

## SENATE BILL NO. 30

INTRODUCED BY GAGE

A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING THE REQUIREMENT THAT AN ELECTOR MAY CAST A BALLOT FOR ONLY ONE POLITICAL PARTY IN A PRIMARY ELECTION; AND AMENDING SECTIONS 13-10-301 AND 13-13-214, MCA."

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

**Section 1.** Section 13-10-301, MCA, is amended to read:

**"13-10-301. Casting of ballot.** (1) Unless otherwise provided by law, the conduct of the primary election, the voting procedure, the counting, tallying, and return of ballots and all election records and supplies, the canvass of votes, the certification and notification of nominees, recounts, procedures upon tie votes, and any other necessary election procedures ~~shall~~ must be at the same times and in the same manner as provided for in the laws for the general election.

(2) ~~At a primary election, the elector shall mark only one of the set of party ballots.~~ After marking any ~~other~~ ballots ~~received other than the party ballots,~~ the elector shall fold the ~~marked and unmarked~~ ballots separately in a manner so that the marks cannot be seen, the official stamp is visible on each ballot, and all stubs can be detached by an election judge.

(3) The elector shall hand the ~~marked and unmarked~~ ballots ~~separately~~ to the election judge, ~~identifying them as marked and unmarked.~~ If the judge determines that the ballots may be voted, ~~he~~ the judge shall, in the presence of the elector:

(a) remove the stubs from all the ballots; and

(b) deposit the ~~unmarked ballot or stubs and~~ ballots ~~and all the stubs~~ in the stub ~~and unmarked~~ ballot box;

~~(c) and deposit the marked ballots~~ in the ~~voted~~ ballot box."

**Section 2.** Section 13-13-214, MCA, is amended to read:

**"13-13-214. Mailing ballot to elector.** (1) As soon as the official ballots are printed, the election administrator shall send by mail, postage prepaid, to each elector from whom ~~he~~ the administrator has

1 received a valid application whatever official ballots are necessary. Ballots ~~shall~~ must be sent immediately  
2 to electors submitting valid requests after the official ballots are printed.

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

6 (3) The election administrator shall stamp the ballots sent to an absentee elector as provided in  
7 13-13-116.

8 (4) Both the envelope in which the ballot is mailed to an elector in the United States service and  
9 the return envelope ~~shall have printed across the face such information and graphics and~~ must be of such  
10 ~~color as may be~~ in a form prescribed by the secretary of state that is consistent with the regulations  
11 established by the federal election commission, U.S. postal service, or other federal agency.

12 ~~(5) If the ballots sent to the elector are for a primary election, the election administrator shall~~  
13 ~~enclose an extra envelope marked "For Unvoted Party Ballot(s)". This envelope may not be numbered or~~  
14 ~~marked in any way so it can be identified as being used by any one elector.~~

15 ~~(6)(5)~~ Instructions for voting ~~shall~~ must be enclosed with the ballots. ~~Instructions for primary~~  
16 ~~elections must include use of the envelope for unvoted ballots.~~ The instructions must include information  
17 concerning the type or types of writing instruments ~~which~~ that may be used to mark the absentee ballot.

18 ~~(7)(6)~~ The return envelope ~~shall~~ must be self-addressed to the election administrator."  
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