

HOUSE BILL NO. 295

Introduced: 01/18/83

Referred to Committee on State Administration: 01/18/83

Hearing: 1/26/83

Report: 01/26/83, Do Not Pass

Rereferred to Committee on State Administration: 01/27/83

Hearing: 2/3/83

Report: 02/05/83, Do Pass

2nd Reading: 02/07/83, Do Pass

3rd Reading: 02/09/83, Do Pass

Transmitted to Senate: 2/9/83

Referred to Committee on State Administration: 02/10/83

Hearing: 3/22/83

Report: 3/24/83, Be Not Concurred In

Bill Killed: 3/24/83

House BILL NO. 295

INTRODUCED BY *Henshaw*

BY REQUEST OF THE SECRETARY OF STATE

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW ANY REGISTERED ELECTOR TO VOTE BY ABSENTEE BALLOT; AMENDING SECTIONS 13-13-201, 13-13-203, 13-13-204, 13-13-211, AND 13-13-222, MCA."

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

Section 1. Section 13-13-201, MCA, is amended to read:

~~"13-13-201. Voting by elector when absent from place of residence or physically incapacitated from going to polls absentee ballot. (1) Any qualified registered elector who will be absent from the county or physically incapacitated and unable to go to the polls on the day of election wishes to do so may vote by absentee ballot as provided in this part.~~

~~(2) Election judges who will be serving in a different precinct than the one in which they are registered may vote by absentee ballot."~~

Section 2. Section 13-13-203, MCA, is amended to read:

"13-13-203. Absentee ballots where voting machines or devices used. (1) In precincts where voting machines or devices are used, the election administrator shall if

necessary print and provide:

(a) ballots in official form for ~~possible absent or physically incapacitated absentee voting~~ by electors; and

(b) ballot boxes required for precincts in which printed ballots are used.

(2) Absentee ballots received in those precincts shall be handled as provided in this chapter."

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

"13-13-204. Elector voting absentee ballot authorized to vote in person -- 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 chooses~~ 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.

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

Section 4. Section 13-13-211, MCA, is amended to read:

"13-13-211. Application of elector for absentee or ~~physically incapacitated elector~~ for ballot. During a period beginning 75 days before the day of election and ending at noon on the day before the election, ~~on any~~ elector ~~expecting to be absent from the county in which his~~

1 ~~voting precinct is situated, an elector in United States~~
2 ~~service, or an elector who will be unable to go to the polls~~
3 ~~because of physical incapacity~~ may apply to the election
4 administrator for an absentee ballot."

5 Section 5. Section 13-13-222, MCA, is amended to read:

6 "13-13-222. Voting before election day by prospective
7 absentee or physically incapacitated elector. (1) ~~An~~ Any
8 elector who is present in his county after the official
9 ballots have been printed and who ~~has reason to believe that~~
10 ~~he will be absent from the county or physically~~
11 ~~incapacitated on election day~~ wishes to do so may vote
12 before election day before the election administrator.

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

15 (3) If the ballot is marked before the election
16 administrator, he shall deal with it in the same manner as
17 if it had come by mail."

-End-

Rereferred and approved
by committee on State Adm.

House BILL NO. 295

INTRODUCED BY *Hennestad*

BY REQUEST OF THE SECRETARY OF STATE

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW ANY REGISTERED ELECTOR TO VOTE BY ABSENTEE BALLOT; AMENDING SECTIONS 13-13-201, 13-13-203, 13-13-204, 13-13-211, AND 13-13-222, MCA."

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

Section 1. Section 13-13-201, MCA, is amended to read:

"13-13-201. Voting by ~~elector when absent from place of residence or physically incapacitated from going to polls~~ absentee ballot. ~~(1) A~~ Any qualified registered elector who ~~will be absent from the county or physically incapacitated and unable to go to the polls on the day of election~~ wishes to do so may vote by absentee ballot as provided in this part.

~~(2) Election judges who will be serving in a different precinct than the one in which they are registered may vote by absentee ballot."~~

Section 2. Section 13-13-203, MCA, is amended to read:

"13-13-203. Absentee ballots where voting machines or devices used. (1) In precincts where voting machines or devices are used, the election administrator shall if

necessary print and provide:

(a) ballots in official form for ~~possible absent or physically incapacitated absentee voting by~~ electors; and

(b) ballot boxes required for precincts in which printed ballots are used.

(2) Absentee ballots received in those precincts shall be handled as provided in this chapter."

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

"13-13-204. Elector voting absentee ballot authorized to vote in person -- 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 ~~vote chooses~~ chooses 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.

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

Section 4. Section 13-13-211, MCA, is amended to read:

"13-13-211. Application of elector for ~~physically incapacitated elector for~~ absentee or ballot. During a period beginning 75 days before the day of election and ending at noon on the day before the election, ~~on any~~ an elector ~~expecting to be absent from the county in which his~~

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1 ~~voting precinct is situated on an elector in United States~~
2 ~~service or an elector who will be unable to go to the polls~~
3 ~~because of physical incapacity~~ may apply to the election
4 administrator for an absentee ballot."

5 Section 5. Section 13-13-222, MCA, is amended to read:

6 "13-13-222. Voting before election day by prospective
7 absentee or physically incapacitated elector. (1) ~~An~~ Any
8 elector who is present in his county after the official
9 ballots have been printed and who ~~has reason to believe that~~
10 ~~he will be absent from the county or physically~~
11 ~~incapacitated on election day~~ wishes to do so may vote
12 before election day before the election administrator.

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

15 (3) If the ballot is marked before the election
16 administrator, he shall deal with it in the same manner as
17 if it had come by mail."

-End-

1 House BILL NO. 295
 2 INTRODUCED BY Henstad
 3 BY REQUEST OF THE SECRETARY OF STATE

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW ANY REGISTERED
 6 ELECTOR TO VOTE BY ABSENTEE BALLOT; AMENDING SECTIONS
 7 13-13-201, 13-13-203, 13-13-204, 13-13-211, AND 13-13-222,
 8 MCA."

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

11 Section 1. Section 13-13-201, MCA, is amended to read:
 12 "13-13-201. Voting by ~~elector when absent from place~~
 13 ~~of residence or physically incapacitated from going to polls~~
 14 ~~absentee ballot.~~ (1) Any qualified registered elector
 15 who ~~will be absent from the county or physically~~
 16 ~~incapacitated and unable to go to the polls on the day of~~
 17 ~~election wishes to do so~~ may vote by absentee ballot as
 18 provided in this part.

19 (2) ~~Election judges who will be serving in a different~~
 20 ~~precinct than the one in which they are registered may vote~~
 21 ~~by absentee ballots"~~

22 Section 2. Section 13-13-203, MCA, is amended to read:
 23 "13-13-203. Absentee ballots where voting machines or
 24 devices used. (1) In precincts where voting machines or
 25 devices are used, the election administrator shall if

1 necessary print and provide:
 2 (a) ballots in official form for ~~possible absent or~~
 3 ~~physically incapacitated absentee voting by~~ electors; and
 4 (b) ballot boxes required for precincts in which
 5 printed ballots are used.

6 (2) Absentee ballots received in those precincts shall
 7 be handled as provided in this chapter."

8 Section 3. Section 13-13-204, MCA, is amended to read:
 9 "13-13-204. Elector voting absentee ballot authorized
 10 to vote in person -- effect of absentee elector's death. (1)
 11 If an elector has voted by absentee ballot but on election
 12 day is present in the county and ~~is able~~ chooses to go to the
 13 polls or if he learns his absentee ballot has been rejected
 14 by the judges as provided in 13-13-241, the elector may vote
 15 in person at his polling place. If voting machines or
 16 devices are used, he may vote by machine or device.

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

20 Section 4. Section 13-13-211, MCA, is amended to read:
 21 "13-13-211. Application of elector for absentee or
 22 ~~physically incapacitated elector for~~ ballot. During a
 23 period beginning 75 days before the day of election and
 24 ending at noon on the day before the election, ~~on any~~
 25 elector ~~expecting to be absent from the county in which his~~

1 ~~voting precinct is situated~~ ~~an elector in United States~~
2 ~~service or an elector who will be unable to go to the polls~~
3 ~~because of physical incapacity~~ may apply to the election
4 administrator for an absentee ballot."

5 Section 5. Section 13-13-222, MCA, is amended to read:

6 "13-13-222. Voting before election day by prospective
7 absentee or physically incapacitated elector. (1) ~~An~~ Any
8 elector who is present in his county after the official
9 ballots have been printed and who ~~has reason to believe that~~
10 ~~he will be absent from the county or physically~~
11 ~~incapacitated on election day~~ wishes to do so may vote
12 before election day before the election administrator.

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

15 (3) If the ballot is marked before the election
16 administrator, he shall deal with it in the same manner as
17 if it had come by mail."

-End-