

HOUSE BILL NO. 482

INTRODUCED BY PISTORIA, PECK, BACHINI, MCCORMICK,
JACK MOORE, O'CONNELL, REAM, HARRINGTON, GARCIA, HAND,
J. HAMMOND, J. BROWN, COBB, MILLER, BERGENE, VINCENT

IN THE HOUSE

January 25, 1985	Introduced and referred to Committee on State Administration.
January 26, 1985	Fiscal Note requested.
February 1, 1985	Fiscal Note returned.
February 9, 1985	Committee recommend bill do pass as amended. Report adopted.
	Bill printed and placed on members' desks.
February 11, 1985	Second reading, do pass as amended.
	Correctly engrossed.
February 12, 1985	Third reading, passed.
	Transmitted to Senate.

IN THE SENATE

February 13, 1985	Introduced and referred to Committee on State Administration.
March 13, 1985	Committee recommend bill be concurrred in. Report adopted.

March 15, 1985

Second reading, concurred in.

March 18, 1985

Third reading, concurred in.
Ayes, 46; Noes, 2.

Returned to House.

IN THE HOUSE

March 19, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 482 *Thayer*
 2 INTRODUCED BY *Listoria Peck* *Bequith-McLemich*
 3 *Olannell* *Ream* *Hayington* *Baria* *Storward*
 4 *D. Brown* *Abb Miller* *Bergene* *Viment* *H...*
 5 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE LAWS
 6 RELATING TO ABSENTEE VOTING TO ALLOW VOTING BY ABSENTEE
 7 BALLOT IF AN ELECTOR SUFFERS FROM CHRONIC ILLNESS OR GENERAL
 8 ILL HEALTH, OR IF THE ELECTOR IS PREVENTED FROM VOTING AT
 9 THE POLLS AS A RESULT OF A SUDDEN ILLNESS OR HEALTH
 10 EMERGENCY ON ELECTION DAY OR IN THE DAYS IMMEDIATELY
 11 PRECEDING THE ELECTION; PROVIDING FOR THE CREATION OF
 12 SPECIAL ABSENTEE ELECTION BOARDS IN THE COUNTIES; PROVIDING
 13 AUTHORIZATION TO INCREASE THE COUNTY MILL LEVY FOR THE
 14 PURPOSE OF ADMINISTERING THE PROVISIONS OF THIS ACT; AND
 15 AMENDING SECTIONS 13-13-201, 13-13-203, 13-13-211 THROUGH
 16 13-13-213, 13-13-221, 13-13-222, AND 13-13-232 THROUGH
 17 13-13-234, MCA."

18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 19 Section 1. Section 13-13-201, MCA, is amended to read:
 20 "13-13-201. Voting by ~~elector when absent from place~~
 21 ~~of residence or physically incapacitated from going to polls~~
 22 absentee ballot -- qualifications. ~~(1)~~ A qualified
 23 registered elector ~~who will be absent from the county or~~
 24 ~~physically incapacitated and unable to go to the polls on~~
 25 ~~the day of election may vote~~ is entitled to vote by absentee

1 ballot, as provided in this part, if the elector:
 2 ~~(2) -- Election judges who will be serving in a different~~
 3 ~~precinct than the one in which they are registered may vote~~
 4 ~~by absentee ballot;~~
 5 (1) expects to be absent from the county or precinct
 6 at the time of holding the election;
 7 (2) is physically incapacitated and unable to go to
 8 the polls on election day;
 9 (3) suffers from chronic illness or general ill
 10 health; or
 11 (4) is prevented from voting at the polls as a result
 12 of an illness or health emergency occurring between 5 p.m.
 13 on the Friday preceding the election and noon on election
 14 day. Such health emergency must arise from unforeseen
 15 circumstances that require the elector to seek health care
 16 or medical assistance."

17 Section 2. Section 13-13-203, MCA, is amended to read:
 18 "13-13-203. Absentee ballots where voting machines or
 19 devices used. (1) In precincts where voting machines or
 20 devices are used, the election administrator shall if
 21 necessary print and provide:
 22 (a) ballots in official form for ~~possible absent or~~
 23 physically incapacitated qualified electors who may vote
 24 absentee as provided in 13-13-201; and
 25 (b) ballot boxes required for precincts in which



1 printed ballots are used.

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

4 Section 3. Section 13-13-211, MCA, is amended to read:

5 "13-13-211. Application of absentee, chronically ill,
6 or physically incapacitated elector for ballot -- special
7 absentee ballot application. (1) During a period beginning
8 75 days before the day of election and ending at noon on the
9 day before the election, an elector expecting to be absent
10 from the county in which his voting precinct is situated, an
11 elector in United States service, an elector who is
12 chronically ill or in general ill health, or an elector who
13 will be unable to go to the polls because of physical
14 incapacity may apply to the election administrator for an
15 absentee ballot.

16 (2) A qualified elector who is prevented from voting
17 at the polls as a result of an illness or health emergency
18 occurring between 5 p.m. on the Friday preceding the
19 election and noon on election day may request to vote by
20 absentee ballot. The election administrator shall honor any
21 such request received up to and including noon on election
22 day. The election administrator is not required to comply
23 with a request by an elector who is absent from the county."

24 Section 4. Section 13-13-212, MCA, is amended to read:

25 "13-13-212. Application for absentee ballot. (1)

1 Application for absentee ballots shall be made by a written
2 request signed by the applicant and addressed to the
3 election administrator of the applicant's county of
4 residence.

5 (2) Application for an absentee ballot may be made by
6 any elector in the United States service by the federal post
7 card application or by any written request signed by the
8 applicant and addressed to the election administrator of the
9 applicant's county of residence.

10 (3) If an elector requests an absentee ballot because
11 of a sudden illness or health emergency, the application for
12 an absentee ballot may be made by written request signed by
13 the elector at the time the ballot is delivered in person by
14 the special absentee election board provided for in [section
15 11]. Such elector may request by telephone or other means to
16 have a ballot and application personally delivered to him by
17 the special absentee election board at his place of
18 confinement, hospitalization, or residence within the
19 county. Such a request may be made no later than noon on
20 election day."

21 Section 5. Section 13-13-213, MCA, is amended to read:

22 "13-13-213. Transmission of application to election
23 administrator -- delivery of ballot. (1) The Except as
24 provided in subsection (2), the elector shall forward the
25 application by mail or deliver it in person to the election

1 administrator.

2 (2) The election administrator shall compare the
3 signature on the application with the applicant's signature
4 on the registration card. If convinced the individual making
5 the application is the same as the one whose name appears on
6 the registration card, he shall deliver the ballot.

7 (2) In lieu of the requirement provided in subsection
8 (1), an elector who requests an absentee ballot pursuant to
9 13-13-212(3) may return the application to the special
10 absentee election board. Upon receipt of the application,
11 the special absentee election board shall examine the
12 signatures on the application and voting registration card.
13 If the special absentee election board believes that the
14 applicant is the same person as the one whose name appears
15 on the registration card, the special absentee election
16 board shall provide a ballot to the elector."

17 Section 6. Section 13-13-221, MCA, is amended to read:

18 "13-13-221. Marking and affirming ballot. (1) After
19 the elector marks his ballots, he shall fold them so that
20 the vote is concealed and so that the official stamp is
21 visible. The stubs shall be left attached and the ballots
22 should be folded so that the stubs can be detached without
23 revealing the vote.

24 (2) The elector shall place the ballots in the
25 envelope addressed to the election administrator and seal it

1 securely. If the ballots are for a primary election, the
2 party ballot or ballots not voted shall be placed in the
3 envelope marked for that purpose and enclosed in the outer
4 envelope with the voted ballots.

5 (3) The elector shall complete and sign the
6 affirmation on the envelope.

7 (4) The elector shall mail the envelope, postage
8 prepaid, or deliver it to the election administrator or the
9 special absentee election board."

10 Section 7. Section 13-13-222, MCA, is amended to read:

11 "13-13-222. Voting before election day by prospective
12 absentee, chronically ill, or physically incapacitated
13 elector. (1) As soon as the official ballots are available,
14 the election administrator shall permit an elector who is
15 present in his county and who has reason to believe that he
16 will be absent from the county, ill, or physically
17 incapacitated on election day to vote before election day
18 before the election administrator.

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

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

24 Section 8. Section 13-13-232, MCA, is amended to read:

25 "13-13-232. Delivery of ballots to election judges --

1 ballots to be rejected. (1) If the absentee ballot is
2 received prior to delivery of the official ballots to the
3 election judges, the election administrator shall deliver
4 the envelope to the judges at the same time the ballots are
5 delivered.

6 (2) If absentee ballots are received after the ballots
7 are delivered to the election judges but prior to the close
8 of the polls, the election administrator shall immediately
9 deliver the envelopes to the judges.

10 (3) If the election administrator receives an absentee
11 ballots ballot for which an application or request was not
12 received prior-to-noon-on-the-day-preceding-an-election-are
13 received-by-the-election-administrator as required by
14 13-13-211, or if an absentee ballots-are ballot is received
15 by the election administrator after the close of the polls
16 and was not issued to an elector pursuant to 13-13-201(4),
17 he the election administrator shall endorse upon the
18 elector's envelope the date and exact time of receipt and
19 the words "to be rejected". Absentee ballots so endorsed
20 shall be retained by the election administrator and placed
21 with the proper records when they are returned to him."

22 Section 9. Section 13-13-233, MCA, is amended to read:

23 "13-13-233. Issue and record of absentee ballots --
24 certificate. (1) The absentee ballots delivered shall be
25 regular official ballots beginning with ballot number 1 and

1 following consecutively according to the number of
2 applications for absentee ballots.

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

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

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

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

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

16 ~~{4}--The---chief---election---judge--shall--post--in--a~~
17 ~~conspicuous-location-at-the-polling-place--a--list--of--the~~
18 ~~names--of--electors--appearing--on--the-certificate-required~~
19 ~~under-subsection-(3)-"~~

20 Section 10. Section 13-13-234, MCA, is amended to
21 read:

22 "13-13-234. Duty of election judges -- pollbook. (1)
23 The election judges, at the opening of the polls, shall note
24 on the pollbook opposite the numbers corresponding to the
25 number of absentee ballots issued the fact that the ballots

1 were issued and reserve the numbers for the absent,
 2 chronically ill, or physically incapacitated electors, as
 3 well as those electors prevented from voting at the polls
 4 because of a sudden illness or health emergency. The
 5 notation may be made by writing the words "absent or
 6 physically incapacitated voters" opposite the numbers.

7 (2) The election judges shall insert only the name of
 8 the elector entitled to each particular number according to
 9 the certificate of the election administrator and the number
 10 of his ballot."

11 NEW SECTION. Section 11. Special absentee election
 12 boards -- members -- appointment. (1) The election
 13 administrator shall designate and appoint a number of
 14 special absentee election boards as needed to serve in
 15 various places to deliver ballots to electors who are
 16 entitled to vote by absentee ballot under 13-13-201(4).

17 (2) In a partisan election, each special absentee
 18 election board shall consist of two members, one from each
 19 of the two political parties receiving the highest votes in
 20 the state during the last preceding general election. Board
 21 members must reside in the county in which they serve.

22 (3) No member of a special absentee election board may
 23 be a candidate or a spouse, ascendant, descendant, brother,
 24 or sister of a candidate whose name appears on a ballot in
 25 the county.

1 NEW SECTION. Section 12. Manner of selection. The
 2 election administrator shall make appointments to the
 3 special absentee election board from lists of qualified
 4 electors prepared in substantially the same manner as
 5 provided in 13-4-102. If the list is insufficient to make
 6 all the appointments required, the election administrator
 7 may appoint any qualified registered elector from the
 8 county. The election administrator may refuse for cause to
 9 appoint or may for cause remove a member of a special
 10 absentee election board.

11 NEW SECTION. Section 13. Oath of board members.
 12 Before the polls open, each member of a special absentee
 13 election board must take and subscribe the official oath in
 14 the same manner as prescribed for an election judge in
 15 13-4-105.

16 NEW SECTION. Section 14. Compensation. (1) Each
 17 member of a special absentee election board is entitled to
 18 compensation for the number of hours worked.

19 (2) Each member of a special absentee election board
 20 is entitled to full reimbursement for actual travel expenses
 21 incurred while delivering ballots on election day.

22 (3) The election administrator shall pay each member
 23 the same compensation and certify amounts due in the same
 24 manner as for an election judge as provided for in
 25 13-4-106(1).

1 NEW SECTION. Section 15. Voting performed before the
 2 special absentee election board. (1) As provided in
 3 13-13-201(4), a qualified elector who becomes ill or is
 4 prevented from voting at the polls because of a health
 5 emergency may vote by absentee ballot. Pursuant to
 6 13-13-212(3), such elector may request that a special
 7 absentee election board personally deliver a ballot to him.

8 (2) The manner and procedure of voting by use of an
 9 absentee ballot under this section must be the same as
 10 provided in 13-13-221, except the elector must hand the
 11 marked ballot in the sealed envelope to the special absentee
 12 election board, and the board must deliver the sealed
 13 envelope to the election administrator or to the election
 14 judges of the precinct in which the elector is registered.

15 (3) An absentee ballot cast by a qualified elector
 16 pursuant to this section may not be rejected by the election
 17 administrator if the ballot was in the possession of the
 18 board before the time designated for the closing of the
 19 polls.

20 (4) An elector who needs assistance in marking his
 21 ballot because of physical incapacity or inability to read
 22 or write may receive assistance from the special absentee
 23 election board appointed to personally deliver the ballot.
 24 Any such assistance given an elector pursuant to this
 25 section must be provided in substantially the same manner as

1 required in 13-13-119.

2 NEW SECTION. Section 16. Authorization to increase
 3 county mill levy. Each county may levy an amount not
 4 exceeding 1 mill as may be necessary to finance the
 5 additional cost of administering a special absentee election
 6 board program pursuant to [sections 11 through 15]. Such
 7 mill levy may not be included as part of any existing mill
 8 levy or special mill levy assessed by the county. The amount
 9 of any mill levy adopted under this section must be
 10 reasonably related to the actual cost of providing services
 11 as required by [sections 11 through 15].

12 NEW SECTION. Section 17. Codification instruction.
 13 Sections 11 through 16 are intended to be codified as an
 14 integral part of Title 13, and the provisions of Title 13
 15 apply to sections 11 through 16.

-End-

STATE OF MONTANA
FISCAL NOTE

REQUEST NO. FNN240-85

Form BD-15

In compliance with a written request received January 26, 19 85, there is hereby submitted a Fiscal Note for H.B. 482 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION

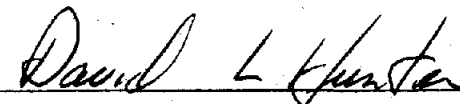
An act amending the laws relating to absentee voting to allow voting by absentee ballot if an elector suffers from chronic illness or general ill health, or if the elector is prevented from voting at the polls as a result of a sudden illness or health emergency on election day or in the days immediately preceding the election; providing for the creation of special absentee election boards in the counties; providing authorization to increase the county mill levy for the purpose of administering the provisions of this act.

ASSUMPTIONS

H.B. #482 will have no effect on state revenues.

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES

Each county may levy up to 1 mill to finance the special absentee election board. A 1 mill levy would have raised approximately \$2.3M statewide in tax year 1984. The amounts that could be raised by a particular county varies significantly, however. For example a 1 mill levy in Golden Valley County would generate approximately \$5,200, while a 1 mill levy in Rosebud County would generate \$244,000.



BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Feb 1, 1985
HB 482

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

HOUSE BILL NO. 482

INTRODUCED BY PISTORIA, PECK, BACHINI, MCCORMICK,
JACK MOORE, O'CONNELL, REAM, HARRINGTON, GARCIA, HAND,
J. HAMMOND, J. BROWN, COBB, MILLER, BERGENE, VINCENT

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE LAWS
RELATING TO ABSENTEE VOTING TO ALLOW VOTING BY ABSENTEE
BALLOT IF AN ELECTOR SUFFERS FROM CHRONIC ILLNESS OR GENERAL
ILL HEALTH, OR IF THE ELECTOR IS PREVENTED FROM VOTING AT
THE POLLS AS A RESULT OF A SUDDEN ILLNESS OR HEALTH
EMERGENCY ON ELECTION DAY OR IN THE DAYS IMMEDIATELY
PRECEDING THE ELECTION; PROVIDING FOR THE CREATION OF
SPECIAL ABSENTEE ELECTION BOARDS IN THE COUNTIES; PROVIDING
AUTHORIZATION TO INCREASE THE COUNTY MILL LEVY FOR THE
PURPOSE OF ADMINISTERING THE PROVISIONS OF THIS ACT; AND
AMENDING SECTIONS 13-13-201, 13-13-203, 13-13-211 THROUGH
13-13-213, 13-13-221, 13-13-222, AND 13-13-232 THROUGH, AND
13-13-234, MCA; AND PROVIDING AN EFFECTIVE DATE."

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 -- qualifications. ~~(1)~~ A 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 may vote is entitled to vote by absentee
ballot, as provided in this part, if the elector:~~

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

(1) expects to be absent from the county or precinct
at the time of holding the election;

(2) is physically incapacitated and unable to go to
the polls on election day;

(3) suffers from chronic illness or general ill
health; or

(4) is prevented from voting at the polls as a result
of an illness or health emergency occurring between 5 p.m.
on the Friday preceding the election and noon on election
day. Such health emergency must arise from unforeseen
circumstances that require the elector to seek health care
or medical assistance."

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 qualified electors who may vote

1 absentee as provided in 13-13-201; and

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

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

6 Section 3. Section 13-13-211, MCA, is amended to read:

7 "13-13-211. Application of absentee, chronically ill,
8 or physically incapacitated elector for ballot -- special
9 absentee ballot application. (1) During a period beginning
10 75 days before the day of election and ending at noon on the
11 day before the election, an elector expecting to be absent
12 from the county in which his voting precinct is situated, an
13 elector in United States service, an elector who is
14 chronically ill or in general ill health, or an elector who
15 will be unable to go to the polls because of physical
16 incapacity may apply to the election administrator for an
17 absentee ballot.

18 (2) A qualified elector who is prevented from voting
19 at the polls as a result of an illness or health emergency
20 occurring between 5 p.m. on the Friday preceding the
21 election and noon on election day may request to vote by
22 absentee ballot. The election administrator shall honor any
23 such request received up to and including noon on election
24 day. The election administrator is not required to comply
25 with a request by an elector who is absent from the county."

1 Section 4. Section 13-13-212, MCA, is amended to read:

2 "13-13-212. Application for absentee ballot. (1)
3 Application for absentee ballots shall be made by a written
4 request signed by the applicant and addressed to the
5 election administrator of the applicant's county of
6 residence.

7 (2) Application for an absentee ballot may be made by
8 any elector in the United States service by the federal post
9 card application or by any written request signed by the
10 applicant and addressed to the election administrator of the
11 applicant's county of residence.

12 (3) If an elector requests an absentee ballot because
13 of a sudden illness or health emergency, the application for
14 an absentee ballot may be made by written request signed by
15 the elector at the time the ballot is delivered in person by
16 the special absentee election board provided for in [section
17 10]. Such elector may request by telephone or other means
18 to have a ballot and application personally delivered to him
19 by the special absentee election board at his place of
20 confinement, hospitalization, or residence within the
21 county. Such a request may be made no later than noon on
22 election day."

23 Section 5. Section 13-13-213, MCA, is amended to read:

24 "13-13-213. Transmission of application to election
25 administrator -- delivery of ballot. (1) The Except as

1 provided in subsection (2), the elector shall forward the
2 application by mail or deliver it in person to the election
3 administrator.

4 {2} The election administrator shall compare the
5 signature on the application with the applicant's signature
6 on the registration card. If convinced the individual making
7 the application is the same as the one whose name appears on
8 the registration card, he shall deliver the ballot.

9 (2) In lieu of the requirement provided in subsection
10 (1), an elector who requests an absentee ballot pursuant to
11 13-13-212(3) may return the application to the special
12 absentee election board. Upon receipt of the application,
13 the special absentee election board shall examine the
14 signatures on the application and A COPY OF THE voting
15 registration card TO BE PROVIDED BY THE ELECTION
16 ADMINISTRATOR. If the special absentee election board
17 believes that the applicant is the same person as the one
18 whose name appears on the registration card, the special
19 absentee election board shall provide a ballot to the
20 elector."

21 Section 6. Section 13-13-221, MCA, is amended to read:
22 "13-13-221. Marking and affirming ballot. (1) After
23 the elector marks his ballots, he shall fold them so that
24 the vote is concealed and so that the official stamp is
25 visible. The stubs shall be left attached and the ballots

1 should be folded so that the stubs can be detached without
2 revealing the vote.

3 (2) The elector shall place the ballots in the
4 envelope addressed to the election administrator and seal it
5 securely. If the ballots are for a primary election, the
6 party ballot or ballots not voted shall be placed in the
7 envelope marked for that purpose and enclosed in the outer
8 envelope with the voted ballots.

9 (3) The elector shall complete and sign the
10 affirmation on the envelope.

11 (4) The elector shall mail the envelope, postage
12 prepaid, or deliver it to the election administrator or the
13 special absentee election board."

14 Section 7. Section 13-13-222, MCA, is amended to read:
15 "13-13-222. Voting before election day by prospective
16 absentee, chronically ill, or physically incapacitated
17 elector. (1) As soon as the official ballots are available,
18 the election administrator shall permit an elector who is
19 present in his county and who has reason to believe that he
20 will be absent from the county, ill, or physically
21 incapacitated on election day to vote before election day
22 before the election administrator.

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

25 (3) If the ballot is marked before the election

1 administrator, he shall deal with it in the same manner as
2 if it had come by mail."

3 Section 8. Section 13-13-232, MCA, is amended to read:

4 "13-13-232. Delivery of ballots to election judges --
5 ballots to be rejected. (1) If the absentee ballot is
6 received prior to delivery of the official ballots to the
7 election judges, the election administrator shall deliver
8 the envelope to the judges at the same time the ballots are
9 delivered.

10 (2) If absentee ballots are received after the ballots
11 are delivered to the election judges but prior to the close
12 of the polls, the election administrator shall immediately
13 deliver the envelopes to the judges.

14 (3) If the election administrator receives an absentee
15 ballots ballot for which an application or request was not
16 received prior to noon on the day preceding an election are
17 received by the election administrator as required by
18 13-13-211, or if an absentee ballots are ballot is received
19 by the election administrator after the close of the polls
20 and was not issued to an elector pursuant to 13-13-201(4),
21 he the election administrator shall endorse upon the
22 elector's envelope the date and exact time of receipt and
23 the words "to be rejected". Absentee ballots so endorsed
24 shall be retained by the election administrator and placed
25 with the proper records when they are returned to him."

1 Section 9. ~~Section 13-13-233, MCA, is amended to read:~~

2 ~~"13-13-233. Issue and record of absentee ballots --~~
3 ~~certificate. (1) The absentee ballots delivered shall be~~
4 ~~regular official ballots beginning with ballot number 1 and~~
5 ~~following consecutively according to the number of~~
6 ~~applications for absentee ballots.~~

7 ~~(2) The election administrator shall keep a record of~~
8 ~~all absentee ballots delivered, as well as of ballots marked~~
9 ~~before him.~~

10 ~~(3) The election administrator shall deliver to the~~
11 ~~chief election judges to whom the ballots are delivered a~~
12 ~~certificate stating:~~

13 ~~(a) the number of absentee ballots delivered as well~~
14 ~~as those marked before him;~~

15 ~~(b) the number of ballots retained for late absentee~~
16 ~~voting; and~~

17 ~~(c) the names of the electors to whom such ballots~~
18 ~~were delivered or by whom they have been marked if marked~~
19 ~~before him.~~

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

24 Section 9. Section 13-13-234, MCA, is amended to read:

25 "13-13-234. Duty of election judges -- pollbook. (1)

1 The election judges, at the opening of the polls, shall note
 2 on the pollbook opposite the numbers corresponding to the
 3 number of absentee ballots issued the fact that the ballots
 4 were issued and reserve the numbers for the absent, as
 5 chronically ill, or physically incapacitated electors, as
 6 well as those electors prevented from voting at the polls
 7 because of a sudden illness or health emergency. The
 8 ~~notation--may--be--made--by--writing--the--words--"absent-or~~
 9 ~~physically-incapacitated-voters"--opposite-the-numbers:~~

10 (2) The election judges shall insert only the name of
 11 the elector entitled to each particular number according to
 12 the certificate of the election administrator and the number
 13 of his ballot."

14 NEW SECTION. Section 10. Special absentee election
 15 boards -- members -- appointment. (1) The election
 16 administrator shall designate and appoint a number of
 17 special absentee election boards as needed to serve in
 18 various places to deliver ballots to electors who are
 19 entitled to vote by absentee ballot under 13-13-201(4).

20 (2) In a partisan election, each special absentee
 21 election board shall consist of two members, one from each
 22 of the two political parties receiving the highest votes in
 23 the state during the last preceding general election. Board
 24 members must reside in the county in which they serve.

25 (3) No member of a special absentee election board may

1 be a candidate or a spouse, ascendant, descendant, brother,
 2 or sister of a candidate whose OR OF A CANDIDATE'S SPOUSE OR
 3 THE SPOUSE OF ANY ONE OF THESE IF THE CANDIDATE'S name
 4 appears on a ballot in the county.

5 NEW SECTION. Section 11. Manner of selection. The
 6 election administrator shall make appointments to the
 7 special absentee election board from lists of qualified
 8 electors prepared in substantially the same manner as
 9 provided in 13-4-102. If the list is insufficient to make
 10 all the appointments required, the election administrator
 11 may appoint any qualified registered elector from the
 12 county. The election administrator may refuse for cause to
 13 appoint or may for cause remove a member of a special
 14 absentee election board.

15 NEW SECTION. Section 12. Oath of board members.
 16 Before ~~the--polls-open~~ ASSUMING ANY OF HIS RESPONSIBILITIES
 17 UNDER [THIS ACT], each member of a special absentee election
 18 board must take and subscribe the official oath in the same
 19 manner as prescribed for an election judge in 13-4-105.

20 NEW SECTION. Section 13. Compensation. (1) Each
 21 member of a special absentee election board is entitled to
 22 compensation for the number of hours worked.

23 (2) Each member of a special absentee election board
 24 is entitled to full reimbursement for actual travel expenses
 25 incurred while delivering ballots on election day.

1 (3) The election administrator shall pay each member
2 the same compensation and certify amounts due in the same
3 manner as for an election judge as provided for in
4 13-4-106(1).

5 NEW SECTION. Section 14. Voting performed before the
6 special absentee election board. (1) As provided in
7 13-13-201(4), a qualified elector who becomes ill or is
8 prevented from voting at the polls because of a health
9 emergency may vote by absentee ballot. Pursuant to
10 13-13-212(3), such elector may request that a special
11 absentee election board personally deliver a ballot to him.

12 (2) The manner and procedure of voting by use of an
13 absentee ballot under this section must be the same as
14 provided in 13-13-221, except the elector must hand the
15 marked ballot in the sealed envelope to the special absentee
16 election board, and the board must deliver the sealed
17 envelope to the election administrator or to the election
18 judges of the precinct in which the elector is registered.

19 (3) An absentee ballot cast by a qualified elector
20 pursuant to this section may not be rejected by the election
21 administrator if the ballot was in the possession of the
22 board before the time designated for the closing of the
23 polls.

24 (4) An elector who needs assistance in marking his
25 ballot because of physical incapacity or inability to read

1 or write may receive assistance from the special absentee
2 election board appointed to personally deliver the ballot.
3 Any such assistance given an elector pursuant to this
4 section must be provided in substantially the same manner as
5 required in 13-13-119.

6 NEW SECTION. Section 15. Authorization to increase
7 county mill levy. Each county may levy an amount not
8 exceeding 1 mill as may be necessary to finance the
9 additional cost of administering a special absentee election
10 board program pursuant to [sections ~~11~~ 10 through ~~15~~ 14].
11 Such mill levy may not be included as part of any existing
12 mill levy or special mill levy assessed by the county. The
13 amount of any mill levy adopted under this section must be
14 reasonably related to the actual cost of providing services
15 as required by [sections ~~11~~ 10 through ~~15~~ 14].

16 NEW SECTION. Section 16. Codification instruction.
17 Sections ~~11~~ 10 through ~~16~~ 15 are intended to be codified as
18 an integral part of Title 13, and the provisions of Title 13
19 apply to sections ~~11~~ 10 through ~~16~~ 15.

20 NEW SECTION. SECTION 17. EFFECTIVE DATE. THIS ACT IS
21 EFFECTIVE JULY 1, 1985.

-End-

1 HOUSE BILL NO. 482

2 INTRODUCED BY PISTORIA, PECK, BACHINI, MCCORMICK,
3 JACK MOORE, O'CONNELL, REAM, HARRINGTON, GARCIA, HAND,
4 J. HAMMOND, J. BROWN, COBB, MILLER, BERGENE, VINCENT

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE LAWS
7 RELATING TO ABSENTEE VOTING TO ALLOW VOTING BY ABSENTEE
8 BALLOT IF AN ELECTOR SUFFERS FROM CHRONIC ILLNESS OR GENERAL
9 ILL HEALTH, OR IF THE ELECTOR IS PREVENTED FROM VOTING AT
10 THE POLLS AS A RESULT OF A SUDDEN ILLNESS OR HEALTH
11 EMERGENCY ON ELECTION DAY OR IN THE DAYS IMMEDIATELY
12 PRECEDING THE ELECTION; PROVIDING FOR THE CREATION OF
13 SPECIAL ABSENTEE ELECTION BOARDS IN THE COUNTIES; PROVIDING
14 AUTHORIZATION TO INCREASE THE COUNTY MILL LEVY FOR THE
15 PURPOSE OF ADMINISTERING THE PROVISIONS OF THIS ACT; AND
16 AMENDING SECTIONS 13-13-201, 13-13-203, 13-13-211 THROUGH
17 13-13-213, 13-13-221, 13-13-222, AND 13-13-232 THROUGH, AND
18 13-13-234, MCA; AND PROVIDING AN EFFECTIVE DATE."

19
20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

22 "13-13-201. Voting by elector-when-absent-from-place
23 of-residence-or-physically-incapacitated-from-going-to-polls
24 absentee ballot -- qualifications. (1) A qualified
25 registered elector who-will-be-absent-from-the-county-or

1 physically-incapacitated-and-unable-to-go-to-the-polls-on
2 the-day-of-election-may-vote is entitled to vote by absentee
3 ballot, as provided in this part, if the elector:

4 (2) Election-judges-who-will-be-serving-in-a-different
5 precinct--than-the-one-in-which-they-are-registered-may-vote
6 by-absentee-ballot:

7 (1) expects to be absent from the county or precinct
8 AND UNABLE TO VOTE IN PERSON at the time of holding the
9 election;

10 (2) is physically incapacitated and unable to go to
11 the polls on election day;

12 (3) suffers from chronic illness or general ill
13 health; or

14 (4) is prevented from voting at the polls as a result
15 of an illness or health emergency occurring between 5 p.m.
16 on the Friday preceding the election and noon on election
17 day. Such health emergency must arise from unforeseen
18 circumstances that require the elector to seek health care
19 or medical assistance."

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

21 "13-13-203. Absentee ballots where voting machines or
22 devices used. (1) In precincts where voting machines or
23 devices are used, the election administrator shall if
24 necessary print and provide:

25 (a) ballots in official form for possible-absent-or

THIRD READING

1 physically--incapacitated qualified electors who may vote
 2 absentee as provided in 13-13-201; and

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

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

7 Section 3. Section 13-13-211, MCA, is amended to read:

8 "13-13-211. Application of absentee, chronically ill,
 9 or physically incapacitated elector for ballot -- special
 10 absentee ballot application. (1) During a period beginning
 11 75 days before the day of election and ending at noon on the
 12 day before the election, an elector expecting to be absent
 13 from the county in which his voting precinct is situated, an
 14 elector in United States service, an elector who is
 15 chronically ill or in general ill health, or an elector who
 16 will be unable to go to the polls because of physical
 17 incapacity may apply to the election administrator for an
 18 absentee ballot.

19 (2) A qualified elector who is prevented from voting
 20 at the polls as a result of an illness or health emergency
 21 occurring between 5 p.m. on the Friday preceding the
 22 election and noon on election day may request to vote by
 23 absentee ballot. The election administrator shall honor any
 24 such request received up to and including noon on election
 25 day. The election administrator is not required to comply

1 with a request by an elector who is absent from the county."

2 Section 4. Section 13-13-212, MCA, is amended to read:

3 "13-13-212. Application for absentee ballot. (1)
 4 Application for absentee ballots shall be made by a written
 5 request signed by the applicant and addressed to the
 6 election administrator of the applicant's county of
 7 residence.

8 (2) Application for an absentee ballot may be made by
 9 any elector in the United States service by the federal post
 10 card application or by any written request signed by the
 11 applicant and addressed to the election administrator of the
 12 applicant's county of residence.

13 (3) If an elector requests an absentee ballot because
 14 of a sudden illness or health emergency, the application for
 15 an absentee ballot may be made by written request signed by
 16 the elector at the time the ballot is delivered in person by
 17 the special absentee election board provided for in [section
 18 10]. Such elector may request by telephone or other means
 19 to have a ballot and application personally delivered to him
 20 by the special absentee election board at his place of
 21 confinement, hospitalization, or residence within the
 22 county. Such a request may be made no later than noon on
 23 election day."

24 Section 5. Section 13-13-213, MCA, is amended to read:

25 "13-13-213. Transmission of application to election

1 administrator -- delivery of ballot. (1) Except as
 2 provided in subsection (2), the elector shall forward the
 3 application by mail or deliver it in person to the election
 4 administrator.

5 {2} The election administrator shall compare the
 6 signature on the application with the applicant's signature
 7 on the registration card. If convinced the individual making
 8 the application is the same as the one whose name appears on
 9 the registration card, he shall deliver the ballot.

10 (2) In lieu of the requirement provided in subsection
 11 (1), an elector who requests an absentee ballot pursuant to
 12 13-13-212(3) may return the application to the special
 13 absentee election board. Upon receipt of the application,
 14 the special absentee election board shall examine the
 15 signatures on the application and A COPY OF THE voting
 16 registration card TO BE PROVIDED BY THE ELECTION
 17 ADMINISTRATOR. If the special absentee election board
 18 believes that the applicant is the same person as the one
 19 whose name appears on the registration card, the special
 20 absentee election board shall provide a ballot to the
 21 elector."

22 Section 6. Section 13-13-221, MCA, is amended to read:

23 "13-13-221. Marking and affirming ballot. (1) After
 24 the elector marks his ballots, he shall fold them so that
 25 the vote is concealed and so that the official stamp is

1 visible. The stubs shall be left attached and the ballots
 2 should be folded so that the stubs can be detached without
 3 revealing the vote.

4 (2) The elector shall place the ballots in the
 5 envelope addressed to the election administrator and seal it
 6 securely. If the ballots are for a primary election, the
 7 party ballot or ballots not voted shall be placed in the
 8 envelope marked for that purpose and enclosed in the outer
 9 envelope with the voted ballots.

10 (3) The elector shall complete and sign the
 11 affirmation on the envelope.

12 (4) The elector shall mail the envelope, postage
 13 prepaid, or deliver it to the election administrator or the
 14 special absentee election board."

15 Section 7. Section 13-13-222, MCA, is amended to read:

16 "13-13-222. Voting before election day by prospective
 17 absentee, chronically ill, or physically incapacitated
 18 elector. (1) As soon as the official ballots are available,
 19 the election administrator shall permit an elector who is
 20 present in his county and who has reason to believe that he
 21 will be absent from the county, ill, or physically
 22 incapacitated on election day to vote before election day
 23 before the election administrator.

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

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

4 Section 8. Section 13-13-232, MCA, is amended to read:
 5 "13-13-232. Delivery of ballots to election judges --
 6 ballots to be rejected. (1) If the absentee ballot is
 7 received prior to delivery of the official ballots to the
 8 election judges, the election administrator shall deliver
 9 the envelope to the judges at the same time the ballots are
 10 delivered.

11 (2) If absentee ballots are received after the ballots
 12 are delivered to the election judges but prior to the close
 13 of the polls, the election administrator shall immediately
 14 deliver the envelopes to the judges.

15 (3) If the election administrator receives an absentee
 16 ballots ballot for which an application or request was not
 17 received prior to noon on the day preceding an election--are
 18 received--by--the--election--administrator as required by
 19 13-13-211, or if an absentee ballots-are ballot is received
 20 by the election administrator after the close of the polls
 21 and was not issued to an elector pursuant to 13-13-201(4),
 22 he the election administrator shall endorse upon the
 23 elector's envelope the date and exact time of receipt and
 24 the words "to be rejected". Absentee ballots so endorsed
 25 shall be retained by the election administrator and placed

1 with the proper records when they are returned to him."

2 Section 9. ~~Section 13-13-233, MCA, is amended to read:~~
 3 ~~"13-13-233. Issue and record of absentee ballots--~~
 4 ~~certificate;--(1)--The absentee ballots--delivered--shall--be~~
 5 ~~regular--official--ballots--beginning--with--ballot--number--i--and~~
 6 ~~following--consecutively--according--to--the--number--of~~
 7 ~~applications--for--absentee--ballots;~~

8 ~~(2)--The--election--administrator--shall--keep--a--record--of~~
 9 ~~all--absentee--ballots--delivered,--as--well--as--of--ballots--marked~~
 10 ~~before--him;~~

11 ~~(3)--The--election--administrator--shall--deliver--to--the~~
 12 ~~chief--election--judges--to--whom--the--ballots--are--delivered--a~~
 13 ~~certificate--stating:~~

14 ~~(a)--the--number--of--absentee--ballots--delivered--as--well~~
 15 ~~as--those--marked--before--him;~~

16 ~~(b)--the--number--of--ballots--retained--for--late--absentee~~
 17 ~~voting;--and~~

18 ~~(c)--the--names--of--the--electors--to--whom--such--ballots~~
 19 ~~were--delivered--or--by--whom--they--have--been--marked--if--marked~~
 20 ~~before--him;~~

21 ~~(4)--The--chief--election--judge--shall--post--in--a~~
 22 ~~conspicuous--location--at--the--polling--place--a--list--of--the~~
 23 ~~names--of--electors--appearing--on--the--certificate--required~~
 24 ~~under--subsection--(3);"~~

25 Section 9. Section 13-13-234, MCA, is amended to read:

1 "13-13-234. Duty of election judges -- pollbook. (1)
 2 The election judges, at the opening of the polls, shall note
 3 on the pollbook opposite the numbers corresponding to the
 4 number of absentee ballots issued the fact that the ballots
 5 were issued and reserve the numbers for the absent,
 6 chronically ill, or physically incapacitated electors, as
 7 well as those electors prevented from voting at the polls
 8 because of a sudden illness or health emergency. ~~The~~
 9 ~~notation may be made by writing the words "absent or~~
 10 ~~physically incapacitated voters" opposite the numbers.~~

11 (2) The election judges shall insert only the name of
 12 the elector entitled to each particular number according to
 13 the certificate of the election administrator and the number
 14 of his ballot."

15 NEW SECTION. Section 10. Special absentee election
 16 boards -- members -- appointment. (1) The election
 17 administrator shall designate and appoint a number of
 18 special absentee election boards as needed to serve in
 19 various places to deliver ballots to electors who are
 20 entitled to vote by absentee ballot under 13-13-201(4).

21 (2) In a partisan election, each special absentee
 22 election board shall consist of two members, one from each
 23 of the two political parties receiving the highest votes in
 24 the state during the last preceding general election. Board
 25 members must reside in the county in which they serve.

1 (3) No member of a special absentee election board may
 2 be a candidate or a spouse, ascendant, descendant, brother,
 3 or sister of a candidate whose OR OF A CANDIDATE'S SPOUSE OR
 4 THE SPOUSE OF ANY ONE OF THESE IF THE CANDIDATE'S name
 5 appears on a ballot in the county.

6 NEW SECTION. Section 11. Manner of selection. The
 7 election administrator shall make appointments to the
 8 special absentee election board from lists of qualified
 9 electors prepared in substantially the same manner as
 10 provided in 13-4-102. If the list is insufficient to make
 11 all the appointments required, the election administrator
 12 may appoint any qualified registered elector from the
 13 county. The election administrator may refuse for cause to
 14 appoint or may for cause remove a member of a special
 15 absentee election board.

16 NEW SECTION. Section 12. Oath of board members.
 17 ~~Before the polls open~~ ASSUMING ANY OF HIS RESPONSIBILITIES
 18 UNDER [THIS ACT], each member of a special absentee election
 19 board must take and subscribe the official oath in the same
 20 manner as prescribed for an election judge in 13-4-105.

21 NEW SECTION. Section 13. Compensation. (1) Each
 22 member of a special absentee election board is entitled to
 23 compensation for the number of hours worked.

24 (2) Each member of a special absentee election board
 25 is entitled to full reimbursement for actual travel expenses

1 incurred while delivering ballots on election day.
 2 (3) The election administrator shall pay each member
 3 the same compensation and certify amounts due in the same
 4 manner as for an election judge as provided for in
 5 13-4-106(1).

6 NEW SECTION. Section 14. Voting performed before the
 7 special absentee election board. (1) As provided in
 8 13-13-201(4), a qualified elector who becomes ill or is
 9 prevented from voting at the polls because of a health
 10 emergency may vote by absentee ballot. Pursuant to
 11 13-13-212(3), such elector may request that a special
 12 absentee election board personally deliver a ballot to him.

13 (2) The manner and procedure of voting by use of an
 14 absentee ballot under this section must be the same as
 15 provided in 13-13-221, except the elector must hand the
 16 marked ballot in the sealed envelope to the special absentee
 17 election board, and the board must deliver the sealed
 18 envelope to the election administrator or to the election
 19 judges of the precinct in which the elector is registered.

20 (3) An absentee ballot cast by a qualified elector
 21 pursuant to this section may not be rejected by the election
 22 administrator if the ballot was in the possession of the
 23 board before the time designated for the closing of the
 24 polls.

25 (4) An elector who needs assistance in marking his

1 ballot because of physical incapacity or inability to read
 2 or write may receive assistance from the special absentee
 3 election board appointed to personally deliver the ballot.
 4 Any such assistance given an elector pursuant to this
 5 section must be provided in substantially the same manner as
 6 required in 13-13-119.

7 NEW SECTION. Section 15. Authorization to increase
 8 county mill levy. Each county may levy an amount not
 9 exceeding 1 mill as may be necessary to finance the
 10 additional cost of administering a special absentee election
 11 board program pursuant to [sections ~~11~~ 10 through ~~15~~ 14].
 12 Such mill levy may not be included as part of any existing
 13 mill levy or special mill levy assessed by the county. The
 14 amount of any mill levy adopted under this section must be
 15 reasonably related to the actual cost of providing services
 16 as required by [sections ~~11~~ 10 through ~~15~~ 14].

17 NEW SECTION. Section 16. Codification instruction.
 18 Sections ~~11~~ 10 through ~~16~~ 15 are intended to be codified as
 19 an integral part of Title 13, and the provisions of Title 13
 20 apply to sections ~~11~~ 10 through ~~16~~ 15.

21 NEW SECTION. SECTION 17. EFFECTIVE DATE. THIS ACT IS
 22 EFFECTIVE JULY 1, 1985.

-End-

1 HOUSE BILL NO. 482

2 INTRODUCED BY PISTORIA, PECK, BACHINI, MCCORMICK,
3 JACK MOORE, O'CONNELL, REAM, HARRINGTON, GARCIA, HAND,
4 J. HAMMOND, J. BROWN, COBB, MILLER, BERGENE, VINCENT

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE LAWS
7 RELATING TO ABSENTEE VOTING TO ALLOW VOTING BY ABSENTEE
8 BALLOT IF AN ELECTOR SUFFERS FROM CHRONIC ILLNESS OR GENERAL
9 ILL HEALTH, OR IF THE ELECTOR IS PREVENTED FROM VOTING AT
10 THE POLLS AS A RESULT OF A SUDDEN ILLNESS OR HEALTH
11 EMERGENCY ON ELECTION DAY OR IN THE DAYS IMMEDIATELY
12 PRECEDING THE ELECTION; PROVIDING FOR THE CREATION OF
13 SPECIAL ABSENTEE ELECTION BOARDS IN THE COUNTIES; PROVIDING
14 AUTHORIZATION TO INCREASE THE COUNTY MILL LEVY FOR THE
15 PURPOSE OF ADMINISTERING THE PROVISIONS OF THIS ACT; AND
16 AMENDING SECTIONS 13-13-201, 13-13-203, 13-13-211 THROUGH
17 13-13-213, 13-13-221, 13-13-222, AND 13-13-232 THROUGH, AND
18 13-13-234, MCA; AND PROVIDING AN EFFECTIVE DATE."

19
20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

22 "13-13-201. Voting by ~~elector when absent from place~~
23 ~~of residence or physically incapacitated from going to polls~~
24 absentee ballot -- qualifications. (1) A qualified
25 registered elector ~~who will be absent from the county or~~

1 ~~physically incapacitated and unable to go to the polls on~~
2 ~~the day of election may vote~~ is entitled to vote by absentee
3 ballot, as provided in this part, if the elector:

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

7 (1) expects to be absent from the county or precinct
8 AND UNABLE TO VOTE IN PERSON at the time of holding the
9 election;

10 (2) is physically incapacitated and unable to go to
11 the polls on election day;

12 (3) suffers from chronic illness or general ill
13 health; or

14 (4) is prevented from voting at the polls as a result
15 of an illness or health emergency occurring between 5 p.m.
16 on the Friday preceding the election and noon on election
17 day. Such health emergency must arise from unforeseen
18 circumstances that require the elector to seek health care
19 or medical assistance."

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

21 "13-13-203. Absentee ballots where voting machines or
22 devices used. (1) In precincts where voting machines or
23 devices are used, the election administrator shall if
24 necessary print and provide:

25 (a) ballots in official form for ~~possible absent or~~

1 physically--incapacitated qualified electors who may vote
 2 absentee as provided in 13-13-201; and

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

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

7 Section 3. Section 13-13-211, MCA, is amended to read:

8 "13-13-211. Application of absentee, chronically ill,
 9 or physically incapacitated elector for ballot -- special
 10 absentee ballot application. (1) During a period beginning
 11 75 days before the day of election and ending at noon on the
 12 day before the election, an elector expecting to be absent
 13 from the county in which his voting precinct is situated, an
 14 elector in United States service, an elector who is
 15 chronically ill or in general ill health, or an elector who
 16 will be unable to go to the polls because of physical
 17 incapacity may apply to the election administrator for an
 18 absentee ballot.

19 (2) A qualified elector who is prevented from voting
 20 at the polls as a result of an illness or health emergency
 21 occurring between 5 p.m. on the Friday preceding the
 22 election and noon on election day may request to vote by
 23 absentee ballot. The election administrator shall honor any
 24 such request received up to and including noon on election
 25 day. The election administrator is not required to comply

1 with a request by an elector who is absent from the county."

2 Section 4. Section 13-13-212, MCA, is amended to read:

3 "13-13-212. Application for absentee ballot. (1)
 4 Application for absentee ballots shall be made by a written
 5 request signed by the applicant and addressed to the
 6 election administrator of the applicant's county of
 7 residence.

8 (2) Application for an absentee ballot may be made by
 9 any elector in the United States service by the federal post
 10 card application or by any written request signed by the
 11 applicant and addressed to the election administrator of the
 12 applicant's county of residence.

13 (3) If an elector requests an absentee ballot because
 14 of a sudden illness or health emergency, the application for
 15 an absentee ballot may be made by written request signed by
 16 the elector at the time the ballot is delivered in person by
 17 the special absentee election board provided for in [section
 18 10]. Such elector may request by telephone or other means
 19 to have a ballot and application personally delivered to him
 20 by the special absentee election board at his place of
 21 confinement, hospitalization, or residence within the
 22 county. Such a request may be made no later than noon on
 23 election day."

24 Section 5. Section 13-13-213, MCA, is amended to read:

25 "13-13-213. Transmission of application to election

1 administrator -- delivery of ballot. (1) ~~The Except as~~
 2 provided in subsection (2), the elector shall forward the
 3 application by mail or deliver it in person to the election
 4 administrator.

5 (2) The election administrator shall compare the
 6 signature on the application with the applicant's signature
 7 on the registration card. If convinced the individual making
 8 the application is the same as the one whose name appears on
 9 the registration card, he shall deliver the ballot.

10 (2) In lieu of the requirement provided in subsection
 11 (1), an elector who requests an absentee ballot pursuant to
 12 13-13-212(3) may return the application to the special
 13 absentee election board. Upon receipt of the application,
 14 the special absentee election board shall examine the
 15 signatures on the application and A COPY OF THE voting
 16 registration card TO BE PROVIDED BY THE ELECTION
 17 ADMINISTRATOR. If the special absentee election board
 18 believes that the applicant is the same person as the one
 19 whose name appears on the registration card, the special
 20 absentee election board shall provide a ballot to the
 21 elector."

22 Section 6. Section 13-13-221, MCA, is amended to read:
 23 "13-13-221. Marking and affirming ballot. (1) After
 24 the elector marks his ballots, he shall fold them so that
 25 the vote is concealed and so that the official stamp is

1 visible. The stubs shall be left attached and the ballots
 2 should be folded so that the stubs can be detached without
 3 revealing the vote.

4 (2) The elector shall place the ballots in the
 5 envelope addressed to the election administrator and seal it
 6 securely. If the ballots are for a primary election, the
 7 party ballot or ballots not voted shall be placed in the
 8 envelope marked for that purpose and enclosed in the outer
 9 envelope with the voted ballots.

10 (3) The elector shall complete and sign the
 11 affirmation on the envelope.

12 (4) The elector shall mail the envelope, postage
 13 prepaid, or deliver it to the election administrator or the
 14 special absentee election board."

15 Section 7. Section 13-13-222, MCA, is amended to read:
 16 "13-13-222. Voting before election day by prospective
 17 absentee, chronically ill, or physically incapacitated
 18 elector. (1) As soon as the official ballots are available,
 19 the election administrator shall permit an elector who is
 20 present in his county and who has reason to believe that he
 21 will be absent from the county, ill, or physically
 22 incapacitated on election day to vote before election day
 23 before the election administrator.

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

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

4 Section 8. Section 13-13-232, MCA, is amended to read:

5 "13-13-232. Delivery of ballots to election judges --
6 ballots to be rejected. (1) If the absentee ballot is
7 received prior to delivery of the official ballots to the
8 election judges, the election administrator shall deliver
9 the envelope to the judges at the same time the ballots are
10 delivered.

11 (2) If absentee ballots are received after the ballots
12 are delivered to the election judges but prior to the close
13 of the polls, the election administrator shall immediately
14 deliver the envelopes to the judges.

15 (3) If the election administrator receives an absentee
16 ballots ballot for which an application or request was not
17 received prior to noon on the day preceding an election--are
18 received--by--the--election--administrator as required by
19 13-13-211, or if an absentee ballots are ballot is received
20 by the election administrator after the close of the polls
21 and was not issued to an elector pursuant to 13-13-201(4),
22 he the election administrator shall endorse upon the
23 elector's envelope the date and exact time of receipt and
24 the words "to be rejected". Absentee ballots so endorsed
25 shall be retained by the election administrator and placed

1 with the proper records when they are returned to him."

2 Section 9. ~~Section 13-13-233, MCA, is amended to read:~~

3 ~~"13-13-233. Issue and record of absentee ballots --~~
4 ~~certificate. (1) The absentee ballots delivered shall be~~
5 ~~regular official ballots beginning with ballot number 1 and~~
6 ~~following consecutively according to the number of~~
7 ~~applications for absentee ballots:~~

8 ~~(2) The election administrator shall keep a record of~~
9 ~~all absentee ballots delivered, as well as of ballots marked~~
10 ~~before him.~~

11 ~~(3) The election administrator shall deliver to the~~
12 ~~chief election judges to whom the ballots are delivered a~~
13 ~~certificate stating:~~

14 ~~(a) the number of absentee ballots delivered as well~~
15 ~~as those marked before him;~~

16 ~~(b) the number of ballots retained for late absentee~~
17 ~~voting; and~~

18 ~~(c) the names of the electors to whom such ballots~~
19 ~~were delivered or by whom they have been marked if marked~~
20 ~~before him.~~

21 ~~(4) The chief election judge shall post in a~~
22 ~~conspicuous location at the polling place a list of the~~
23 ~~names of electors appearing on the certificate required~~
24 ~~under subsection (3)."~~

25 Section 9. Section 13-13-234, MCA, is amended to read:

1 "13-13-234. Duty of election judges -- pollbook. (1)
 2 The election judges, at the opening of the polls, shall note
 3 on the pollbook opposite the numbers corresponding to the
 4 number of absentee ballots issued the fact that the ballots
 5 were issued and reserve the numbers for the absent,
 6 chronically ill, or physically incapacitated electors, as
 7 well as those electors prevented from voting at the polls
 8 because of a sudden illness or health emergency. The
 9 notation may be made by writing the words "absent or
 10 physically incapacitated voters" opposite the numbers.

11 (2) The election judges shall insert only the name of
 12 the elector entitled to each particular number according to
 13 the certificate of the election administrator and the number
 14 of his ballot."

15 NEW SECTION. Section 10. Special absentee election
 16 boards -- members -- appointment. (1) The election
 17 administrator shall designate and appoint a number of
 18 special absentee election boards as needed to serve in
 19 various places to deliver ballots to electors who are
 20 entitled to vote by absentee ballot under 13-13-201(4).

21 (2) In a partisan election, each special absentee
 22 election board shall consist of two members, one from each
 23 of the two political parties receiving the highest votes in
 24 the state during the last preceding general election. Board
 25 members must reside in the county in which they serve.

1 (3) No member of a special absentee election board may
 2 be a candidate or a spouse, ascendant, descendant, brother,
 3 or sister of a candidate whose OR OF A CANDIDATE'S SPOUSE OR
 4 THE SPOUSE OF ANY ONE OF THESE IF THE CANDIDATE'S name
 5 appears on a ballot in the county.

6 NEW SECTION. Section 11. Manner of selection. The
 7 election administrator shall make appointments to the
 8 special absentee election board from lists of qualified
 9 electors prepared in substantially the same manner as
 10 provided in 13-4-102. If the list is insufficient to make
 11 all the appointments required, the election administrator
 12 may appoint any qualified registered elector from the
 13 county. The election administrator may refuse for cause to
 14 appoint or may for cause remove a member of a special
 15 absentee election board.

16 NEW SECTION. Section 12. Oath of board members.
 17 ~~Before the polls open~~ ASSUMING ANY OF HIS RESPONSIBILITIES
 18 UNDER [THIS ACT], each member of a special absentee election
 19 board must take and subscribe the official oath in the same
 20 manner as prescribed for an election judge in 13-4-105.

21 NEW SECTION. Section 13. Compensation. (1) Each
 22 member of a special absentee election board is entitled to
 23 compensation for the number of hours worked.

24 (2) Each member of a special absentee election board
 25 is entitled to full reimbursement for actual travel expenses

1 incurred while delivering ballots on election day.

2 (3) The election administrator shall pay each member
3 the same compensation and certify amounts due in the same
4 manner as for an election judge as provided for in
5 13-4-106(1).

6 NEW SECTION. Section 14. Voting performed before the
7 special absentee election board. (1) As provided in
8 13-13-201(4), a qualified elector who becomes ill or is
9 prevented from voting at the polls because of a health
10 emergency may vote by absentee ballot. Pursuant to
11 13-13-212(3), such elector may request that a special
12 absentee election board personally deliver a ballot to him.

13 (2) The manner and procedure of voting by use of an
14 absentee ballot under this section must be the same as
15 provided in 13-13-221, except the elector must hand the
16 marked ballot in the sealed envelope to the special absentee
17 election board, and the board must deliver the sealed
18 envelope to the election administrator or to the election
19 judges of the precinct in which the elector is registered.

20 (3) An absentee ballot cast by a qualified elector
21 pursuant to this section may not be rejected by the election
22 administrator if the ballot was in the possession of the
23 board before the time designated for the closing of the
24 polls.

25 (4) An elector who needs assistance in marking his

1 ballot because of physical incapacity or inability to read
2 or write may receive assistance from the special absentee
3 election board appointed to personally deliver the ballot.
4 Any such assistance given an elector pursuant to this
5 section must be provided in substantially the same manner as
6 required in 13-13-119.

7 NEW SECTION. Section 15. Authorization to increase
8 county mill levy. Each county may levy an amount not
9 exceeding 1 mill as may be necessary to finance the
10 additional cost of administering a special absentee election
11 board program pursuant to [sections ~~11~~ 10 through ~~15~~ 14].
12 Such mill levy may not be included as part of any existing
13 mill levy or special mill levy assessed by the county. The
14 amount of any mill levy adopted under this section must be
15 reasonably related to the actual cost of providing services
16 as required by [sections ~~11~~ 10 through ~~15~~ 14].

17 NEW SECTION. Section 16. Codification instruction.
18 Sections ~~11~~ 10 through ~~16~~ 15 are intended to be codified as
19 an integral part of Title 13, and the provisions of Title 13
20 apply to sections ~~11~~ 10 through ~~16~~ 15.

21 NEW SECTION. SECTION 17. EFFECTIVE DATE. THIS ACT IS
22 EFFECTIVE JULY 1, 1985.

-End-