

HOUSE BILL NO. 559

INTRODUCED BY PHILLIPS

BY REQUEST OF THE SECRETARY OF STATE

IN THE HOUSE

January 29, 1983	Introduced and referred to Committee on State Administration.
February 7, 1983	Committee recommend bill do pass. Report adopted. Statement of Intent attached.
February 8, 1983	Bill printed and placed on members' desks.
February 9, 1983	Second reading, do pass.
February 10, 1983	Considered correctly engrossed.
February 11, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 12, 1983	Introduced and referred to Committee on State Administration.
March 3, 1983	Committee recommend bill be concurred in. Report adopted.
March 5, 1983	Second reading, concurred in.
March 8, 1983	Third reading, concurred in. Ayes, 48; Noes, 0.

IN THE HOUSE

March 8, 1983

Returned to House.

March 9, 1983

Sent to enrolling.

Reported correctly enrolled.

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5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE STATUTORY
 6 SPECIFICATIONS CONCERNING ENVELOPES IN WHICH BALLOTS ARE
 7 MAILED TO ELECTORS IN THE UNITED STATES SERVICE; PROVIDING
 8 THAT SUCH SPECIFICATIONS BE PRESCRIBED BY THE SECRETARY OF
 9 STATE CONSISTENT WITH FEDERAL REGULATIONS; AMENDING SECTION
 10 13-13-214, MCA."
 11

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

13 Section 1. Section 13-13-214, MCA, is amended to read:

14 "13-13-214. Mailing ballot to elector. (1) As soon as
 15 the official ballots are printed, the election administrator
 16 shall send by mail, postage prepaid, to each elector from
 17 whom he has received a valid application whatever official
 18 ballots are necessary. Ballots shall be sent immediately to
 19 electors submitting valid requests after the official
 20 ballots are printed.

21 (2) The election administrator shall enclose with the
 22 ballots a self-addressed envelope for the return of the
 23 ballots. An affirmation in the form prescribed by the
 24 secretary of state shall be printed on the back of the
 25 envelope.

1 (3) The election administrator shall stamp the ballots
 2 sent to an absentee elector as provided in 13-13-116.

3 (4) Both the envelope in which the ballot is mailed to
 4 an elector in the United States service and the return
 5 envelope shall have printed across the face ~~two--parallel~~
 6 ~~horizontal--red-bars--each-1/4-inch-wide--extending-from-one~~
 7 ~~side-of-the-envelope-to-the-other-with-an-intervening--space~~
 8 ~~of-1/4-inch--with-the-words--"Official--Election--Ballot~~
 9 ~~Material--via-Air-Mail"--between-the--bars~~ such information
 10 and graphics and be of such color as may be prescribed by
 11 the secretary of state consistent with the regulations
 12 established by the federal election commission, U.S. postal
 13 services, or other federal agency. In the upper right-hand
 14 corner shall be printed "Free of U.S. Postage" in the upper
 15 left-hand corner shall be blanks sufficient for the
 16 recipient to place his return address. All printing on the
 17 face of the envelope shall be in red. The gummed flap of
 18 the envelope supplied for the return of the ballot shall be
 19 separated by wax paper or other appropriate protective
 20 inserts. Voting instructions provided in subsection (b)
 21 shall include a procedure to be followed by absentee
 22 electors, such as notation of the facts on the back of the
 23 envelope, duly signed by the elector in instances of
 24 adhesion of the balloting material.

25 (5) If the ballots sent to the elector are for a

1 primary election, the election administrator shall enclose
2 an extra envelope marked "For Unvoted Party Ballot(s)". This
3 envelope may not be numbered or marked in any way so it can
4 be identified as being used by any one elector.

5 (6) Instructions for voting shall be enclosed with the
6 ballots. Instructions for primary elections must include
7 use of the envelope for unvoted ballots. The instructions
8 must include information concerning the type or types of
9 writing instruments which may be used to mark the absentee
10 ballot.

11 (7) The return envelope shall be self-addressed to the
12 election administrator."

-End-

1 STATEMENT OF INTENT

2 HOUSE BILL 559

3 House State Administration Committee

4

5 A statement of intent is required for this bill because
6 section 1 grants the Secretary of State the authority to
7 adopt rules prescribing the information and graphics to be
8 printed on both the envelope in which a ballot is mailed to
9 an elector in the United States service and the return
10 envelope. Rules are to be adopted under the Montana
11 Administrative Procedure Act.

12 The Legislature intends that this grant of authority to
13 adopt rules be used only to eliminate inconsistencies that
14 now exist between the specifications established in
15 13-13-214(4) and existing requirements of federal law. The
16 rules adopted must be consistent with regulations
17 established by the federal election commission, U.S. postal
18 service, or other federal agency. The rules must allow for
19 mailing and return of the ballot free of U.S. postage if
20 that is permitted by the U.S. postal service. The rules may
21 not require information and graphics which are not
22 specifically required by the regulations of a federal
23 agency.

SECOND READING
HB 559

Approved by Committee
on State Administration

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17 whom he has received a valid application whatever official
18 ballots are necessary. Ballots shall be sent immediately to
19 electors submitting valid requests after the official
20 ballots are printed.
21 (2) The election administrator shall enclose with the
22 ballots a self-addressed envelope for the return of the
23 ballots. An affirmation in the form prescribed by the
24 secretary of state shall be printed on the back of the
25 envelope.

1 (3) The election administrator shall stamp the ballots
2 sent to an absentee elector as provided in 13-13-116.
3 (4) Both the envelope in which the ballot is mailed to
4 an elector in the United States service and the return
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6 ~~horizontal--red-bars--each-1/4-inch-wide--extending-from-one~~
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13 service, or other federal agency. In the upper right-hand
14 corner shall be printed "Free of U.S. Postage" in the upper
15 left-hand corner shall be blanks sufficient for the
16 recipient to place his return address. All printing on the
17 face of the envelope shall be in red. The gummed flap of
18 the envelope supplied for the return of the ballot shall be
19 separated by wax paper or other appropriate protective
20 insert. Voting instructions provided in subsection (6)
21 shall include a procedure to be followed by absentee
22 electors such as notation of the facts on the back of the
23 envelope duly signed by the elector, in instances of
24 adhesion of the balloting material.
25 (5) If the ballots sent to the elector are for a

1 primary election, the election administrator shall enclose
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(2) The election administrator shall enclose with the ballots a self-addressed envelope for the return of the ballots. An affirmation in the form prescribed by the secretary of state shall be printed on the back of the envelope.

(3) The election administrator shall stamp the ballots sent to an absentee elector as provided in 13-13-116.

(4) Both the envelope in which the ballot is mailed to an elector in the United States service and the return envelope shall have printed across the face two--parallel horizontal--red-bars--each-1/4-inch-wide--extending-from-one side-of-the-envelope-to-the-other-with-an-intervening-space of-1/4-inch--with--the-words--"Official--Election--Ballot Material--via-Air-Mail"--between-the-bars such information and graphics and be of such color as may be prescribed by the secretary of state consistent with the regulations established by the federal election commission, U.S. postal service, or other federal agency. in--the--upper--right-hand corner--shall--be--printed--"Free-of-U.S.-Postage"--in-the-upper left-hand--corner--shall--be--blanks--sufficient--for--the recipient-to-place-his-return-address--All-printing-on--the face--of--the--envelope--shall--be--in-red--The-gummed-flap-of the-envelope-supplied-for-the-return-of-the-ballot--shall--be separated--by--wax--paper--or--other--appropriate-protective inserts--Voting--instructions--provided--in--subsection--(6) shall--include--a--procedure--to--be--followed--by--absentee electors--such-as-notation-of-the-facts-on-the-back--of--the envelope--duly--signed--by--the--elector--in--instances-of adhesion-of-the-balloting-materials

(5) If the ballots sent to the elector are for a

1 primary election, the election administrator shall enclose
2 an extra envelope marked "For Unvoted Party Ballot(s)". This
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REFERENCE BILL

HB 559

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