AS A COUNTING BOARD FOR ABSENTEE BALLOTS; PRESCRIBING PROCEDURES FOR A COUNTING BOARD FOR ABSENTEE BALLOTS; ELIMINATING THE PROVISION THAT ALLOWS AN ELECTOR WHO HAS VOTED BY ABSENTEE BALLOT TO VOTE IN PERSON ON ELECTION DAY UNLESS THERE HAS BEEN AN ERROR IN PRINTING ABSENTEE BALLOTS OR AN ABSENTEE BALLOT WAS DESTROYED; AMENDING SECTIONS 13-4-101, 13-13-204, 13-13-233, AND 13-13-243, MCA."

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

Section 1. Section 13-4-101, MCA, is amended to read:

"13-4-101. Appointment of election judges -- second board ~~other boards~~ of election judges. (1) At least 30 days before the primary election in even-numbered years, the county governing body shall appoint 3 or more election judges for each precinct, one of whom shall be designated chief judge.

(2) A ~~second~~ board of election judges, designated as a counting board, may be appointed in any precinct if recommended by the election administrator.

~~(1) A board of election judges, designated as a counting board for absentee ballots, may be appointed to count all absentee ballots for all precincts if recommended by the election administrator."~~

Section 2. Section 13-13-204, MCA, is amended to read:

"13-13-204. ~~Elector--voting-absentee-ballot-authorized to-vote-in-person---effect~~ Effect AUTHORITY TO VOTE IN PERSON --- PRINTING ERROR OR BALLOT DESTROYED --- EFFECT of absentee elector's death. ~~(1) if an elector has voted by absentee ballot but on election day is present in the county and able to go to the polls or if he learns his absentee ballot has been rejected by the judges as provided in 13-13-241, the elector may vote in person at his polling place if voting machines or devices are used, he may vote by machine or device~~ (1) IF AN ELECTOR HAS VOTED BY ABSENTEE BALLOT BUT THE ABSENTEE BALLOT CONTAINS PRINTING ERRORS OR OMISSIONS OR IF THE ABSENTEE BALLOT WAS DESTROYED, THE ELECTOR MAY VOTE IN PERSON IN ANY MANNER AT HIS POLLING PLACE.

~~(2) If an elector votes by absentee ballot and dies between the time of balloting and election day, his ballot does not count."~~

Section 3. Section 13-13-233, MCA, is amended to read:

"13-13-233. Issue and record of absentee ballots -- certificate. (1) The absentee ballots delivered shall be

1 regular official ballots beginning with ballot number 1 and
2 following consecutively according to the number of
3 applications for absentee ballots.

4 (2) The election administrator shall keep a record of
5 all absentee ballots delivered, as well as of ballots marked
6 before him.

7 (3) The election administrator shall deliver to the
8 chief election judges to whom the ballots are delivered a
9 certificate stating:

10 (a) the number of absentee ballots delivered as well
11 as those marked before him;

12 (b) the number of ballots retained for late absentee
13 voting; and

14 (c) the names of the electors to whom such ballots
15 were delivered or by whom they have been marked if marked
16 before him.

17 ~~(4) The chief election judge shall post in a~~
18 ~~conspicuous location at the polling place a list of the~~
19 ~~names of electors appearing on the certificate required~~
20 ~~under subsection (3)."~~

21 Section 4. Section 13-13-243, MCA, is amended to read:

22 "13-13-243. Rejected absentee ballots. (1) The
23 rejected ballots, the applications, and all envelopes shall
24 be enclosed in an envelope and sealed, and the judges shall
25 write on the envelope "rejected ballot(s) of absentee

1 elector" (writing in the elector's name).

2 ~~(2) The unopened absentee ballot envelope of an~~
3 ~~elector who has voted in person on election day as provided~~
4 ~~in 13-13-204 shall be marked "voted in person" and initialed~~
5 ~~by a majority of the election judges.~~

6 (2) THE UNOPENED ABSENTEE BALLOT ENVELOPE OF AN
7 ELECTOR WHO HAS VOTED IN PERSON AS PROVIDED IN 13-13-204
8 MUST BE MARKED "VOTED IN PERSON" AND INITIALED BY A MAJORITY
9 OF THE ELECTION JUDGES.

10 ~~(3) (2) (3) The unopened absentee ballot envelope of an~~
11 ~~elector who dies before election day shall be marked "died~~
12 ~~before election day" and initialed by a majority of the~~
13 ~~election judges if they are notified of the death on~~
14 ~~election day. The election administrator shall make and sign~~
15 ~~the notation if notice of the death is received before~~
16 ~~delivery of the absentee ballot to the polling place.~~

17 ~~(4) (2) (4) All rejected ballots shall be placed in the~~
18 ~~sealed package in which the voted ballots are required to be~~
19 ~~placed and may not be opened without a court order."~~

20 NEW SECTION. Section 5. Counting board for absentee
21 ballots. (1) The election administrator shall:

22 (a) give special instructions to any counting board
23 for absentee ballots appointed under 13-4-101 on the proper
24 procedures for counting the absentee ballots; and

25 (b) provide the forms and supplies necessary for the

board to perform its duties.

(2) The counting board for absentee ballots shall:

(a) be sequestered in a room ~~in the county courthouse~~
~~SEPARATE FROM WHERE BALLOTS ARE BEING CAST;~~

(b) start the count of the absentee votes cast, at any time prior to the closing of the polls but not before the polls open; and

(c) follow the procedures outlined in 13-13-242 and 13-15-103 for the counting of the votes cast.

(3) No election judge or other individual having access to any results of early counting may disclose the information while the polls are open ~~AND MUST REMAIN SEQUESTERED UNTIL THE CLOSING OF THE POLLS.~~

(4) (a) In addition to the official oath taken and subscribed to by the election judges, the members of the counting board for absentee ballots shall complete and sign the following affirmation: "I,, will not discuss or disclose or allow anyone else to discuss or disclose to anyone the results of the early counting of votes while the polls are open."

(b) The chief election judge shall witness and sign the affirmation.

~~THERE IS A NEW MCA SECTION THAT READS:~~

~~NEW SECTION.~~ Section 6. Notices relating to counting board for absentee ballots. Whenever a counting board for

absentee ballots is appointed under 13-4-101, the election administrator shall:

(1) publish in the contracted newspaper of the county as provided in 7-5-2411 a notice indicating that such a method will be used for counting absentee ballots;

(2) post in a conspicuous location at the office of the election administrator, by 5 p.m. of the day before an election, a notice that indicates the place and time the counting board for absentee ballots will meet on election day. The notice must inform the public that any person observing the procedures of the counting board must be sequestered with the board until the polls are closed and the counting board is released and must take the oath provided in [section 5].

~~NEW SECTION.~~ Section 7. Codification instruction. Section 5 is intended to be codified as an integral part of Title 13, chapter 15, part 1, and the provisions of Title 13 apply to section 5.

-End-