



AN ACT GENERALLY REVISING LAWS RELATING TO ELECTIONS; REVISING CERTAIN DEFINITIONS AND TERMS; REVISING CERTAIN REQUIREMENTS RELATED TO BALLOTS CAST FOR DISABLED ELECTORS; REVISING TERMINOLOGY RELATED TO VOTER REGISTRATION FORMS, VOTER LISTS, AND VOTER RECORDS; REVISING ELECTION JUDGE INSTRUCTION; REVISING NOTICE REQUIREMENTS FOR ABSENTEE BALLOT COUNTING; REVISING CERTAIN TIMELINES FOR THE COUNTING OF FEDERAL WRITE-IN BALLOTS; UPDATING LANGUAGE REGARDING BALLOT ISSUE CERTIFICATION; SUBSTITUTING THE SECRETARY OF STATE FOR THE ELECTION ADMINISTRATOR WITH RESPECT TO PROPOSED CONSTITUTIONAL AMENDMENT NOTIFICATION; UPDATING THE METHOD FOR CANVASSING BALLOT ISSUES; ELIMINATING CERTAIN REQUIREMENTS CONCERNING JOINDER OF PARTIES IN ACTIONS TO COMPEL A REGISTRAR TO ENTER AN ELECTOR IN A PRECINCT REGISTER; ELIMINATING AUTHORIZATION TO HOLD A MILL LEVY FOR ADMINISTERING AN ABSENTEE ELECTION BOARD PROGRAM; ELIMINATING A REQUIREMENT FOR NOTIFICATION IF RETURNS NOT RECEIVED FROM COUNTIES; AMENDING SECTIONS 13-1-101, 13-1-116, 13-1-121, 13-2-220, 13-2-512, 13-2-513, 13-3-213, 13-4-203, 13-10-404, 13-10-602, 13-13-114, 13-13-213, 13-13-241, 13-13-245, 13-15-105, 13-15-107, 13-15-205, 13-19-303, 13-19-304, 13-21-104, 13-21-206, 13-27-103, 13-27-204, 13-27-205, 13-27-206, 13-27-207, 13-27-303, 13-27-304, 13-27-308, 13-27-311, 13-27-503, AND 13-35-207, MCA; REPEALING SECTIONS 13-1-122, 13-2-601, 13-2-602, 13-13-230, AND 13-15-503, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.

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

**Section 1.** Section 13-1-101, MCA, is amended to read:

**"13-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Active elector" means an elector whose name has not been placed on the inactive list due to failure to respond to confirmation notices pursuant to 13-2-220 or 13-19-313.

(2) "Active list" means a list of active electors maintained pursuant to 13-2-220.

(3) "Anything of value" means any goods that have a certain utility to the recipient that is real and that is ordinarily not given away free but is purchased.

(4) "Application for voter registration" means a voter registration form prescribed by the secretary of state that is completed and signed by an elector, is submitted to the election administrator, and contains voter registration information subject to verification as provided by law.

(5) "Ballot" means a paper ballot counted manually or a paper ballot counted by a machine, such as an optical scan system or other technology that automatically tabulates votes cast by processing the paper ballots.

(6) (a) "Ballot issue" or "issue" means a proposal submitted to the people at an election for their approval or rejection, including but not limited to an initiative, referendum, proposed constitutional amendment, recall question, school levy question, bond issue question, or ballot question.

(b) For the purposes of chapters 35 and 37, an issue becomes a "ballot issue" upon certification by the proper official that the legal procedure necessary for its qualification and placement on the ballot has been completed, except that a statewide issue becomes a "ballot issue" upon preparation and transmission by the secretary of state of the form of the petition or referral to the person who submitted the proposed issue.

(7) "Ballot issue committee" means a political committee specifically organized to support or oppose a ballot issue.

(8) "Candidate" means:

(a) an individual who has filed a declaration or petition for nomination, acceptance of nomination, or appointment as a candidate for public office as required by law;

(b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and retained contributions, made expenditures, or given consent to an individual, organization, political party, or committee to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure nomination or election to any office at any time, whether or not the office for which the individual will seek nomination or election is known when the:

(i) solicitation is made;

(ii) contribution is received and retained; or

(iii) expenditure is made; or

(c) an officeholder who is the subject of a recall election.

(9) (a) "Contribution" means:

- (i) the receipt by a candidate or a political committee of an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value to support or oppose a candidate or a ballot issue;
- (ii) an expenditure, including an in-kind expenditure, that is made in coordination with a candidate or ballot issue committee and is reportable by the candidate or ballot issue committee as a contribution;
- (iii) the receipt by a political committee of funds transferred from another political committee; or
- (iv) the payment by a person other than a candidate or political committee of compensation for the personal services of another person that are rendered to a candidate or political committee.

(b) "Contribution" does not mean services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee or meals and lodging provided by individuals in their private residences for a candidate or other individual.

(10) "Coordinated", including any variations of the term, means made in cooperation with, in consultation with, at the request of, or with the express prior consent of a candidate or political committee or an agent of a candidate or political committee.

(11) "De minimis act" means an action, contribution, or expenditure that is so small that it does not trigger registration, reporting, disclaimer, or disclosure obligations under Title 13, chapter 35 or 37, or warrant enforcement as a campaign practices violation under Title 13, chapter 37.

(12) "Election" means a general, special, or primary election held pursuant to the requirements of state law, regardless of the time or purpose.

(13) "Election administrator" means the county clerk and recorder or the individual designated by a county governing body to be responsible for all election administration duties, except that with regard to school elections not administered by the county, the term means the school district clerk.

(14) (a) "Election communication" means the following forms of communication to support or oppose a candidate or ballot issue:

- (i) a paid advertisement broadcast over radio, television, cable, or satellite;
- (ii) paid placement of content on the internet or other electronic communication network;
- (iii) a paid advertisement published in a newspaper or periodical or on a billboard;
- (iv) a mailing; or
- (v) printed materials.

(b) The term does not mean:

(i) an activity or communication for the purpose of encouraging individuals to register to vote or to vote, if that activity or communication does not mention or depict a clearly identified candidate or ballot issue;

(ii) a communication that does not support or oppose a candidate or ballot issue;

(iii) a bona fide news story, commentary, blog, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, internet website, or other periodical publication of general circulation;

(iv) a communication by any membership organization or corporation to its members, stockholders, or employees; or

(v) a communication that the commissioner determines by rule is not an election communication.

(15) "Election judge" means a person who is appointed pursuant to Title 13, chapter 4, part 1, to perform duties as specified by law.

~~(15)~~(16) (a) "Electioneering communication" means a paid communication that is publicly distributed by radio, television, cable, satellite, internet website, newspaper, periodical, billboard, mail, or any other distribution of printed materials, that is made within 60 days of the initiation of voting in an election, that does not support or oppose a candidate or ballot issue, that can be received by more than 100 recipients in the district voting on the candidate or ballot issue, and that:

(i) refers to one or more clearly identified candidates in that election;

(ii) depicts the name, image, likeness, or voice of one or more clearly identified candidates in that election; or

(iii) refers to a political party, ballot issue, or other question submitted to the voters in that election.

(b) The term does not mean:

(i) a bona fide news story, commentary, blog, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, internet website, or other periodical publication of general circulation unless the facilities are owned or controlled by a candidate or political committee;

(ii) a communication by any membership organization or corporation to its members, stockholders, or employees;

(iii) a commercial communication that depicts a candidate's name, image, likeness, or voice only in the candidate's capacity as owner, operator, or employee of a business that existed prior to the candidacy;

(iv) a communication that constitutes a candidate debate or forum or that solely promotes a candidate

debate or forum and is made by or on behalf of the person sponsoring the debate or forum; or

(v) a communication that the commissioner determines by rule is not an electioneering communication.

~~(16)~~(17) "Elector" means an individual qualified to vote under state law.

~~(17)~~(18) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift of money or anything of value:

(i) made by a candidate or political committee to support or oppose a candidate or a ballot issue; or

(ii) used or intended for use in making independent expenditures or in producing electioneering communications.

(b) "Expenditure" does not mean:

(i) services, food, or lodging provided in a manner that they are not contributions under subsection (9);

(ii) payments by a candidate for a filing fee or for personal travel expenses, food, clothing, lodging, or personal necessities for the candidate and the candidate's family;

(iii) the cost of any bona fide news story, commentary, blog, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or

(iv) the cost of any communication by any membership organization or corporation to its members or stockholders or employees.

~~(18)~~(19) "Federal election" means an election in even-numbered years in which an elector may vote for individuals for the office of president of the United States or for the United States congress.

~~(19)~~(20) "General election" means an election that is held for offices that first appear on a primary election ballot, unless the primary is canceled as authorized by law, and that is held on a date specified in 13-1-104.

~~(20)~~(21) "Inactive elector" means an individual who failed to respond to confirmation notices and whose name was placed on the inactive list pursuant to 13-2-220 or 13-19-313.

~~(21)~~(22) "Inactive list" means a list of inactive electors maintained pursuant to 13-2-220 or 13-19-313.

~~(22)~~(23) (a) "Incidental committee" means a political committee that is not specifically organized or operating for the primary purpose of supporting or opposing candidates or ballot issues but that may incidentally become a political committee by receiving a contribution or making an expenditure.

(b) For the purpose of this subsection ~~(22)~~ (23), the primary purpose is determined by the commissioner by rule and includes criteria such as the allocation of budget, staff, or members' activity or the statement of purpose or goal of the person or individuals that form the committee.

~~(23)~~(24) "Independent committee" means a political committee organized for the primary purpose of receiving contributions and making expenditures that is not controlled either directly or indirectly by a candidate and that does not coordinate with a candidate in conjunction with the making of expenditures except pursuant to the limits set forth in 13-37-216(1).

~~(24)~~(25) "Independent expenditure" means an expenditure for an election communication to support or oppose a candidate or ballot issue made at any time that is not coordinated with a candidate or ballot issue committee.

~~(25)~~(26) "Individual" means a human being.

~~(26)~~(27) "Legally registered elector" means an individual whose application for voter registration was accepted, processed, and verified as provided by law.

~~(27)~~(28) "Mail ballot election" means any election that is conducted under Title 13, chapter 19, by mailing ballots to all active electors.

~~(28)~~(29) "Person" means an individual, corporation, association, firm, partnership, cooperative, committee, including a political committee, club, union, or other organization or group of individuals or a candidate as defined in subsection (8).

~~(29)~~(30) "Place of deposit" means a location designated by the election administrator pursuant to 13-19-307 for a mail ballot election conducted under Title 13, chapter 19.

~~(30)~~(31) (a) "Political committee" means a combination of two or more individuals or a person other than an individual who receives a contribution or makes an expenditure:

(i) to support or oppose a candidate or a committee organized to support or oppose a candidate or a petition for nomination;

(ii) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

(iii) to prepare or disseminate an election communication, an electioneering communication, or an independent expenditure.

(b) Political committees include ballot issue committees, incidental committees, independent committees, and political party committees.

(c) A candidate and the candidate's treasurer do not constitute a political committee.

(d) A political committee is not formed when a combination of two or more individuals or a person other than an individual makes an election communication, an electioneering communication, or an independent

expenditure of \$250 or less.

~~(31)~~(32) "Political party committee" means a political committee formed by a political party organization and includes all county and city central committees.

~~(32)~~(33) "Political party organization" means a political organization that:

- (a) was represented on the official ballot in either of the two most recent statewide general elections; or
- (b) has met the petition requirements provided in Title 13, chapter 10, part 5.

~~(33)~~(34) "Political subdivision" means a county, consolidated municipal-county government, municipality, special purpose district, or any other unit of government, except school districts, having authority to hold an election.

~~(34)~~(35) "Polling place election" means an election primarily conducted at polling places rather than by mail under the provisions of Title 13, chapter 19.

~~(35)~~(36) "Primary" or "primary election" means an election held on a date specified in 13-1-107 to nominate candidates for offices filled at a general election.

~~(36)~~(37) "Provisional ballot" means a ballot cast by an elector whose identity or eligibility to vote has not been verified as provided by law.

~~(37)~~(38) "Provisionally registered elector" means an individual whose application for voter registration was accepted but whose identity or eligibility has not yet been verified as provided by law.

~~(38)~~(39) "Public office" means a state, county, municipal, school, or other district office that is filled by the people at an election.

~~(39)~~(40) "Random-sample audit" means an audit involving a manual count of ballots from designated races and ballot issues in precincts selected through a random process as provided in 13-17-503.

~~(40)~~(41) "Registrar" means the county election administrator and any regularly appointed deputy or assistant election administrator.

~~(41)~~(42) "Regular school election" means the school trustee election provided for in 20-20-105(1).

~~(42)~~(43) "School election" has the meaning provided in 20-1-101.

~~(43)~~(44) "School election filing officer" means the filing officer with whom the declarations for nomination for school district office were filed or with whom the school ballot issue was filed.

~~(44)~~(45) "School recount board" means the board authorized pursuant to 20-20-420 to perform recount duties in school elections.

~~(45)~~(46) "Signature envelope" means an envelope that contains a secrecy envelope and ballot and 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.

~~(46)~~(47) "Special election" means an election held on a day other than the day specified for a primary election, general election, or regular school election.

~~(47)~~(48) "Special purpose district" means an area with special boundaries created as authorized by law for a specialized and limited purpose.

~~(48)~~(49) "Statewide voter registration list" means the voter registration list established and maintained pursuant to 13-2-107 and 13-2-108.

~~(49)~~(50) "Support or oppose", including any variations of the term, means:

(a) using express words, including but not limited to "vote", "oppose", "support", "elect", "defeat", or "reject", that call for the nomination, election, or defeat of one or more clearly identified candidates, the election or defeat of one or more political parties, or the passage or defeat of one or more ballot issues submitted to voters in an election; or

(b) otherwise referring to or depicting one or more clearly identified candidates, political parties, or ballot issues in a manner that is susceptible of no reasonable interpretation other than as a call for the nomination, election, or defeat of the candidate in an election, the election or defeat of the political party, or the passage or defeat of the ballot issue or other question submitted to the voters in an election.

~~(50) "Transfer form" means a form prescribed by the secretary of state that may be filled out by an elector to transfer the elector's registration when the elector's residence address has changed within the county.~~

(51) "Valid vote" means a vote that has been counted as valid or determined to be valid as provided in 13-15-206.

(52) "Voted ballot" means a ballot that is:

(a) deposited in the ballot box at a polling place;

(b) received at the election administrator's office; or

(c) returned to a place of deposit.

(53) "Voting system" or "system" means any machine, device, technology, or equipment used to



automatically record, tabulate, or process the vote of an elector cast on a paper ballot."

**Section 2.** Section 13-1-116, MCA, is amended to read:

**"13-1-116. Fingerprint, mark, or agent for disabled electors -- rulemaking.** (1) Except as otherwise specified by law, the provisions of this section apply.

(2) Whenever a signature is required by an elector under a provision of this title and the elector is unable because of a disability to provide a signature, the elector may provide a fingerprint, subject to subsection (6), or an identifying mark or may request that an agent, election administrator, or election judge sign for the elector as provided in this section.

(3) If an elector is unable to provide a fingerprint or an identifying mark and the elector has not established an agent pursuant to subsection (4), the election administrator or an election judge may sign for the elector after reviewing and verifying the elector's identification.

(4) (a) An elector who is unable to provide a signature may apply to the election administrator to have another person designated as an agent for purposes of providing a signature or identifying mark required pursuant to this title and for providing any other assistance to the elector throughout the registration and voting process. The use of an agent is a reasonable accommodation under the provisions of 49-2-101(19)(b).

(b) An application for designation of an agent by an elector under this section must be made on a form prescribed by the secretary of state. The secretary of state shall by rule establish the criteria that must be met and the process that must be followed in order for a person to become a designated agent for a disabled elector pursuant to this subsection (4).

(5) If an ~~agent~~, election administrator, or election judge signs or marks a document for an elector pursuant to this section, the ~~agent~~, election administrator, or election judge shall initial the signature or mark.

(6) A disabled elector may not be required to provide a fingerprint."

**Section 3.** Section 13-1-121, MCA, is amended to read:

**"13-1-121. Question of holding constitutional convention -- form and content.** (1) Unless otherwise submitted earlier, the secretary of state shall cause the question of holding an unlimited constitutional convention to be submitted to the people at the general election in 1990. The same question ~~shall~~ must be submitted at the general election in each 20th year following its last submission, unless otherwise submitted earlier.

(2) The ballot submitting the question to the people must contain the following:

Article XIV, sections 3 and 4, of the Montana constitution require the question of holding an unlimited constitutional convention to be submitted to the people at the general election in each 20th year following its last submission. If a majority of those voting on the question answer in the affirmative, the legislature shall provide for the calling of a constitutional convention at its next session.

FOR calling a constitutional convention

AGAINST calling a constitutional convention"

**Section 4.** Section 13-2-220, MCA, is amended to read:

**"13-2-220. Maintenance of active and inactive voter registration lists for elections -- rules by secretary of state.** (1) The rules adopted by the secretary of state under 13-2-108 must include the following procedures, at least one of which an election administrator shall follow in every odd-numbered year:

(a) compare the entire list of registered electors against the national change of address files and provide appropriate confirmation notice to those individuals whose addresses have apparently changed;

(b) mail a nonforwardable, first-class, "return if undeliverable--address correction requested" notice to all registered electors of each jurisdiction to confirm their addresses and provide the appropriate confirmation notice to those individuals who return the notices;

(c) mail a targeted mailing to electors who failed to vote in the preceding federal general election, applicants who failed to provide required information on registration ~~cards~~ forms, and provisionally registered electors by:

(i) sending the list of nonvoters a nonforwardable notice, followed by the appropriate forwardable confirmation notice to those electors who appear to have moved from their addresses of record;

(ii) comparing the list of nonvoters against the national change of address files, followed by the appropriate confirmation notices to those electors who appear to have moved from their addresses of record;

(iii) sending forwardable confirmation notices; or

(iv) making a door-to-door canvass.

(2) An individual who submits an application for an absentee ballot for a federal general election or who completes and returns the address confirmation notice specified in 13-13-212(3) during the calendar year in which a federal general election is held is not subject to the procedure in subsection (1)(c) unless the individual's ballot

for a federal general election is returned as undeliverable and the election administrator is not able to contact the elector through the most expedient means available to resolve the issue.

(3) Any notices returned as undeliverable to the election administrator or any notices to which the elector fails to respond after the election administrator uses the procedures provided in subsection (1) must be followed within 30 days by an appropriate confirmation notice that is a forwardable, first-class, postage-paid, self-addressed, return notice. If the elector fails to respond within 30 days of the final confirmation notice, after the 30th day, the election administrator shall move the elector to the inactive list.

(4) A procedure used by an election administrator pursuant to this section must be completed at least 90 days before a primary or general election for federal office.

(5) An elector's registration may be reactivated pursuant to 13-2-222 or may be canceled pursuant to 13-2-402."

**Section 5.** Section 13-2-512, MCA, is amended to read:

**"13-2-512. Right to vote when precinct or name changed -- change of status.** (1) An elector who has changed residence to a different precinct within the same county and has failed to notify the election administrator of the change by a ~~transfer or~~ new registration form may vote at the polling place or by absentee or mail ballot in the precinct where the elector is registered at the first election at which the elector offers to vote after the change or at a central location designated by the election administrator unless the elector's registration has been canceled as provided in 13-2-402.

(2) An elector who still resides in the same precinct where registered, whose name has changed, and who has failed to notify the election administrator of the change by a new registration form may vote under the elector's former name at the first election at which the elector offers to vote after the change unless the elector's registration has been canceled as provided in 13-2-402.

(3) The elector shall state the elector's correct residence address and name when offering to vote and shall complete a ~~transfer form or~~ new registration form to make the necessary correction before being allowed to vote in a polling place election or by absentee or mail ballot."

**Section 6.** Section 13-2-513, MCA, is amended to read:

**"13-2-513. Procedure for ~~transferring or~~ correcting or updating registration.** Subject to the rules

adopted under 13-2-108, the election administrator shall make the necessary corrections or updates in the registration records when the election administrator receives a ~~transfer form or~~ corrected or updated registration form."

**Section 7.** Section 13-3-213, MCA, is amended to read:

**"13-3-213. Alternative means for casting ballot.** (1) The election administrator shall provide individuals with disabilities and elderly individuals an alternative means for casting a ballot on election day if they are assigned to an inaccessible polling place. These alternative means for casting a ballot include:

- (a) delivery of a ballot to the elector as provided in 13-13-118;
- (b) voting by absentee ballot as provided in 13-13-222; and
- (c) prearranged assignment to an accessible polling place within the county.

(2) An elector with a disability or an elderly elector assigned to an inaccessible polling place who desires to vote at an accessible polling place:

(a) shall request assignment to an accessible polling place by notifying the election administrator in writing at least 7 days preceding the election;

(b) must be assigned to the nearest accessible polling place for the purpose of voting in the election;

(c) shall sign the elector's name on a special addendum to the official precinct register as required in ~~13-2-604~~ subsection (4); and

(d) must receive the same ballot to which the elector is otherwise entitled.

(3) For the purpose of subsection (2), the ballot cast at an alternative polling place must be processed and counted in the same manner as an absentee ballot.

(4) The name of an elector who has been assigned to vote in a precinct other than the precinct in which the person is registered, as provided in subsection (2), must be printed on a special addendum to the precinct register in a form prescribed by the secretary of state."

**Section 8.** Section 13-4-203, MCA, is amended to read:

**"13-4-203. Instruction of judges -- training materials.** (1) Before each election, all election judges must be instructed by the election administrator on current procedures as prescribed by the secretary of state.

In precincts where voting systems are used, instructions must cover both how to operate the voting system and

how to manually process any paper ballots.

(2) An election administrator may require a chief election judge to attend the training session before each election, as well as a special session that the election administrator may hold for chief election judges only, even if the chief election judge possesses a current certificate of completion pursuant to 13-1-203(5)(b).

(3) Any individual willing to be appointed as an election judge may attend an instruction session by registering with the election administrator. However, the individual may not be paid for attendance unless the individual is appointed as an election judge.

(4) Each election judge completing a training session under this section must be given a certificate of completion. An individual may not serve as an election judge without a current certificate. However, this requirement does not apply to individuals filling vacancies in emergencies.

(5) A certificate of completion is current if the certificate is obtained before the primary election in an even-numbered year.

(6) Notice of the place and time of instruction must be given by the election administrator to the presiding officers of the political parties in the county."

**Section 9.** Section 13-10-404, MCA, is amended to read:

**"13-10-404. Placement of candidate on primary ballot -- methods of qualification.** Before an individual intending to qualify as a presidential candidate may qualify for placement on the ballot, the individual shall qualify by one or more of the following methods:

(1) The individual has submitted a declaration for nomination that is signed by the candidate or an authorized ~~election~~ campaign official to the secretary of state pursuant to 13-10-201(2) and has been nominated on petitions with the verified signatures of at least 500 qualified electors. The secretary of state shall prescribe the form and content of the petition.

(2) The individual has submitted a declaration for nomination to the secretary of state pursuant to 13-10-201, and the secretary of state has determined, by the time that declarations for nomination are to be filed, that the individual is eligible to receive payments pursuant to the federal Presidential Primary Matching Payment Account Act, 26 U.S.C. 9031, et seq."

**Section 10.** Section 13-10-602, MCA, is amended to read:

**"13-10-602. Use of party name.** (1) A political party and its regularly nominated candidates, members, and officers have the sole and exclusive right to the use of the party name. A candidate for office may not use any word of the name of any other political party or organization other than that by which the candidate is nominated in a manner that indicates or implies the individual is a candidate of the nonnominating party.

(2) An independent or nonpartisan candidate may not use any word of the name of any existing political party or organization in the candidacy in a manner that indicates or implies that the individual is a candidate of that party or organization."

**Section 11.** Section 13-13-114, MCA, is amended to read:

**"13-13-114. Voter identification and marking precinct register book before elector votes -- provisional voting.** (1) (a) Before an elector is permitted to receive a ballot or vote, the elector shall present to an election judge a current photo identification showing the elector's name. If the elector does not present photo identification, including but not limited to a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification, the elector shall present a current utility bill, bank statement, paycheck, notice of confirmation of voter registration issued pursuant to 13-2-207, government check, or other government document that shows the elector's name and current address.

(b) An elector who provides the information listed in subsection (1)(a) may sign the precinct register and must be provided with a regular ballot to vote.

(c) If the information provided in subsection (1)(a) differs from information in the precinct register but an election judge determines that the information provided is sufficient to verify the voter's identity and eligibility to vote pursuant to 13-2-512, the elector may sign the precinct register, complete a ~~transfer form~~ or new registration form to correct the elector's voter registration information, and vote.

(d) An election judge shall write "~~transfer form~~" or "registration form" beside the name of any elector submitting a form.

(2) If the information presented under subsection (1) is insufficient to verify the elector's identity and eligibility to vote or if the elector's name does not appear in the precinct register or appears in the register as provisionally registered and this provisional registration status cannot be resolved at the polling place, the elector may sign the precinct register and cast a provisional ballot as provided in 13-13-601.

(3) If the elector fails or refuses to sign the elector's name or if the elector is disabled and a fingerprint,

an identifying mark, or a signature by a person authorized to sign for the elector pursuant to 13-1-116 is not provided, the elector may cast a provisional ballot as provided in 13-13-601."

**Section 12.** Section 13-13-213, MCA, is amended to read:

**"13-13-213. Transmission of application to election administrator -- delivery of ballot.** (1) All absentee ballot application forms must be addressed to the appropriate county election office.

(2) Except as provided in subsection (4), the elector may mail the signed application directly to the election administrator or deliver the application in person to the election administrator. An agent designated pursuant to 13-1-116 or a third party may collect the elector's application and forward it to the election administrator.

(3) (a) The election administrator shall compare the signature on the application with the applicant's signature on the registration ~~card~~ form or the agent's signature on the agent designation form. If convinced that the individual making the application is the same as the one whose name appears on the registration ~~card~~ form or the agent designation form, the election administrator shall deliver the ballot to the elector in person or as otherwise provided in 13-13-214, subject to 13-13-205.

(b) If no signature is provided or the election administrator is not convinced that the individual signing the application is the same person whose name appears on the registration ~~card~~ form or agent designation form, the election administrator shall notify the elector as provided in 13-13-245.

(4) In lieu of the requirement provided in subsection (2), an elector who requests an absentee ballot pursuant to 13-13-212(2) may return the application to the absentee election board or an authorized election official. Upon receipt of the application, the absentee election board or authorized election official shall examine the signatures on the application and a copy of the voting registration ~~card~~ form or agent designation form to be provided by the election administrator. If the absentee election board or an authorized election official believes that the applicant is the same person as the one whose name appears on the registration ~~card~~ form or agent designation form, the absentee election board or authorized election official shall provide a ballot to the elector when the ballot is available pursuant to 13-13-205."

**Section 13.** Section 13-13-241, MCA, is amended to read:

**"13-13-241. Examination of absentee ballot signature envelopes -- deposit of absentee and**

**unvoted ballots -- rulemaking.** (1) (a) Upon receipt of each absentee ballot signature envelope, an election administrator shall compare the signature of the elector or elector's agent on the absentee ballot request or on the elector's voter registration ~~card~~ form with the signature on the signature envelope.

(b) If the elector is legally registered and the signature on the signature envelope matches the signature on the absentee ballot application or on the elector's voter registration ~~card~~ form, the election administrator or an election judge shall handle the ballot as a regular ballot.

(c) (i) If the elector is provisionally registered and the signature on the signature envelope matches the signature on the absentee ballot application or on the elector's voter registration ~~card~~ form, the election administrator or an election judge shall open the outer signature envelope and determine whether the elector's voter identification and eligibility information, if enclosed pursuant to 13-13-201, is sufficient pursuant to rules adopted under 13-2-109 to legally register the elector.

(ii) If the voter identification and eligibility information is sufficient to legally register the elector, the ballot must be handled as a regular ballot.

(iii) If voter identification or eligibility information was not enclosed or the information enclosed is insufficient to legally register the elector, the ballot must be handled as a provisional ballot under 13-15-107.

(2) If a voted absentee ballot has not been placed in a secrecy envelope, the election administrator shall place the ballot in a secrecy envelope without examining the ballot.

(3) In a primary election, unvoted party ballots must be separated from the secrecy envelopes and handled without being removed from their enclosure envelopes. If an unvoted party ballot is not received, the election administrator shall process the voted party ballot as if the unvoted party ballot had been received.

(4) If an elector's ballot is to be handled as a provisional ballot, the election administrator shall notify the absentee elector as provided in 13-13-245.

(5) If the signature on the absentee ballot signature envelope does not match the signature on the absentee ballot request form or on the elector's voter registration ~~card~~ form or if there is no signature on the absentee ballot signature envelope, the election administrator shall notify the elector as provided in 13-13-245.

(6) If at any point there is a question concerning the validity of a particular ballot, the question must be resolved as provided in 13-13-245.

(7) After receiving an absentee ballot secrecy envelope and if the validity of the ballot is confirmed pursuant to 13-13-245, then no sooner than 1 business day before election day, the election official may, in the



presence of a poll watcher, open the secrecy envelope and place the ballot in the proper, secured ballot box until tabulation occurs on election day.

(8) The election administrator shall safely and securely keep the absentee ballots in the election administrator's office until delivered by the election administrator to the election judges.

(9) The secretary of state shall develop administrative rules to establish the process and procedures to be used during the early preparation of ballots to ensure the security of the ballots and the secrecy of the votes during the early preparation period. The rules must include but are not limited to:

- (a) the allowable distance from the observers to the judges and ballots;
- (b) the security in the observation area;
- (c) secrecy of votes during the preparation of the ballots; and
- (d) security of the secured ballot boxes in storage until tabulation procedures begin on election day."

**Section 14.** Section 13-13-245, MCA, is amended to read:

**"13-13-245. Notice to elector -- opportunity to resolve questions.** (1) As soon as possible after receipt of an elector's absentee ballot application or signature envelope, the election administrator shall give notice to the elector by the most expedient method available if the election administrator determines that:

- (a) the elector's ballot is to be handled as a provisional ballot;
- (b) the validity of the ballot is in question; or
- (c) the election administrator has not received or is unable to verify the elector's or agent's signature under 13-13-213 or 13-13-241.

(2) The election administrator shall inform the elector that, prior to 8 p.m. on election day, the elector may:

- (a) by mail, facsimile, electronic means, or in person, resolve the issue that resulted in the ballot being handled as a provisional ballot, confirm the validity of the ballot, or verify the elector's or agent's signature or provide a signature, after proof of identification, by affirming that the signature is in fact the elector's, by completing a new registration ~~card~~ form containing the elector's current signature, or by providing a new agent designation form; or

- (b) if necessary, request and receive a replacement ballot pursuant to 13-13-204.

(3) The ballot of an elector who fails to provide information pursuant to subsection (2) must be handled

as a provisional ballot pursuant to 13-15-107.

(4) (a) If a ballot is returned as undeliverable, the election administrator shall investigate the reason for the return.

(b) An elector must be provided with:

(i) the elector's undeliverable ballot upon notification by the elector of the elector's correct mailing address; or

(ii) a replacement ballot if a request has been made pursuant to 13-13-204."

**Section 15.** Section 13-15-105, MCA, is amended to read:

**"13-15-105. Notices relating to absentee ballot counting board.** (1) ~~Whenever an absentee ballot counting board is appointed under 13-15-112, the election administrator shall:~~

~~—— (a) publish in the contracted newspaper of the county as provided in 18-7-411 a notice indicating the method that will be used for counting absentee ballots; and~~

~~—— (b) post in a conspicuous location at the office of the election administrator, by 5 p.m. of the day before an election, a notice that indicates the place and time that the counting board for absentee ballots will meet on election day. Not more than 10 days or less than 2 days before an election, the election administrator shall broadcast on radio or television, as provided in 2-3-105 through 2-3-107, or publish in a newspaper of general circulation in the county a notice indicating the method that will be used for counting absentee ballots and the place and time that the absentee ballots will be counted on election day.~~

(2) If the count will begin while the polls are open, the notice required under subsection (1) must inform the public that any person observing the procedures of the ~~counting board~~ count must be sequestered with the board until the polls are closed and is required to take the oath provided in 13-15-207(4)."

**Section 16.** Section 13-15-107, MCA, is amended to read:

**"13-15-107. Handling and counting provisional and challenged ballots.** (1) To verify eligibility to vote, a provisionally registered individual who casts a provisional ballot has until 5 p.m. on the day after the election to provide valid identification or eligibility information either in person, by facsimile, by electronic means, or by mail postmarked no later than the day after the election.

(2) (a) If a legally registered individual casts a provisional ballot because the individual failed to provide

sufficient identification as required pursuant to 13-13-114(1)(a), the election administrator shall compare the signature of the individual or the individual's agent designated pursuant to 13-1-116 on the affirmation required under 13-13-601 to the signature on the individual's voter registration ~~card~~ form or the agent's designation form.

(b) If the signatures match, the election administrator shall handle the ballot as provided in subsection (5).

(c) If the signatures do not match and the individual or the individual's agent fails to provide valid identification information by the deadline, the ballot must be rejected and handled as provided in 13-15-108.

(3) A provisional ballot must be counted if the election administrator verifies the individual's identity or eligibility pursuant to rules adopted under 13-13-603. However, if the election administrator cannot verify the individual's identity or eligibility under the rules, the individual's provisional ballot must be rejected and handled as provided in 13-15-108. If the ballot is provisional because of a challenge and the challenge was made on the grounds that the individual is of unsound mind or serving a felony sentence in a penal institution, the individual's provisional ballot must be counted unless the challenger provides documentation by 5 p.m. on the day after the election that a court has established that the individual is of unsound mind or that the individual has been convicted and sentenced and is still serving a felony sentence in a penal institution.

(4) The election administrator shall provide an individual who cast a provisional ballot but whose ballot was or was not counted with the reasons why the ballot was or was not counted.

(5) A provisional ballot must be removed from its provisional envelope, grouped with other ballots in a manner that allows for the secrecy of the ballot to the greatest extent possible, and counted as any other provisional ballot if the individual's voter information is:

(a) verified before 5 p.m. on the day after the election; or

(b) postmarked by 5 p.m. on the day after election day and received and verified by 3 p.m. on the sixth day after the election.

(6) Provisional ballots that are not resolved by the end of election day may not be counted until after 3 p.m. on the sixth day after the election."

**Section 17.** Section 13-15-205, MCA, is amended to read:

**"13-15-205. Items to be delivered to election administrator by election judges -- disposition of other items.** (1) Before they adjourn, the election judges shall enclose in a strong envelope or package, securely

fastened:

- (a) the precinct register;
- (b) the list of individuals challenged;
- (c) the pollbook;
- (d) both of the tally sheets.

(2) The election judges shall enclose in a separate container, securely sealed, all unused ballots with the numbered stubs attached.

(3) The election judges shall enclose in a separate container, securely sealed, all ballots voted, including those not counted or allowed, and detached stubs from all counted or rejected absentee ballots. This envelope must be endorsed on the outside "ballots voted". At the primary election the unvoted party ballots must be enclosed in a separate container, securely sealed, and marked on the outside "unvoted ballots".

(4) Each election judge shall ~~write~~ sign the judge's name across all seals.

(5) The return form provided for in 13-15-101 must be returned with the items provided for in this section but may not be sealed in any of the containers.

(6) The containers required by this section must be delivered to the election administrator by the chief election judge or another judge appointed by the chief judge in the manner ordered by the election administrator.

(7) The election administrator shall instruct the chief election judge in writing on the proper disposition of all other election materials and supplies."

**Section 18.** Section 13-19-303, MCA, is amended to read:

**"13-19-303. Voting by elector when absent from place of residence during conduct of election.**

(1) A qualified elector who will be absent from the county during the time the election is being conducted may:

(a) vote in person in the election administrator's office as soon as ballots are available and until noon the day before the ballots are scheduled to be mailed; or

(b) make a written request, signed by the applicant and addressed to the election administrator, that the ballot be mailed to an address other than the address that appears on the registration ~~card~~ form. Written requests must be accepted until noon the day before the ballots are scheduled to be mailed.

(2) (a) Ballots mailed to electors on the active list and provisionally registered list pursuant to this section must be mailed the same day that all other ballots are mailed, except that a ballot requested pursuant to Title 13,

chapter 21, may be sent to the elector as soon as the ballot is available.

(b) A ballot may be provided pursuant to this section until noon on the day before election day if, after the ballots are mailed to active and provisionally registered electors:

- (i) an inactive elector reactivates the elector's registration as provided in 13-2-222; or
- (ii) an individual registers under the late registration option provided for in 13-2-304 and receives a ballot in person."

**Section 19.** Section 13-19-304, MCA, is amended to read:

**"13-19-304. Voting by nonregistered electors.** (1) For any election being conducted under this chapter by a political subdivision that allows individuals to vote who are not registered electors, the individual may vote by appearing in person at the election administrator's office or by providing materials by mail, facsimile, or electronic means and demonstrating that the individual possesses the qualifications required for voting.

(2) An individual complying with subsection (1) before official ballots are available may provide a card form to the election administrator containing the signature of the individual or the individual's agent designated pursuant to 13-1-116 and the address to which the ballot is to be mailed. The signature provided must be used for verification when the mail ballot is returned.

(3) An individual complying with subsection (1) after official ballots are available and before 8 p.m. on election day must be permitted to vote at that time."

**Section 20.** Section 13-21-104, MCA, is amended to read:

**"13-21-104. Adoption of rules on electronic registration and voting -- acceptance of funds.** (1) The secretary of state shall adopt reasonable rules under the rulemaking provisions of the Montana Administrative Procedure Act to implement this chapter. The rules are binding upon election administrators.

(2) The rules must provide that:

- (a) there are uniform statewide standards concerning electronic registration and voting;
- (b) regular absentee ballots for a primary, general, or special election are available in a format that allows the ballot to be electronically transmitted to a ~~United States elector~~ covered voter as soon as the ballots are available pursuant to 13-13-205;

(c) a covered voter may, subject to 13-2-304, register and vote up to the time that the polls close on

election day;

(d) a covered voter is allowed to cast a provisional ballot if there is a question about the elector's registration information or eligibility to vote; and

(e) a ballot cast by a covered voter and transmitted electronically will remain secret, as required by Article IV, section 1, of the Montana constitution. This subsection (2)(e) does not prohibit the adoption of rules establishing administrative procedures on how electronically transmitted votes must be transcribed to an official ballot. However, the rules must be designed to protect the accuracy, integrity, and secrecy of the process.

(3) The secretary of state may apply for and receive a grant of funds from any agency or office of the United States government or from any other public or private source and may use the money for the purpose of implementing this chapter."

**Section 21.** Section 13-21-206, MCA, is amended to read:

**"13-21-206. Counting of federal write-in absentee ballots.** (1) A federal write-in absentee ballot received by an election administrator may be counted only if:

(a) the elector's voter registration and identification information is sufficient to determine that the elector is eligible to vote in the election;

~~(b) the ballot is not received before regular absentee ballots have been printed pursuant to 13-13-205;~~

~~(e)~~**(b)** the election administrator has not received a regular absentee ballot from the elector by 8 p.m. on election day; and

~~(d)~~**(c)** the ballot is sent by 8 p.m. on election day and is received by 3 p.m. on the Monday following the election.

(2) Federal write-in absentee ballots received before the close of the polls on election day may not be counted until the polls have closed."

**Section 22.** Section 13-27-103, MCA, is amended to read:

**"13-27-103. Sufficiency of signature.** A signature may not be counted unless the elector has signed in substantially the same manner as on the voter ~~registry card~~ registration form. If the elector is registered with a first and middle name, the use of an initial instead of either the first or middle name, but not both names, need not disqualify the signature. The signature may be counted so long as the signature, taken as a whole, bears

sufficient similarity to the signature on the ~~registry card~~ registration form as to provide reasonable certainty of its authenticity."

**Section 23.** Section 13-27-204, MCA, is amended to read:

**"13-27-204. Petition for initiative.** (1) The following is substantially the form for a petition calling for a vote to enact a law by initiative:

PETITION TO PLACE INITIATIVE NO. \_\_\_\_\_  
ON THE ELECTION BALLOT

(a) If 5% of the voters in each of one-half of the counties sign this petition and the total number of voters signing this petition is \_\_\_\_\_, this initiative will appear on the next general election ballot. If a majority of voters vote for this initiative at that election, it will become law.

(b) We, the undersigned Montana voters, propose that the secretary of state place the following initiative on the \_\_\_\_\_, 20\_\_\_\_, general election ballot:

(Title of initiative written pursuant to 13-27-312)

(Statement of purpose and implication written pursuant to 13-27-312) (Yes and no statements written pursuant to 13-27-312)

(c) Voters are urged to read the complete text of the initiative, which appears (on the reverse side of, attached to, etc., as applicable) this sheet. A signature on this petition is only to put the initiative on the ballot and does not necessarily mean the signer agrees with the initiative.

(d)

WARNING

A person who purposefully signs a name other than the person's own to this petition, who signs more than once for the same issue at one election, or who signs when not a legally registered Montana voter is subject to a \$500 fine, 6 months in jail, or both.

(e) Each person is required to sign the person's name and list the person's address or telephone number in substantially the same manner as on the person's voter registration ~~card~~ form or the signature will not be counted.

(2) Numbered lines must follow the heading. Each numbered line must contain spaces for the signature, date, residence address, county of residence, and printed last name and first and middle initials of the signer. In

place of a residence address, the signer may provide the signer's post-office address or the signer's home telephone number. An address provided on a petition by the signer that differs from the signer's address as shown on the signer's voter registration ~~card~~ form may not be used as the only means to disqualify the signature of that petition signer."

**Section 24.** Section 13-27-205, MCA, is amended to read:

**"13-27-205. Petition for referendum.** (1) The following is substantially the form for a petition calling for approval or rejection of an act of the legislature by the referendum:

PETITION TO PLACE REFERENDUM NO. \_\_\_\_\_  
ON THE ELECTION BALLOT

(a) If 5% of the voters in each of 34 legislative representative districts sign this petition and the total number of voters signing the petition is \_\_\_\_\_, Senate (House) Bill Number \_\_\_\_\_ will appear on the next general election ballot. If a majority of voters vote for this referendum at that election it will become law.

(b) We, the undersigned Montana voters, propose that the secretary of state place the following Senate (House) Bill Number \_\_\_\_\_, passed by the legislature on \_\_\_\_\_ on the next general election ballot:

(Title of referendum written pursuant to 13-27-312)

(Statement of purpose and implication written pursuant to 13-27-312) (Yes and no statements written pursuant to 13-27-312)

(c) Voters are urged to read the complete text of the referendum, which appears (on the reverse side of, attached to, etc., as applicable) this sheet. A signature on this petition is only to put the referendum on the ballot and does not necessarily mean the signer agrees with the referendum.

(d)

**WARNING**

A person who purposefully signs a name other than the person's own to this petition, who signs more than once for the same issue at one election, or signs when not a legally registered Montana voter is subject to a \$500 fine, 6 months in jail, or both.

(e) Each person is required to sign the person's name and list the person's address or telephone number in substantially the same manner as on the person's voter registration ~~card~~ form or the signature will not be counted.



(2) Numbered lines must follow the heading. Each numbered line must contain spaces for the signature, date, residence address, legislative representative district number, and printed last name and first and middle initials of the signer. In place of a residence address, the signer may provide the signer's post-office address or the signer's home telephone number. An address provided on a petition by the signer that differs from the signer's address as shown on the signer's voter registration ~~card~~ form may not be used as the only means to disqualify the signature of that petition signer."

**Section 25.** Section 13-27-206, MCA, is amended to read:

**"13-27-206. Petition for initiative for constitutional convention.** (1) The following is substantially the form for a petition to direct the secretary of state to submit to the qualified voters the question of whether there will be a constitutional convention:

PETITION TO PLACE  
INITIATIVE NO.\_\_\_\_, CALLING FOR  
A CONSTITUTIONAL CONVENTION, ON  
THE ELECTION BALLOT

(a) If 10% of the voters in each of 40 legislative districts sign this petition and the total number of voters signing this petition is \_\_\_\_\_, the question of whether to have a constitutional convention will appear on the next general election ballot. If a majority of voters vote for the constitutional convention, the legislature shall call for a constitutional convention at its next session.

(b) We, the undersigned Montana voters, propose that the secretary of state place the question of whether to hold a constitutional convention on the \_\_\_\_\_, 20\_\_\_, general election ballot:

(Title of the initiative written pursuant to 13-27-312)

(Statement of purpose and implication written pursuant to 13-27-312) (Yes and no statements written pursuant to 13-27-312)

(c) A signature on this petition is only to put the call for a constitutional convention on the ballot and does not necessarily mean the signer is in favor of calling a constitutional convention.

(d)

WARNING

A person who purposefully signs a name other than the person's own to this petition, who signs more

than once for the same issue at one election, or who signs when not a legally registered Montana voter is subject to a \$500 fine or 6 months in jail, or both.

(e) Each person is required to sign the person's name and list the person's address or telephone number in substantially the same manner as on the person's voter registration ~~card~~ form or the signature will not be counted.

(2) Numbered lines must follow the heading. Each numbered line must also contain spaces for the signature, residence address, legislative representative district number, and printed last name and first and middle initials of the signer. In place of a residence address, the signer may provide the signer's post-office address or the signer's home telephone number. An address provided on a petition by the signer that differs from the signer's address as shown on the signer's voter registration ~~card~~ form may not be used as the only means to disqualify the signature of that petition signer."

**Section 26.** Section 13-27-207, MCA, is amended to read:

**"13-27-207. Petition for initiative for constitutional amendment.** (1) The following is substantially the form for a petition for an initiative to amend the constitution:

PETITION TO PLACE CONSTITUTIONAL  
AMENDMENT NO. \_\_\_\_ ON  
THE ELECTION BALLOT

(a) If 10% of the voters in each of one-half of the counties sign this petition and the total number of voters signing the petition is \_\_\_\_\_, this constitutional amendment will appear on the next general election ballot. If a majority of voters vote for this amendment at that election, it will become part of the constitution.

(b) We, the undersigned Montana voters, propose that the secretary of state place the following constitutional amendment on the \_\_\_\_\_, 20\_\_, general election ballot:

(Title of the proposed constitutional amendment written pursuant to 13-27-312) (Statement of purpose and implication written pursuant to 13-27-312) (Yes and no statements written pursuant to 13-27-312)

(c) Voters are urged to read the complete text of the constitutional amendment, which appears (on the reverse side of, attached to, etc., as applicable) this sheet. A signature on this petition is only to put the constitutional amendment on the ballot and does not necessarily mean the signer agrees with the amendment.

(d)

## WARNING

A person who purposefully signs a name other than the person's own to this petition, who signs more than once for the same issue at one election, or who signs when not a legally registered Montana voter is subject to a \$500 fine, 6 months in jail, or both.

(e) Each person is required to sign the person's name and list the person's address or telephone number in substantially the same manner as on the person's voter registration ~~card~~ form or the signature will not be counted.

(2) Numbered lines must follow the heading. Each numbered line must contain spaces for the signature, date, residence address, county of residence, and printed last name and first and middle initials of the signer. In place of a residence address, the signer may provide the signer's post-office address or the signer's home telephone number. An address provided on a petition by the signer that differs from the signer's address as shown on the signer's voter registration ~~card~~ form may not be used as the only means to disqualify the signature of that petition signer."

**Section 27.** Section 13-27-303, MCA, is amended to read:

**"13-27-303. Verification of signatures by county official -- allocating voters following reapportionment -- duplicate signatures.** (1) Except as required by 13-27-104, within 4 weeks after receiving the sheets or sections of a petition, the county official shall check the names of all signers to verify they are registered electors of the county. In addition, the official shall randomly select signatures on each sheet or section and compare them with the signatures of the electors as they appear in the registration records of the office. If all the randomly selected signatures appear to be genuine, the number of signatures of registered electors on the sheet or section may be certified to the secretary of state without further comparison of signatures. If any of the randomly selected signatures do not appear to be genuine, all signatures on that sheet or section must be compared with the signatures in the registration records of the office.

(2) For the purpose of allocating the signatures of voters among the several legislative representative districts of the state as required to certify a petition for a referendum or a call of a constitutional convention under the provisions of this chapter following the filing of a districting and apportionment plan under 5-1-111 and before the first gubernatorial election following the filing of the plan, the new districts must be used with the number of signatures needed for each legislative representative district being the total votes cast for governor in the last

gubernatorial election divided by the number of legislative representative districts.

(3) Upon discovery of fraudulent signatures or duplicate signatures of an elector on any one issue, the election administrator may submit the name of the elector or the ~~petition circulator~~ signature gatherer, or both, to the county attorney to be investigated under the provisions of 13-27-106 and 13-35-207."

**Section 28.** Section 13-27-304, MCA, is amended to read:

**"13-27-304. County official to forward verified sheets.** The county official verifying the number of registered electors signing the petition shall forward it to the secretary of state by certified mail with a certificate in substantially the following form attached:

To the Honorable \_\_\_\_\_, Secretary of State of the state of Montana:

I, \_\_\_\_\_, \_\_\_\_\_ (title) of the County of \_\_\_\_\_, certify that I have examined the attached (~~section containing \_\_\_\_\_ sheets~~) or (~~\_\_\_\_\_ sheets~~) sheets of the petition for (referendum, initiative, constitutional convention, or constitutional amendment) No. \_\_\_\_ in the manner prescribed by law; and I believe that \_\_\_\_ (number) signatures in (Legislative Representative District No. \_\_\_\_ or the County of \_\_\_\_ ) (repeat for each district or county included in sheet or section) are valid; and I further certify that the affidavit of the ~~circulator~~ signature gatherer of the (~~sheet~~) (~~section~~) of the petition is attached and the ~~post-office address, residence address, or telephone number is completed for each valid signature.~~

Signed: \_\_\_\_\_ (Date) \_\_\_\_\_ (Signature)

Seal \_\_\_\_\_ (Title)"

**Section 29.** Section 13-27-308, MCA, is amended to read:

**"13-27-308. Certification of petition to governor.** When ~~sheets or sections~~ of a petition for referendum, initiative, constitutional convention, or constitutional amendment containing a sufficient number of verified signatures ~~have~~ has been filed with the secretary of state within the time required by the constitution or by law, the secretary of state shall immediately certify to the governor that the completed petition ~~has been officially filed~~ qualifies for the ballot."

**Section 30.** Section 13-27-311, MCA, is amended to read:

**"13-27-311. Publication of proposed constitutional amendments.** (1) If a constitutional amendment

proposed by initiative is submitted to the people, the secretary of state shall have the proposed amendment published in full twice each month for 2 months prior to the election at which it is to be voted upon by the people in not less than one newspaper of general circulation in each county.

(2) (a) For a proposed constitutional amendment referred to the voters by the legislature, the secretary of state may arrange for newspaper publication or radio or television broadcast of the amendment, in each county.

(b) The ballot statements reviewed or prepared by the attorney general for the amendment, as described in 13-27-312 or 13-27-315, are sufficient for the publication allowed by this subsection (2) and should be made at least twice each month for 2 months prior to the election.

(c) The ~~election administrator~~ secretary of state shall select the method of notification that the ~~election administrator~~ secretary of state believes is best suited to reach the largest number of potential electors."

**Section 31.** Section 13-27-503, MCA, is amended to read:

**"13-27-503. Determination of result of election.** The votes on ballot issues must be counted, canvassed, and ~~returned by the regular boards of judges, clerks, and officers~~ certified in the same manner as votes for candidates are counted, canvassed, and ~~returned~~ certified. The abstract of votes on ballot issues must be prepared and returned to the secretary of state in the manner provided by 13-15-501 for abstract of votes for state officers. ~~The~~ At the same time as the votes for state officers are canvassed, the board of state canvassers shall proceed ~~within 20 days after the election at which ballot issues are voted upon and, at the same time as the votes for state officers are canvassed;~~ to canvass the votes given for each ballot issue. The secretary of state, as secretary of the board of state canvassers, shall prepare and file in the secretary of state's office a statement of the canvass, giving the number and title of each issue, the whole number of votes cast in the state for and against each ballot issue, and the effective date of each ballot issue approved by a majority of those voting on the issue. The secretary of state shall transmit a certified copy of the statement of the canvass to the governor."

**Section 32.** Section 13-35-207, MCA, is amended to read:

**"13-35-207. Deceptive election practices.** A person is guilty of false swearing, unsworn falsification, or tampering with public records or information, as appropriate, and is punishable as provided in 45-7-202, 45-7-203, or 45-7-208, as applicable, whenever the person:

- (1) falsely represents the person's name or other information required upon the person's ~~registry card~~ voter registration form and causes registration with the ~~card~~ form;
- (2) signs a ~~registry card~~ voter registration form knowingly witnessing any false or misleading statement;
- (3) knowingly causes a false statement, certificate, or return of any kind to be signed;
- (4) falsely makes a declaration or certificate of nomination;
- (5) files or receives for filing a declaration or certificate of nomination knowing that all or part of the declaration or certificate is false;
- (6) forges or falsely makes the official endorsement of a ballot;
- (7) forges or counterfeits returns of an election purporting to have been held at a precinct, municipality, or ward where no election was in fact held;
- (8) knowingly substitutes forged or counterfeit returns of election in place of the true returns for a precinct, municipality, or ward where an election was held;
- (9) signs a name other than the person's own to a petition, signs more than once for the same ballot issue, or signs a petition while not being a qualified elector of the state; or
- (10) makes a false oath or affidavit where an oath or affidavit is required by law."

**Section 33. Repealer.** The following sections of the Montana Code Annotated are repealed:

- 13-1-122. Ballot form and content.
- 13-2-601. Special addendum to precinct register.
- 13-2-602. Joinder of parties in proceedings to compel entry of name in register.
- 13-13-230. Authorization to increase county mill levy.
- 13-15-503. Notification if returns not received from counties.

**Section 34. Effective date.** [This act] is effective January 1, 2018.

- END -

I hereby certify that the within bill,  
HB 0103, originated in the House.

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2017.

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Chief Clerk of the House

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2017.

HOUSE BILL NO. 103  
INTRODUCED BY G. CUSTER  
BY REQUEST OF THE SECRETARY OF STATE

AN ACT GENERALLY REVISING LAWS RELATING TO ELECTIONS; REVISING CERTAIN DEFINITIONS AND TERMS; REVISING CERTAIN REQUIREMENTS RELATED TO BALLOTS CAST FOR DISABLED ELECTORS; REVISING TERMINOLOGY RELATED TO VOTER REGISTRATION FORMS, VOTER LISTS, AND VOTER RECORDS; REVISING ELECTION JUDGE INSTRUCTION; REVISING NOTICE REQUIREMENTS FOR ABSENTEE BALLOT COUNTING; REVISING CERTAIN TIMELINES FOR THE COUNTING OF FEDERAL WRITE-IN BALLOTS; UPDATING LANGUAGE REGARDING BALLOT ISSUE CERTIFICATION; SUBSTITUTING THE SECRETARY OF STATE FOR THE ELECTION ADMINISTRATOR WITH RESPECT TO PROPOSED CONSTITUTIONAL AMENDMENT NOTIFICATION; UPDATING THE METHOD FOR CANVASSING BALLOT ISSUES; ELIMINATING CERTAIN REQUIREMENTS CONCERNING JOINDER OF PARTIES IN ACTIONS TO COMPEL A REGISTRAR TO ENTER AN ELECTOR IN A PRECINCT REGISTER; ELIMINATING AUTHORIZATION TO HOLD A MILL LEVY FOR ADMINISTERING AN ABSENTEE ELECTION BOARD PROGRAM; ELIMINATING A REQUIREMENT FOR NOTIFICATION IF RETURNS NOT RECEIVED FROM COUNTIES; AMENDING SECTIONS 13-1-101, 13-1-116, 13-1-121, 13-2-220, 13-2-512, 13-2-513, 13-3-213, 13-4-203, 13-10-404, 13-10-602, 13-13-114, 13-13-213, 13-13-241, 13-13-245, 13-15-105, 13-15-107, 13-15-205, 13-19-303, 13-19-304, 13-21-104, 13-21-206, 13-27-103, 13-27-204, 13-27-205, 13-27-206, 13-27-207, 13-27-303, 13-27-304, 13-27-308, 13-27-311, 13-27-503, AND 13-35-207, MCA; REPEALING SECTIONS 13-1-122, 13-2-601, 13-2-602, 13-13-230, AND 13-15-503, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.