

1 House BILL NO. 265
2 INTRODUCED BY Phillips

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ADOPT THE FEDERAL
5 WRITE-IN ABSENTEE BALLOT QUALIFICATIONS AND PROCEDURES FOR
6 STATE ELECTIONS."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Federal write-in absentee ballot --
10 qualifications -- procedures. (1) An elector qualified by
11 13-2-211 who fears his regular absentee ballot might not
12 arrive in time to vote and return to the election
13 administrator of the county of his residence and
14 registration may also vote a federal write-in absentee
15 ballot.

16 (2) The federal write-in absentee ballot is available
17 to military personnel and civilians overseas through the
18 same source that provides federal post card application
19 forms and is only valid for federal elections.

20 (3) The elector shall apply for a regular absentee
21 ballot as provided in 13-2-214 not less than 30 days before
22 the general election.

23 (4) An elector voting a federal write-in ballot may
24 designate a candidate by writing in the name of the
25 candidate or by writing in the name of the political party.

1 A vote may not be voided for reasons of misspellings,
2 abbreviations, or other minor variations of the candidate's
3 name.

4 (5) If an elector receives his regular absentee ballot
5 after he has voted and mailed a federal write-in absentee
6 ballot, he may vote and return the regular absentee ballot.

7 (6) A federal write-in absentee ballot must be counted
8 if:

9 (a) the condition in subsection (2) has been met;
10 (b) the regular absentee ballot has not been received
11 by 8 p.m. election day;

12 (c) the ballot has not been submitted from any
13 location within the continental United States, Alaska,
14 Hawaii, or Guam; and

15 (d) the ballot is received by 8 p.m. election day.

16 (7) Federal write-in absentee ballots received before
17 the close of the polls election day will not be counted
18 until the polls have closed.

19 Section 2. Extension of authority. Any existing
20 authority of the secretary of state to make rules on the
21 subject of the provisions of this act is extended to the
22 provisions of this act.

23 Section 3. Codification instruction. Section 1 is
24 intended to be codified as an integral part of Title 13,
25 chapter 13, part 2, and the provisions of Title 13, chapter



LC 1347/01

1 13, part 2, apply to section 1.

-End-

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

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SECOND READING

HB 0265/02

1 13, part 2, apply to section 1.

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THIRD READING

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