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RESOLUTION 2009-01

District No. 1

Whereas, the MACR has supported mail ballot legislation in 2007 & 2009;

Whereas, the MACR has not been successful in this legislation;

NOW THEREFORE BE IT RESOLVED that the MACR request a bill draft similar to what follows, which clarifies when ballots will be mailed, how to handle inactive & provisional electors for the 2011 legislature:

Section 1. Section 13-19-101, MCA, is amended to read:

"13-19-101. Statement of purpose. The purpose of this chapter is to provide the option of conducting ~~certain specified~~ elections using a procedure called a "mail ballot election" and to provide the procedures ~~therefor~~ for mail ballot elections. The provisions of this chapter recognize that sound public policy concerning the conduct of elections often requires the balancing of various elements of the public interest that are sometimes in conflict. Among these factors are the public's interest in fair and accurate elections, the election of those who will govern or represent, and cost-effective administration of all functions of government, including the conduct of elections. The provisions of this chapter further recognize that when these and other factors are balanced, the conduct of elections by mail ballot is potentially the most desirable of the available options in certain circumstances."

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 this chapter does not mandate that the procedure be used.

(2) ~~Except as provided in subsection (3),~~ any Any election may be conducted by mail ballot.

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

~~—(a) a regularly scheduled federal, state, or county election;~~

~~—(b) a special federal or state election, unless authorized by the legislature; or~~

~~—(c) a regularly scheduled or special election when another election in the political subdivision is taking place at the polls on the same day.~~

~~—(4)(3)~~ (a) Except as provided in subsection ~~(4)(b)~~ (3)(b), if more than one mail ballot election is being conducted in the political subdivision on the same day, the county election administrator shall conduct the elections.

(b) The requirement that a county election administrator shall conduct more than one mail ballot election on the same day does not apply to a mail ballot school bond election conducted by the trustees of any two or more school districts that have unified pursuant to 20-6-312 or that have created a joint board of trustees pursuant to 20-3-361."

SECTION 3. SECTION 13-19-202, MCA, IS AMENDED TO READ:

"13-19-202. Initiation by governing body. (1) A political subdivision may, by resolution of the governing body addressed to the election administrator, request that a particular election be conducted under the provisions of this chapter.

(2) Prior to requesting that a mail ballot be used for a state or federal election pursuant to subsection (1), the governing body shall hold a public hearing on the resolution at least 90 days and no later than 135 days before election day.

~~(2)(3)~~ No later than 70 days before election day, the governing body shall transmit its request to the election administrator, who shall determine whether it is economically and administratively feasible to conduct the requested election by mail ballot.

~~(3)(4) Except as provided in 13-19-204, the decision to conduct an election under the provisions of this chapter is within the sole discretion of the election administrator.~~

~~(4)(3)~~ Within 5 days after receiving a request, the election administrator shall respond in writing, stating that the request is either granted or denied for reasons specified. If granted, the election administrator shall prepare a plan as provided in 13-19-205."

SECTION 4. SECTION 13-19-205, MCA, IS AMENDED TO READ:

"13-19-205. Written plan for conduct of election -- amendments -- approval procedures. (1) The election administrator shall prepare a written plan, including a timetable, for the conduct of the election and shall submit it to the secretary of state and the governing body concerned at least 60 days prior to the date set for the election.

(2) The plan must:

(a) include the location of:

(i) planned dropoff sites for ballots and a description of any other voter services to be provided at those sites; and

(ii) planned accessible dropoff sites that would meet the Help America Vote Act designed to accommodate physically disabled voters cast a ballot in secrecy.

(iii) Election Administrators must meet the minimum accessible drop sites by county class for an election under 13-1-104 (1) :

Class 1 – accessible sites 4

Class 2 – accessible sites 3

Class 3 – accessible sites 2

Class 4 - 7 – accessible sites 1

(b) identify any specific effort designed to increase or enhance the ability of a person to participate in the election.

(2)(3) The plan may be amended by the election administrator any time prior to the 35th day before election day by notifying the secretary of state in writing of any changes. The governing body concerned must approve of any changes to information required in subsection (2).

(3)(4) Within 5 days of receiving the plan and as soon as possible after receiving any amendments, the secretary of state shall approve, disapprove, or recommend changes to the plan or amendments.

(4)(5) When the written plan has been approved, the election administrator shall proceed to conduct the election according to the approved plan."

13-19-207. When materials to be mailed. (1) Except for provided in subsection (2 &3) For any election conducted by mail, ballots must be mailed no sooner than 25th day and no later than the 15th day before election day. All ballots must be mailed the same day.

(2) Sixty days before an election conducted under 13-1-104 (1) (a & b) a notice must be mailed to electors with inactive or provisional status instructing them how to become a qualified elector and receive their ballot through the mail for the upcoming election. Any county who conducts a mail ballot for an election under 13-1-104 (1) ballots must be mailed on the 25th day. All ballots must be mailed the same day.

(3) Absent Uniformed services and overseas electors ballots must be mailed 45 days prior to an election held in conjunction with a federal general election in compliance with 13-1-104 (1).

FOR _____

AGAINST _____