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House BILL NO. 550

INTRODUCED BY

Cochran

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING AND CLARIFYING WHAT ELECTIONS MAY BE CONDUCTED BY MAIL; AND AMENDING SECTIONS 13-19-102 AND 13-19-104, MCA."

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

Section 1. Section 13-19-102, MCA, is amended to read:

"13-19-102. Definitions. As used in this chapter, the following definitions apply:

(1) "Election day" is the date established by law on which a particular election would be held if that election were being conducted by means other than a mail ballot election.

(2) "Mail ballot election" means any election ~~that involves either candidates or ballot issues and~~ is conducted by mail pursuant to 13-19-104 and in compliance with the procedure specified in 13-19-106.

(3) "Political subdivision" means a political subdivision of the state, including a school district.

(4) "Return/verification envelope" means an envelope that contains a secrecy envelope and ballot and ~~which~~ that is designed to:

(a) allow election officials, upon examination of the outside of the envelope, to determine that the ballot is being submitted by someone who is in fact a qualified elector and who has not already voted; and

(b) allow it to be used in the United States mail.

(5) "Secrecy envelope" means an envelope used to contain the elector's ballot and that is designed to conceal the elector's vote and to prevent that elector's ballot from being distinguished from the ballots of other electors."

Section 2. Section 13-19-104, MCA, is amended to read:

"13-19-104. Mail ballot elections not mandatory -- when authorized -- when prohibited -- when county election administrator conducts. (1) Conducting elections by mail ballot is only one option available to local officials, and ~~nothing in this chapter mandates~~ does not mandate that the procedure be used.

(2) ~~The following elections~~ Except as provided in subsection (3), any election may be conducted by mail ballot:

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A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING AND CLARIFYING WHAT ELECTIONS
MAY BE CONDUCTED BY MAIL; AND AMENDING SECTIONS 13-19-102 AND 13-19-104, MCA."

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Section 1. Section 13-19-102, MCA, is amended to read:

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"13-19-102. Definitions. As used in this chapter, the following definitions apply:

11

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election were being conducted by means other than a mail ballot election.

13

(2) "Mail ballot election" means any election ~~that involves either candidates or ballot issues and~~
~~is conducted by mail pursuant to 13-19-104 and in compliance with the procedure specified in 13-19-106.~~

15

(3) "Political subdivision" means a political subdivision of the state, including a school district.

16

(4) "Return/verification envelope" means an envelope that contains a secrecy envelope and ballot
and ~~which~~ that is designed to:

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(a) allow election officials, upon examination of the outside of the envelope, to determine that the
ballot is being submitted by someone who is in fact a qualified elector and who has not already voted; and

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(b) allow it to be used in the United States mail.

21

(5) "Secrecy envelope" means an envelope used to contain the elector's ballot and that is designed
to conceal the elector's vote and to prevent that elector's ballot from being distinguished from the ballots
of other electors."

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Section 2. Section 13-19-104, MCA, is amended to read:

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county election administrator conducts. (1) Conducting elections by mail ballot is only one option available
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14 is conducted by mail pursuant to 13-19-104 and in compliance with the procedure specified in 13-19-106.

15 (3) "Political subdivision" means a political subdivision of the state, including a school district.

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27 **county election administrator conducts.** (1) Conducting elections by mail ballot is only one option available
28 to local officials, and ~~nothing in this chapter mandates~~ does not mandate that the procedure be used.

29 (2) ~~The following elections~~ Except as provided in subsection (3), any election may be conducted
30 by mail ballot:

- 1 ~~(a) an election in a political subdivision required to hold annual elections under 13-1-104(3);~~
2 ~~(b) an election in a city of the third class, as defined in 7-1-4111(3), if all of the candidates whose~~
3 ~~names will appear on the ballot are candidates for offices to be elected without party designation;~~
4 ~~(c) an election in a town as defined in 7-1-4111(4);~~
5 ~~(d) an election conducted under 7-13-2236 in an unincorporated area; and~~
6 ~~(e) a special election called by a local government unit for the sole purpose of submitting one or~~
7 ~~more ballot issues to its qualified electors if such special election is not held in conjunction with a statutorily~~
8 ~~scheduled election.~~

9 (3) The following elections may not be conducted by mail ballot:

- 10 ~~(a) an election held for one of the purposes or at the time provided in 13-1-104(1) and~~
11 ~~13-1-107(1);~~
12 ~~(b) an election held for one of the purposes or at the time provided in 13-1-104(2) and~~
13 ~~13-1-107(2), except as specifically allowed by subsections (2)(b) and (2)(c) of this section;~~
14 ~~(c) an election being held under the provisions of the Montana Recall Act, in Title 2, chapter 16,~~
15 ~~part 6;~~
16 ~~(d) an election involving candidates for public office, except as specifically allowed by subsections~~
17 ~~(2)(a) through (2)(c) of this section; and~~
18 ~~(e) a special election being held in conjunction with a statutorily scheduled election a regularly~~
19 ~~scheduled federal, state, or county election;~~
20 (b) a special federal or state election, unless authorized by the legislature; or
21 (c) a regularly scheduled or special election when another election in the political subdivision is
22 taking place at the polls on the same day.
23 (4) If more than one mail ballot election is being conducted in the political subdivision on the same
24 day, the county election administrator shall conduct the elections."

25

-END-

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INTRODUCED BY COCCHIARELLA

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13 ~~13-1-107(2), except as specifically allowed by subsections (2)(b) and (2)(c) of this section;~~
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-END-