

SENATE BILL NO. 58

INTRODUCED BY M. CUFFE

BY REQUEST OF THE SENATE SELECT COMMITTEE ON ELECTIONS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING VOTE COUNT PROCEDURES; REQUIRING AN ELECTION ADMINISTRATOR TO CONDUCT AN INVESTIGATION WHEN THE COUNTING BOARD CANNOT RECONCILE THE TOTAL NUMBER OF BALLOTS ~~WITH THE POLLBOOK PREPARED FOR COUNTING WITH THE RECORD OF BALLOTS ACCEPTED~~; REQUIRING AN ELECTION ADMINISTRATOR TO REPORT THE INVESTIGATION TO THE BOARD OF COUNTY CANVASSERS; AMENDING SECTION 13-15-201, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 13-15-201, MCA, is amended to read:

**"13-15-201. Preparation for count -- investigation of reconciliation discrepancies -- absentee ballot count procedures.** (1) Subject to 13-10-311, to prepare for a count of ballots, the counting board or, if appointed, the absentee counting board shall take ballots out of the box to determine whether each ballot is single.

(2) The board shall count all ballots to ensure that the total number of ballots corresponds with the ~~total number of names in the pollbook~~ record of ballots accepted.

(3) If the board cannot reconcile the total number of ballots with the ~~pollbook~~ record of ballots accepted, the board shall submit to the election administrator a written report stating how many ballots were missing or in excess and any reason of which they are aware for the discrepancy. Each judge on the board shall sign the report.

(a) If the discrepancy is not satisfactorily explained by the report, the election administrator shall conduct an investigation, which may include recounting the total number of ballots and reviewing the ~~number of names in the pollbook~~ record of accepted ballots.

(b) The election administrator shall provide a report of the investigation to the board of county

1 canvassers describing the investigation process and the reason for the discrepancy.

2 (4) A ballot that is not marked as official is void and may not be counted unless all judges on the  
3 board agree that the marking is missing because of an error by election officials, in which case the ballot must  
4 be marked "unmarked by error" on the back and must be initialed by all judges.

5 (5) If two or more ballots are folded or stuck together to look like a single ballot, they must be laid  
6 aside until the count is complete. The counting board shall compare the count with the pollbooks record of  
7 accepted ballots, and if a majority believes that the ballots folded together were marked by one elector, the  
8 ballots must be rejected and handled as provided in 13-15-108, otherwise they must be counted.

9 (6) Only valid absentee ballots may be counted in an election conducted under this chapter.

10 (7) For the purpose of this chapter, a marked absentee ballot is valid only if:

11 (a) the elector's signature on the affirmation on the signature envelope is verified pursuant to 13-  
12 13-241; and

13 (b) it is received before 8 p.m. on election day, except as provided in 13-21-206 and 13-21-226.

14 (8) (a) A ballot is invalid if:

15 (i) problems with the ballot have not been resolved pursuant to 13-13-245;

16 (ii) any identifying marks are placed on the ballot by the elector, which must result in the  
17 immediate rejection of the ballot without notice to the elector; or

18 (iii) except as provided in subsection (8)(b), more than one ballot is enclosed in a single signature  
19 or secrecy envelope.

20 (b) The provisions of subsection (8)(a)(iii) do not apply if:

21 (i) there are multiple elections being held at the same time and the envelope contains only one  
22 ballot for each election; or

23 (ii) the signature envelope contains ballots from the same household, each ballot is in its own  
24 secrecy envelope, and the signature envelope contains a valid signature for each elector who has returned a  
25 ballot."

26

27 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

28 - END -