



AN ACT REVISING VOTING LAWS RELATED TO AN ELECTOR'S DATE OF BIRTH; REQUIRING AN ELECTOR TO PROVIDE THEIR DATE ON BIRTH WHEN REGISTERING TO VOTE; REQUIRING ABSENTEE ELECTORS TO PROVIDE THEIR DATE OF BIRTH ON THE SIGNATURE ENVELOPE WHEN RETURNING AN ABSENTEE BALLOT; REQUIRING THE ELECTION ADMINISTRATOR TO VERIFY AN ELECTOR'S DATE OF BIRTH BEFORE COUNTING THE ELECTOR'S ABSENTEE BALLOT; AND AMENDING SECTIONS 13-2-110, 13-13-201, 13-13-213, 13-13-232, 13-13-241, 13-13-245, 13-13-246, 13-15-201, 13-17-212, 13-19-106, 13-19-301, 13-19-304, AND 13-19-312, MCA."

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

Section 1. Section 13-2-110, MCA, is amended to read:

"13-2-110. Application for voter registration -- sufficiency and verification of information -- identifiers assigned for voting purposes. (1) An individual may apply for voter registration in person or by mail, postage paid, by completing and signing the standard application form for voter registration provided for in 13-1-210 and providing the application to the election administrator in the county in which the elector resides.

(2) Each application for voter registration must be accepted and processed as provided in rules adopted under 13-2-109.

(3) An applicant for voter registration shall provide the applicant's date of birth.

~~(3)~~(4) Except as provided in ~~subsection (4)~~ subsection (5), an applicant for voter registration shall also provide the applicant's:

- (a) Montana driver's license number;
- (b) Montana state identification card number issued pursuant to 61-12-501; or
- (c) the last four digits of the applicant's social security number.

~~(4)~~(5) (a) If an applicant is unable to provide information in accordance with ~~subsection (3)~~ subsection

(4), the applicant shall provide as an alternative form of identification:

- (i) a military identification card, a tribal photo identification card, a United States passport, or a Montana concealed carry permit; or
 - (ii) (A) any other form of photo identification, including but not limited to a school district or postsecondary education photo identification with the individual's name; and
(B) a current utility bill, bank statement, paycheck, government check, or other government document that shows the individual's name and current address.
- (b) The alternative form of identification must be:
- (i) an original version presented to the election administrator if the applicant is applying in person;
- or
- (ii) a readable copy of any of the required documents, which must be enclosed with the application, if the applicant is applying by mail.

~~(5)~~(6) (a) If information provided on an application for voter registration is sufficient to be accepted and processed and is verified pursuant to rules adopted under 13-2-109, the election administrator shall register the elector as a legally registered elector.

(b) If information provided on an application for voter registration was sufficient to be accepted but the applicant failed to provide the information required in ~~subsection (3) or (4)~~ subsection (3) and subsections (4) or (5) or if the information provided was incorrect or insufficient to verify the individual's identity or eligibility to vote, the election administrator shall register the applicant as a provisionally registered elector.

~~(6)~~(7) Each applicant for voter registration must be notified of the elector's registration status pursuant to rules adopted under 13-2-109.

~~(7)~~(8) The secretary of state shall assign to each elector whose application was accepted a unique identification number for voting purposes and shall establish a statewide uniform method to allow the secretary of state and local election officials to distinguish legally registered electors from provisionally registered electors.

~~(8)~~(9) The provisions of this section may not be interpreted to conflict with voter registration accomplished under 13-2-221, 13-21-221, and 61-5-107 and as provided for in federal law."

Section 2. Section 13-13-201, MCA, is amended to read:

"13-13-201. Voting by absentee ballot -- procedures. (1) A legally registered elector or provisionally registered elector is entitled to vote by absentee ballot as provided for in this part.

(2) The elector may vote absentee by:

- (a) marking the ballot in the manner specified;
- (b) placing the marked ballot in the secrecy envelope, free of any identifying marks;
- (c) placing the secrecy envelope containing one ballot for each election being held in the signature envelope;
- (d) executing the affirmation printed on the signature envelope; ~~and~~
- (e) providing the elector's date of birth on the signature envelope; and
- ~~(e)(f)~~ returning the signature envelope with all appropriate enclosures by regular mail, postage paid, or by delivering it to:

- (i) the election office;
- (ii) a polling place within the elector's county;
- (iii) pursuant to 13-13-229, the absentee election board or an authorized election official; or
- (iv) in a mail ballot election held pursuant to Title 13, chapter 19, a designated place of deposit within the elector's county.

(3) Except as provided in 13-21-206 and 13-21-226, in order for the ballot to be counted, each elector shall return it in a manner that ensures the ballot is received prior to 8 p.m. on election day.

(4) A provisionally registered elector may also enclose in the outer signature envelope a copy of the elector's photo identification showing the elector's name. The photo identification may be but is not limited to a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification. If the provisionally registered elector does not enclose a photo identification, the elector may enclose a copy of 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."

Section 3. 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 and date of birth on the application with the applicant's signature and date of birth on the registration 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 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 or date of birth are provided or the election administrator is not convinced that the individual signing the application is the same person whose name appears on the registration 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 and date of birth on the application and a copy of the voting registration 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 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 4. Section 13-13-232, MCA, is amended to read:

"13-13-232. Delivery of ballots and secrecy envelopes to election judges -- ballots to be rejected. (1) If an absentee ballot is received prior to delivery of the official ballots to the election judges, the election administrator shall process it according to 13-13-241 and then, unless the early preparation process in ~~13-13-241(7)~~ 13-13-241(8) was followed, deliver the unopened secrecy envelope to the judges at the same

time that the ballots are delivered.

(2) If an absentee ballot is received after the official ballots are delivered to the election judges but prior to the close of the polls, the election administrator shall process it according to 13-13-241 and shall then immediately deliver the unopened secrecy envelope to the judges.

(3) If the election administrator receives an absentee ballot for which an application or request was not made or received as required by this part, the election administrator shall endorse upon the elector's envelope the date and exact time of receipt and the words "to be rejected". Absentee ballots endorsed in this manner must be handled in the same manner as provided in 13-15-108(1)."

Section 5. 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 form with the signature on the signature envelope and shall compare the date of birth of the elector from the elector's absentee ballot request form or from the elector's voter registration form with the date of birth listed of the elector 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 form, and the date of birth on the signature envelope matches the date of birth of the elector on the elector's absentee ballot request form or from the elector's voter registration 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 both the signature on the signature envelope matches the signature on the absentee ballot application or on the elector's voter registration form and the date of birth on the signature envelope matches the date of birth of the elector on the elector's absentee ballot request form or from the elector's voter registration 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, if unvoted party ballots are returned by a voter, they must be separated and handled pursuant to 13-1-303 and 13-12-202.

(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 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 the date of birth on the signature envelope is missing or does not match the date of birth of the elector on the elector's absentee ballot request form or on the elector's voter registration form, the election administrator shall notify the elector as provided in 13-13-245.

~~(6)(7)~~ 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)(8)~~ (a) Except as provided in subsection ~~(8)~~ (9), 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 3 business days before election day, the election official may open the secrecy envelope and place the ballot in the proper, secured ballot box until tabulation occurs. Automatic tabulation using a vote-counting machine may not begin sooner than 1 day before election day. Tabulation using a manual count may not begin until election day.

(b) An election official may not conduct the process described in subsection ~~(7)(a)-(8)(a)~~ on a Saturday or a Sunday.

(c) Ballot preparation as described in this subsection ~~(7)-(8)~~ is open to the public. Tabulation is open to the public as provided in 13-15-101.

(d) Access to an electronic system containing early tabulation results is limited to the election

administrator and the election administrator's designee. Results may not be released except as provided in 13-35-241.

~~(8)~~(9) For a county with fewer than 8,000 registered electors or fewer than 5,000 absentee electors at the close of regular registration, the ballot preparation process described in subsection ~~(7)(a)~~ ~~(8)(a)~~ may not begin sooner than 1 business day before election day.

~~(9)~~(10) 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.

~~(10)~~(11) 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."

Section 6. 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; or
- (d) the elector's date of birth on the signature envelope is missing or does not match the date of birth of the elector on the elector's absentee ballot request form or on the elector's voter registration form under 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 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 an absentee ballot is returned as undeliverable, the election administrator shall attempt to contact the elector by the most expedient means available to determine the reason for the return and mail a confirmation notice if the elector cannot be contacted otherwise. The notice must be sent by forwardable mail with a postage-paid, return-addressed reply.

(b) If the confirmation notice is returned to the election administrator, after the election the election administrator shall place the elector on the inactive list provided for in 13-2-220 until the elector reactivates the elector's registration pursuant to 13-2-222.

(c) (i) During the election, the elector must be provided with:

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

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

(ii) An elector who votes in the election pursuant to this subsection (4)(c) may not be placed on the inactive list pursuant to the procedures provided in subsection (4)(b)."

Section 7. Section 13-13-246, MCA, is amended to read:

"13-13-246. Electronic ballots for disabled persons -- procedures -- definition -- rulemaking. (1)

(a) Upon a written or an in-person request from a legally registered or provisionally registered elector with a disability, an election administrator shall provide the elector with an electronic ballot.

(b) The request may be made by electronic mail.

(2) (a) After receiving a request and verifying that the elector is legally registered or provisionally

registered, the election administrator shall provide to the elector an electronic ballot, instructions for completing the ballot, a secrecy envelope or page, and a transmittal cover sheet that includes an elector affirmation. If the elector is provisionally registered, the election administrator shall include instructions about what information the elector shall include with the voted ballot pursuant to 13-13-201(4).

(b) The election administrator shall maintain an official log of all ballots provided pursuant to this section.

(c) After voting the ballot, the elector shall print the ballot, place it in the secrecy envelope or under the secrecy page, sign the affirmation, including by fingerprint, mark, or agent pursuant to 13-1-116, or provide a driver's license number or the last four digits of the elector's social security number. If the elector is provisionally registered, the elector shall also return sufficient voter identification and eligibility information to allow the election administrator to determine pursuant to rules adopted under 13-2-109 that the elector is legally registered. The elector shall return the voted ballot and affirmation in a manner that ensures both are received by 8 p.m. on election day.

(d) An elector may return the voted ballot and affirmation in the regular mail provided they are received at the office of the election administrator by 8 p.m. on election day. A valid ballot must be counted if it is received at the office of the election administrator by 8 p.m. on election day.

(3) After receiving a ballot and secrecy envelope and if the validity of the ballot is confirmed pursuant to 13-13-241, the election administrator shall log the receipt of the ballot and process it as required in Title 13, chapter 13. If the ballot is rejected, the election administrator shall notify the elector pursuant to 13-13-245.

(4) (a) When performing the procedures prescribed in ~~13-13-241(7)~~ 13-13-247(8) to open secrecy envelopes, an election official shall place in a secure absentee ballot envelope any ballot returned pursuant to this section that requires transcription. No sooner than the time provided in ~~13-13-241(7)~~ 13-13-247(8), the election administrator shall transcribe the returned ballots using the procedure prescribed below and in accordance with any rules established by the secretary of state to ensure the security of the ballots and the secrecy of the votes.

(b) No fewer than three election officials shall participate in the transcription process to transfer the elector's vote from the received ballot to the standard ballot used in the precinct.

- (c) A number must be written on the secrecy envelope or page that contains the original voted electronic ballot, and the same number must be placed on the transcribed ballot and in the official log.
- (d) The election officials who transcribed the original voted electronic ballot shall sign the log next to the number.
- (e) No one participating in the ballot transmission process may reveal any information about the ballot.
- (5) The secretary of state shall adopt rules to implement and administer this section, including rules to ensure the security of the ballots and the secrecy of the votes."

Section 8. Section 13-15-201, MCA, is amended to read:

"13-15-201. Preparation for count -- 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.

(3) If the board cannot reconcile the total number of ballots with the pollbook, 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.

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

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

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

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

(a) the elector's signature on the affirmation and the elector's date of birth on the signature

envelope is verified pursuant to 13-13-241; and

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

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

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

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

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

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

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

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

Section 9. Section 13-17-212, MCA, is amended to read:

"13-17-212. Performance testing and certification of voting systems prior to election. (1) No more than 30 days prior to an election in which a voting system is used, the election administrator shall publicly test and certify that the system is performing properly. An election administrator shall test all central count vote tabulation machines to be used if automatic tabulation begins pursuant to ~~13-13-241(7)(a)~~ 13-13-241(8)(a) the day before the election. In accordance with subsection (3), the secretary of state shall adopt rules to meet the requirements of this subsection.

(2) The secretary of state shall ensure that at least 10% of each type of voting system in the state has been randomly tested and certified at least once every calendar year.

(3) The provisions of this section must be implemented according to rules adopted by the secretary of state pursuant to 13-17-211."

Section 10. 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) Subject to 13-12-202, official mail ballots must be prepared and all other initial procedures followed as provided by law, except that mail ballots must be paper ballots and 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 signature envelope must contain a form that is the same as the form for absentee ballot signature envelopes and that is prescribed by the secretary of state for the elector to verify the accuracy of the elector's address or 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.
- (4) The elector shall mark the ballot and place it in a secrecy envelope.
- (5) (a) The elector shall then place the secrecy envelope containing the elector's ballot in a signature envelope and mail it or deliver it in person to a place of deposit designated by the election administrator.
(b) Except as provided in 13-21-206 and 13-21-226, the voted ballot must be received before 8 p.m. on election day.
- (6) Election officials shall first qualify the voted ballot by examining the signature envelope to determine whether it is submitted by a qualified elector who has not previously voted in the election.
- (7) If the voted ballot qualifies and is otherwise valid, officials shall then open the signature envelope and remove the secrecy envelope, which must be deposited unopened in an official ballot box pursuant to the timeline specified in ~~43-13-241(7)~~ 13-13-241(8).
- (8) Except as provided in 13-19-312, voted ballots must be counted and canvassed as provided in Title 13, chapter 15."

Section 11. Section 13-19-301, MCA, is amended to read:

"13-19-301. Voting mail ballots. (1) Upon receipt of a mailed ballot, the elector may vote by:

- (a) marking the ballot in the manner specified;
- (b) placing the marked ballot in the secrecy envelope, free of any identifying marks;

(c) placing the secrecy envelope containing one ballot for each election being held in the signature envelope;

(d) executing the affirmation printed on the signature envelope; and

(e) providing the elector's date of birth on the signature envelope; and

~~(e)(f)~~ returning the signature envelope with all appropriate enclosures, as provided in 13-19-306.

(2) For the purpose of this chapter, an official ballot is voted when the marked ballot is received at a place of deposit.

(3) A legally registered or provisionally registered elector with a disability may receive and vote a ballot using procedures established in 13-13-246."

Section 12. 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 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 and date of birth 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 13. Section 13-19-312, MCA, is amended to read:

"13-19-312. Preparation for count and counting procedure. (1) The preparation for counting ballots must be as provided in 13-15-201.

(2) Except as provided in subsection (3), after the close of voting on election day, the counting board appointed pursuant to 13-15-112 shall:

- (a) open the official ballot boxes;
 - (b) if the process authorized under ~~13-13-241(7)~~ 13-13-241(8) was not used, open each secrecy envelope, removing the voted ballot; and
 - (c) proceed to count the votes as provided in Title 13, chapter 15.
- (3) The election administrator may begin the procedures described in subsection (2) no sooner than 1 day before election day if the election administrator complies with the procedures described in 13-15-207(3)."

- END -

I hereby certify that the within bill,
HB 719, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2025.

President of the Senate

Signed this _____ day
of _____, 2025.

HOUSE BILL NO. 719

INTRODUCED BY B. MITCHELL, V. RICCI, M. VINTON, E. ALBUS, K. LOVE, E. BYRNE, R. GREGG, C.
COCHRAN, M. BERTOGLIO, J. FULLER, C. HINKLE, S. FITZPATRICK, B. LER, K. ZOLNIKOV, L.
BREWSTER, N. DURAM, B. MERCER, K. SEEKINS-CROWE, J. TREBAS, Z. WIRTH, V. MOORE

AN ACT REVISING VOTING LAWS RELATED TO AN ELECTOR'S DATE OF BIRTH; REQUIRING AN ELECTOR TO PROVIDE THEIR DATE ON BIRTH WHEN REGISTERING TO VOTE; REQUIRING ABSENTEE ELECTORS TO PROVIDE THEIR DATE OF BIRTH ON THE SIGNATURE ENVELOPE WHEN RETURNING AN ABSENTEE BALLOT; REQUIRING THE ELECTION ADMINISTRATOR TO VERIFY AN ELECTOR'S DATE OF BIRTH BEFORE COUNTING THE ELECTOR'S ABSENTEE BALLOT; AND AMENDING SECTIONS 13-2-110, 13-13-201, 13-13-213, 13-13-232, 13-13-241, 13-13-245, 13-13-246, 13-15-201, 13-17-212, 13-19-106, 13-19-301, 13-19-304, AND 13-19-312, MCA."