

1 HOUSE BILL NO. 76

2 INTRODUCED BY MASOLO

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR CORRECTION OF ELECTOR ADDRESSES IN
 5 CONJUNCTION WITH MAILED BALLOT ELECTIONS; ALLOWING FORWARDING OF MAILED BALLOTS;
 6 REQUIRING ELECTION ADMINISTRATORS TO PROVIDE A FORM FOR THE ELECTOR TO CORRECT THE
 7 ELECTOR'S MAILING ADDRESS; PROVIDING THAT AN OTHERWISE VALID MAILED BALLOT THAT HAS
 8 NOT BEEN CORRECTED BY THE ELECTOR AS TO THE RETURN ADDRESS IS A VALID BALLOT; AND
 9 AMENDING SECTIONS 13-19-106, 13-19-206, AND 13-19-311, MCA."

10

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

12

13 Section 1. Section 13-19-106, MCA, is amended to read:

14 "13-19-106. General requirements for mail ballot election. A mail ballot election must be
 15 conducted substantially as follows:

16 (1) Official ballots must be prepared and all other initial procedures followed as otherwise provided
 17 by law, except that mail ballots are not required to have stubs.

18 (2) An official ballot must be mailed to every qualified elector of the political subdivision conducting
 19 the election.

20 (3) Each return/verification envelope must contain a form prescribed by the secretary of state for
 21 the elector to correct the elector's mailing address and to return the corrected address with the voted ballot
 22 in the manner provided by 13-19-306.

23 ~~(3)~~(4) The elector shall mark the ballot at home and place it in a secrecy envelope.

24 ~~(4)~~(5) The elector shall then place the secrecy envelope containing ~~his~~ the elector's ballot in a
 25 return/verification envelope and shall return it by mailing it or delivering it in person to a place of deposit
 26 designated by the election administrator so that it is received ~~prior to~~ before a specified time on election
 27 day.

28 ~~(5)~~(6) Once returned, election officials shall first qualify the submitted ballot by examining the
 29 return/verification envelope to determine whether it is submitted by a qualified elector who has not
 30 previously voted.

1 ~~(6)~~(7) If the ballot ~~is~~ qualifies and is otherwise valid, officials shall then open the return/verification
2 envelope and remove the secrecy envelope, which is then voted by depositing it unopened in an official
3 ballot box.

4 ~~(7)~~(8) After the close of polls on election day, voted ballots must be counted and canvassed as
5 otherwise provided by law."

6
7 **Section 2.** Section 13-19-206, MCA, is amended to read:

8 **"13-19-206. Distributing materials to electors -- procedure.** For each election conducted under this
9 chapter, the election administrator shall:

10 (1) mail a single packet to every qualified elector of the political subdivision conducting the
11 election;

12 (2) ensure that each packet contains only one each of the following:

13 (a) an official ballot, except that the election administrator may include separate ballots for each
14 type of election being held concurrently;

15 (b) a secrecy envelope;

16 (c) a return/verification envelope; and

17 (d) complete written instructions for voting and returning ballots; and

18 (3) ensure that each packet is:

19 ~~(a) clearly marked on its face with words stating the appropriate postal regulation language to~~
20 ~~prohibit forwarding of the packet;~~

21 ~~(b)~~(a) addressed to a single individual elector at the most current address available from the official
22 registration records; and

23 ~~(c)~~(b) deposited in the United States mail with sufficient prepaid postage for it to be delivered to
24 the elector's address."

25

26 **Section 3.** Section 13-19-311, MCA, is amended to read:

27 **"13-19-311. Valid ballots -- requirements.** (1) Only valid ballots may be counted in an election
28 conducted under this chapter.

29 (2) For the purpose of this chapter, a ballot is valid only if:

30 (a) it is sealed in the secrecy envelope and returned in the return/verification envelope;

1 (b) the elector's signature on the affidavit on the return/verification envelope is verified pursuant
2 to 13-19-310; and

3 (c) it is received before 8 p.m. on election day.

4 (3) A ballot is invalid if:

5 (a) more than one ballot is enclosed in a single return/verification or secrecy envelope unless there
6 are multiple elections being held at the same time and there is only one ballot for each election in the
7 envelope; or

8 (b) any identifying marks are placed on the ballot by the elector.

9 (4) Failure of an elector to correct the elector's mailing address in conjunction with a mailed ballot,
10 as provided in 13-19-106, does not invalidate an otherwise valid mailed ballot."

11 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0076, Introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act providing for correction of elector addresses in conjunction with mailed ballot elections; allowing forwarding of mailed ballots; requiring election administrators to provide a form for the elector to correct the elector's mailing address; providing that an otherwise valid mailed ballot that has not been corrected by the elector as to the return address is a valid ballot.

ASSUMPTIONS:

1. The Office of the Secretary of State anticipates no fiscal impact.
2. The Department of Commerce, Local Government Assistance Division, Systems Program has reviewed the proposed legislation and have found that existing database/library does not include information that would contribute to defining the fiscal impact of this bill.

FISCAL IMPACT:

There is no known fiscal impact to state government.

Dave Lewis 1-7-97
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Gay Ann Masolo
GAY ANN MASOLO, PRIMARY SPONSOR DATE
Fiscal Note for HB0076, as introduced

HB 76

APPROVED BY COM ON
STATE ADMINISTRATION

HOUSE BILL NO. 76

INTRODUCED BY MASOLO

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR CORRECTION OF ELECTOR ADDRESSES IN CONJUNCTION WITH MAILED BALLOT ELECTIONS; ALLOWING FORWARDING OF MAILED BALLOTS; REQUIRING ELECTION ADMINISTRATORS TO PROVIDE A FORM FOR THE ELECTOR TO CORRECT THE ELECTOR'S MAILING ADDRESS; PROVIDING THAT AN OTHERWISE VALID MAILED BALLOT THAT HAS NOT BEEN CORRECTED BY THE ELECTOR AS TO THE RETURN ADDRESS IS NOT A VALID BALLOT; AND AMENDING SECTIONS 13-19-106, 13-19-206, AND 13-19-311, MCA."

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

Section 1. Section 13-19-106, MCA, is amended to read:

"13-19-106. General requirements for mail ballot election. A mail ballot election must be conducted substantially as follows:

(1) Official ballots must be prepared and all other initial procedures followed as otherwise provided by law, except that mail ballots are not required to have stubs.

(2) An official ballot must be mailed to every qualified elector of the political subdivision conducting the election.

(3) Each return/verification envelope must contain a form prescribed by the secretary of state for the elector to VERIFY THE ACCURACY OF THE ELECTOR'S ADDRESS OR correct the elector's mailing address and to return the corrected address with the voted ballot in the manner provided by 13-19-306.

~~(3)~~(4) The elector shall mark the ballot at home and place it in a secrecy envelope.

~~(4)~~(5) The elector shall then place the secrecy envelope containing ~~his~~ the elector's ballot in a return/verification envelope and shall return it by mailing it or delivering it in person to a place of deposit designated by the election administrator so that it is received ~~prior to~~ before a specified time on election day.

~~(5)~~(6) Once returned, election officials shall first qualify the submitted ballot by examining the return/verification envelope to determine whether it is submitted by a qualified elector who has not previously voted.

1 ~~(6)~~(7) If the ballot ~~se~~ qualifies and is otherwise valid, officials shall then open the return/verification
2 envelope and remove the secrecy envelope, which is then voted by depositing it unopened in an official
3 ballot box.

4 ~~(7)~~(8) After the close of polls on election day, voted ballots must be counted and canvassed as
5 otherwise provided by law."

6

7 **Section 2.** Section 13-19-206, MCA, is amended to read:

8 **"13-19-206. Distributing materials to electors -- procedure.** For each election conducted under this
9 chapter, the election administrator shall:

10 (1) mail a single packet to every qualified elector of the political subdivision conducting the
11 election;

12 (2) ensure that each packet contains only one each of the following:

13 (a) an official ballot, except that the election administrator may include separate ballots for each
14 type of election being held concurrently;

15 (b) a secrecy envelope;

16 (c) a return/verification envelope; and

17 (d) complete written instructions for voting and returning ballots; and

18 (3) ensure that each packet is:

19 ~~(a) clearly marked on its face with words stating the appropriate postal regulation language to~~
20 ~~prohibit forwarding of the packet;~~

21 ~~(b)~~(a) addressed to a single individual elector at the most current address available from the official
22 registration records; and

23 ~~(c)~~(b) deposited in the United States mail with sufficient prepaid postage for it to be delivered to
24 the elector's address."

25

26 **Section 3.** Section 13-19-311, MCA, is amended to read:

27 **"13-19-311. Valid ballots -- requirements.** (1) Only valid ballots may be counted in an election
28 conducted under this chapter.

29 (2) For the purpose of this chapter, a ballot is valid only if:

30 (a) it is sealed in the secrecy envelope and returned in the return/verification envelope;

1 (b) the elector's signature on the affidavit on the return/verification envelope is verified pursuant
2 to 13-19-310; and

3 (c) it is received before 8 p.m. on election day.

4 (3) A ballot is invalid if:

5 (a) more than one ballot is enclosed in a single return/verification or secrecy envelope unless there
6 are multiple elections being held at the same time and there is only one ballot for each election in the
7 envelope; or

8 (b) any identifying marks are placed on the ballot by the elector.

9 (4) Failure of an elector to VERIFY THE ACCURACY OF THE ELECTOR'S ADDRESS OR correct the
10 elector's mailing address in conjunction with a mailed ballot, as provided in 13-19-106, ~~does not invalidate~~
11 INVALIDATES an otherwise valid mailed ballot."

12 -END-

HOUSE BILL NO. 76

INTRODUCED BY MASOLO

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR CORRECTION OF ELECTOR ADDRESSES IN CONJUNCTION WITH MAILED BALLOT ELECTIONS; ALLOWING FORWARDING OF MAILED BALLOTS; REQUIRING ELECTION ADMINISTRATORS TO PROVIDE A FORM FOR THE ELECTOR TO CORRECT THE ELECTOR'S MAILING ADDRESS; PROVIDING THAT AN OTHERWISE VALID MAILED BALLOT THAT HAS NOT BEEN CORRECTED BY THE ELECTOR AS TO THE RETURN ADDRESS IS NOT A VALID BALLOT; AND AMENDING SECTIONS 13-19-106, 13-19-206, AND 13-19-311, MCA."

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

Section 1. Section 13-19-106, MCA, is amended to read:

"13-19-106. General requirements for mail ballot election. A mail ballot election must be conducted substantially as follows:

(1) Official ballots must be prepared and all other initial procedures followed as otherwise provided by law, except that mail ballots are not required to have stubs.

(2) An official ballot must be mailed to every qualified elector of the political subdivision conducting the election.

(3) Each return/verification envelope must contain a form prescribed by the secretary of state for the elector to VERIFY THE ACCURACY OF THE ELECTOR'S ADDRESS OR correct the elector's mailing address and to return the corrected address with the voted ballot in the manner provided by 13-19-306.

~~(3)~~(4) The elector shall mark the ballot at home and place it in a secrecy envelope.

~~(4)~~(5) The elector shall then place the secrecy envelope containing ~~his~~ the elector's ballot in a return/verification envelope and shall return it by mailing it or delivering it in person to a place of deposit designated by the election administrator so that it is received ~~prior to~~ before a specified time on election day.

~~(5)~~(6) Once returned, election officials shall first qualify the submitted ballot by examining the return/verification envelope to determine whether it is submitted by a qualified elector who has not previously voted.

1 ~~(6)~~(7) If the ballot ~~se~~ qualifies and is otherwise valid, officials shall then open the return/verification
2 envelope and remove the secrecy envelope, which is then voted by depositing it unopened in an official
3 ballot box.

4 ~~(7)~~(8) After the close of polls on election day, voted ballots must be counted and canvassed as
5 otherwise provided by law."

6
7 **Section 2.** Section 13-19-206, MCA, is amended to read:

8 "**13-19-206. Distributing materials to electors -- procedure.** For each election conducted under this
9 chapter, the election administrator shall:

10 (1) mail a single packet to every qualified elector of the political subdivision conducting the
11 election;

12 (2) ensure that each packet contains only one each of the following:

13 (a) an official ballot, except that the election administrator may include separate ballots for each
14 type of election being held concurrently;

15 (b) a secrecy envelope;

16 (c) a return/verification envelope; and

17 (d) complete written instructions for voting and returning ballots; and

18 (3) ensure that each packet is:

19 ~~(a) clearly marked on its face with words stating the appropriate postal regulation language to~~
20 ~~prohibit forwarding of the packet;~~

21 ~~(b)~~(a) addressed to a single individual elector at the most current address available from the official
22 registration records; and

23 ~~(e)~~(b) deposited in the United States mail with sufficient prepaid postage for it to be delivered to
24 the elector's address."

25
26 **Section 3.** Section 13-19-311, MCA, is amended to read:

27 "**13-19-311. Valid ballots -- requirements.** (1) Only valid ballots may be counted in an election
28 conducted under this chapter.

29 (2) For the purpose of this chapter, a ballot is valid only if:

30 (a) it is sealed in the secrecy envelope and returned in the return/verification envelope;

1 (b) the elector's signature on the affidavit on the return/verification envelope is verified pursuant
2 to 13-19-310; and

3 (c) it is received before 8 p.m. on election day.

4 (3) A ballot is invalid if:

5 (a) more than one ballot is enclosed in a single return/verification or secrecy envelope unless there
6 are multiple elections being held at the same time and there is only one ballot for each election in the
7 envelope; or

8 (b) any identifying marks are placed on the ballot by the elector.

9 (4) Failure of an elector to VERIFY THE ACCURACY OF THE ELECTOR'S ADDRESS OR correct the
10 elector's mailing address in conjunction with a mailed ballot, as provided in 13-19-106, does not invalidate
11 INVALIDATES an otherwise valid mailed ballot."

12 -END-

HOUSE BILL NO. 76

INTRODUCED BY MASOLO

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR CORRECTION OF ELECTOR ADDRESSES IN CONJUNCTION WITH MAILED BALLOT ELECTIONS; ALLOWING FORWARDING OF MAILED BALLOTS; REQUIRING ELECTION ADMINISTRATORS TO PROVIDE A FORM FOR THE ELECTOR TO CORRECT THE ELECTOR'S MAILING ADDRESS; PROVIDING THAT AN OTHERWISE VALID MAILED BALLOT THAT HAS NOT BEEN CORRECTED BY THE ELECTOR AS TO THE RETURN ADDRESS IS NOT A VALID BALLOT; AND AMENDING SECTIONS 13-19-106, 13-19-206, AND 13-19-311, MCA."

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

Section 1. Section 13-19-106, MCA, is amended to read:

"**13-19-106. General requirements for mail ballot election.** A mail ballot election must be conducted substantially as follows:

(1) Official ballots must be prepared and all other initial procedures followed as otherwise provided by law, except that mail ballots are not required to have stubs.

(2) An official ballot must be mailed to every qualified elector of the political subdivision conducting the election.

(3) Each return/verification envelope must contain a form prescribed by the secretary of state for the elector to VERIFY THE ACCURACY OF THE ELECTOR'S ADDRESS OR correct NOTIFY THE ELECTION ADMINISTRATOR OF the elector's CORRECT mailing address and to return the corrected address with the voted ballot in the manner provided by 13-19-306.

~~(3)~~(4) The elector shall mark the ballot at home and place it in a secrecy envelope.

~~(4)~~(5) The elector shall then place the secrecy envelope containing ~~his~~ the elector's ballot in a return/verification envelope and shall return it by mailing it or delivering it in person to a place of deposit designated by the election administrator so that it is received ~~prior to~~ before a specified time on election day.

~~(5)~~(6) Once returned, election officials shall first qualify the submitted ballot by examining the return/verification envelope to determine whether it is submitted by a qualified elector who has not

1 previously voted.

2 ~~(6)~~(7) If the ballot ~~se~~ qualifies and is otherwise valid, officials shall then open the return/verification
3 envelope and remove the secrecy envelope, which is then voted by depositing it unopened in an official
4 ballot box.

5 ~~(7)~~(8) After the close of polls on election day, voted ballots must be counted and canvassed as
6 otherwise provided by law."

7

8 **Section 2.** Section 13-19-206, MCA, is amended to read:

9 **"13-19-206. Distributing materials to electors -- procedure.** For each election conducted under this
10 chapter, the election administrator shall:

11 (1) mail a single packet to every qualified elector of the political subdivision conducting the
12 election;

13 (2) ensure that each packet contains only one each of the following:

14 (a) an official ballot, except that the election administrator may include separate ballots for each
15 type of election being held concurrently;

16 (b) a secrecy envelope;

17 (c) a return/verification envelope; and

18 (d) complete written instructions for voting and returning ballots; and

19 (3) ensure that each packet is:

20 ~~(a) clearly marked on its face with words stating the appropriate postal regulation language to~~
21 ~~prohibit forwarding of the packet;~~

22 ~~(b)~~(a) addressed to a single individual elector at the most current address available from the official
23 registration records; and

24 ~~(c)~~(b) deposited in the United States mail with sufficient prepaid postage for it to be delivered to
25 the elector's address."

26

27 **Section 3.** Section 13-19-311, MCA, is amended to read:

28 **"13-19-311. Valid ballots -- requirements.** (1) Only valid ballots may be counted in an election
29 conducted under this chapter.

30 (2) For the purpose of this chapter, a ballot is valid only if:

- 1 (a) it is sealed in the secrecy envelope and returned in the return/verification envelope;
- 2 (b) the elector's signature on the affidavit on the return/verification envelope is verified pursuant
3 to 13-19-310; and
- 4 (c) it is received before 8 p.m. on election day.
- 5 (3) A ballot is invalid if:
- 6 (a) more than one ballot is enclosed in a single return/verification or secrecy envelope unless there
7 are multiple elections being held at the same time and there is only one ballot for each election in the
8 envelope; or
- 9 (b) any identifying marks are placed on the ballot by the elector.
- 10 (4) Failure of an elector to VERIFY THE ACCURACY OF THE ELECTOR'S ADDRESS OR correct
11 NOTIFY THE ELECTION ADMINISTRATOR OF the elector's CORRECT mailing address in conjunction with
12 a mailed ballot, as provided in 13-19-106, does not invalidate INVALIDATES an otherwise valid mailed
13 ballot."

14

-END-

1 HOUSE BILL NO. 76

2 INTRODUCED BY MASOLO

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR CORRECTION OF ELECTOR ADDRESSES IN
5 CONJUNCTION WITH MAILED BALLOT ELECTIONS; ALLOWING FORWARDING OF MAILED BALLOTS;
6 REQUIRING ELECTION ADMINISTRATORS TO PROVIDE A FORM FOR THE ELECTOR TO CORRECT THE
7 ELECTOR'S MAILING ADDRESS; PROVIDING THAT AN OTHERWISE VALID MAILED BALLOT THAT HAS
8 NOT BEEN CORRECTED BY THE ELECTOR AS TO THE RETURN ADDRESS IS NOT A VALID BALLOT; AND
9 AMENDING SECTIONS 13-19-106, 13-19-206, AND 13-19-311, MCA."

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

12
13 **Section 1.** Section 13-19-106, MCA, is amended to read:

14 **"13-19-106. General requirements for mail ballot election.** A mail ballot election must be
15 conducted substantially as follows:

16 (1) Official ballots must be prepared and all other initial procedures followed as otherwise provided
17 by law, except that mail ballots are not required to have stubs.

18 (2) An official ballot must be mailed to every qualified elector of the political subdivision conducting
19 the election.

20 (3) Each return/verification envelope must contain a form prescribed by the secretary of state for
21 the elector to VERIFY THE ACCURACY OF THE ELECTOR'S ADDRESS OR ~~correct~~ NOTIFY THE ELECTION
22 ADMINISTRATOR OF the elector's CORRECT mailing address and to return the corrected address with the
23 voted ballot in the manner provided by 13-19-306.

24 ~~(3)(4)~~ (4) The elector shall mark the ballot at home and place it in a secrecy envelope.

25 ~~(4)(5)~~ (5) The elector shall then place the secrecy envelope containing ~~his~~ the elector's ballot in a
26 return/verification envelope and shall return it by mailing it or delivering it in person to a place of deposit
27 designated by the election administrator so that it is received ~~prior to~~ before a specified time on election
28 day.

29 ~~(5)(6)~~ (6) Once returned, election officials shall first qualify the submitted ballot by examining the
30 return/verification envelope to determine whether it is submitted by a qualified elector who has not

1 previously voted.

2 ~~(6)~~(7) If the ballot ~~se~~ qualifies and is otherwise valid, officials shall then open the return/verification
3 envelope and remove the secrecy envelope, which is then voted by depositing it unopened in an official
4 ballot box.

5 ~~(7)~~(8) After the close of polls on election day, voted ballots must be counted and canvassed as
6 otherwise provided by law."

7

8 **Section 2.** Section 13-19-206, MCA, is amended to read:

9 "13-19-206. **Distributing materials to electors -- procedure.** For each election conducted under this
10 chapter, the election administrator shall:

11 (1) mail a single packet to every qualified elector of the political subdivision conducting the
12 election;

13 (2) ensure that each packet contains only one each of the following:

14 (a) an official ballot, except that the election administrator may include separate ballots for each
15 type of election being held concurrently;

16 (b) a secrecy envelope;

17 (c) a return/verification envelope; and

18 (d) complete written instructions for voting and returning ballots; and

19 (3) ensure that each packet is:

20 ~~(a) clearly marked on its face with words stating the appropriate postal regulation language to~~
21 ~~prohibit forwarding of the packet;~~

22 ~~(b)~~(a) addressed to a single individual elector at the most current address available from the official
23 registration records; and

24 ~~(e)~~(b) deposited in the United States mail with sufficient prepaid postage for it to be delivered to
25 the elector's address."

26

27 **Section 3.** Section 13-19-311, MCA, is amended to read:

28 "13-19-311. **Valid ballots -- requirements.** (1) Only valid ballots may be counted in an election
29 conducted under this chapter.

30 (2) For the purpose of this chapter, a ballot is valid only if:

- 1 (a) it is sealed in the secrecy envelope and returned in the return/verification envelope;
- 2 (b) the elector's signature on the affidavit on the return/verification envelope is verified pursuant
- 3 to 13-19-310; and
- 4 (c) it is received before 8 p.m. on election day.
- 5 (3) A ballot is invalid if:
- 6 (a) more than one ballot is enclosed in a single return/verification or secrecy envelope unless there
- 7 are multiple elections being held at the same time and there is only one ballot for each election in the
- 8 envelope; or
- 9 (b) any identifying marks are placed on the ballot by the elector.
- 10 (4) Failure of an elector to VERIFY THE ACCURACY OF THE ELECTOR'S ADDRESS OR ~~correct~~
- 11 NOTIFY THE ELECTION ADMINISTRATOR OF the elector's CORRECT mailing address in conjunction with
- 12 a mailed ballot, as provided in 13-19-106, ~~does not invalidate~~ INVALIDATES an otherwise valid mailed
- 13 ballot."

14

-END-