

## 1 SENATE BILL NO. 360

2 INTRODUCED BY S. VANCE, T. MANZELLA, M. CUFFE, W. MCKAMEY, C. SPRUNGER, J. ETCHART, F.

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5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ELECTION LAWS; PROVIDING AND REVISING

6 DEFINITIONS; AMENDING SECTIONS 2-2-121, 13-1-101, 13-13-241, 13-37-219, 13-37-226, AND 13-37-234,

7 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

8

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

10

11 **Section 1.** Section 2-2-121, MCA, is amended to read:

12 **"2-2-121. Rules of conduct for public officers and public employees.** (1) Proof of commission of

13 any act enumerated in subsection (2) is proof that the actor has breached a public duty.

14 (2) A public officer or a public employee may not:

15 (a) subject to subsection (6), use public time, facilities, equipment, state letterhead, supplies,

16 personnel, or funds for the officer's or employee's private business purposes;

17 (b) engage in a substantial financial transaction for the officer's or employee's private business

18 purposes with a person whom the officer or employee inspects or supervises in the course of official duties;

19 (c) assist any person for a fee or other compensation in obtaining a contract, claim, license, or

20 other economic benefit from the officer's or employee's agency;

21 (d) assist any person for a contingent fee in obtaining a contract, claim, license, or other economic

22 benefit from any agency;

23 (e) perform an official act directly and substantially affecting to its economic benefit a business or

24 other undertaking in which the officer or employee either has a substantial financial interest or is engaged as

25 counsel, consultant, representative, or agent; or

26 (f) solicit or accept employment, or engage in negotiations or meetings to consider employment,

27 with a person whom the officer or employee regulates in the course of official duties without first giving written

28 notification to the officer's or employee's supervisor and department director.

1           (3)     (a) A candidate, as defined in ~~13-1-101(8)(a)~~ 13-1-101(10)(a), may not use or permit the use of  
2     state funds for any advertisement or public service announcement in a newspaper, on radio, or on television  
3     that contains the candidate's name, picture, or voice except in the case of a state or national emergency and  
4     then only if the announcement is reasonably necessary to the candidate's official functions.

5           (b)     A state officer may not use or permit the use of public time, facilities, equipment, state  
6     letterhead, supplies, personnel, or funds to produce, print, or broadcast any advertisement or public service  
7     announcement in a newspaper, on radio, or on television that contains the state officer's name, picture, or voice  
8     except in the case of a state or national emergency if the announcement is reasonably necessary to the state  
9     officer's official functions or in the case of an announcement directly related to a program or activity under the  
10    jurisdiction of the office or position to which the state officer was elected or appointed.

11          (4)     A public officer or public employee may not participate in a proceeding when an organization,  
12    other than an organization or association of local government officials, of which the public officer or public  
13    employee is an officer or director is:

14          (a)     involved in a proceeding before the employing agency that is within the scope of the public  
15    officer's or public employee's job duties; or

16          (b)     attempting to influence a local, state, or federal proceeding in which the public officer or public  
17    employee represents the state or local government.

18          (5)     A public officer or public employee may not engage in any activity, including lobbying, as  
19    defined in 5-7-102, on behalf of an organization, other than an organization or association of local government  
20    officials, of which the public officer or public employee is a member while performing the public officer's or  
21    public employee's job duties. The provisions of this subsection do not prohibit a public officer or public  
22    employee from performing charitable fundraising activities if approved by the public officer's or public  
23    employee's supervisor or authorized by law.

24          (6)     A listing by a public officer or a public employee in the electronic directory provided for in 30-  
25    17-101 of any product created outside of work in a public agency is not in violation of subsection (2)(a) of this  
26    section. The public officer or public employee may not make arrangements for the listing in the electronic  
27    directory during work hours.

28          (7)     A department head or a member of a quasi-judicial or rulemaking board may perform an official

act notwithstanding the provisions of subsection (2)(e) if participation is necessary to the administration of a statute and if the person complies with the disclosure procedures under 2-2-131.

(8) Subsection (2)(d) does not apply to a member of a board, commission, council, or committee unless the member is also a full-time public employee.

(9) Subsections (2)(b) and (2)(e) do not prevent a member of the governing body of a local government from performing an official act when the member's participation is necessary to obtain a quorum or to otherwise enable the body to act. The member shall disclose the interest creating the appearance of impropriety prior to performing the official act."

**Section 2.** 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) "Accepted ballot" means a ballot that has been completed by an elector and the election administrator has determined that it may be counted.

(4)(2) "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)(3) "Active list" means a list of active electors maintained pursuant to 13-2-220.

(3)(4) "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)(5) "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)(6) "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)(7) (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)(8)~~ "Ballot issue committee" means a political committee specifically organized to support or oppose a ballot issue.

~~(9)~~ "Ballot number variance" means the difference between the number of ballots issued for both poll electors and absentee electors and the number of ballots counted.

~~(8)(10)~~ "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.

~~(11)~~ "Challenged ballot" means a ballot cast by an individual whose eligibility to vote has been challenged pursuant to 13-13-301.

~~(9)(12)~~ (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;

1 (iii) the receipt by a political committee of funds transferred from another political committee; or

2 (iv) the payment by a person other than a candidate or political committee of compensation for the  
3 personal services of another person that are rendered to a candidate or political committee.

4 (b) The term does not mean:

5 (i) services provided without compensation by individuals volunteering a portion or all of their time  
6 on behalf of a candidate or political committee;

7 (ii) meals and lodging provided by individuals in their private residences for a candidate or other  
8 individual;

9 (iii) the use of a person's real property for a fundraising reception or other political event; or

10 (iv) the cost of a communication not for distribution to the general public by a religious organization  
11 exempt from federal income tax when compliance with Title 13 would burden the organization's sincerely held  
12 religious beliefs or practices.

13 (c) This definition does not apply to Title 13, chapter 37, part 6.

14 ~~(10)(13)~~"Coordinated", including any variations of the term, means made in cooperation with, in  
15 consultation with, at the request of, or with the express prior consent of a candidate or political committee or an  
16 agent of a candidate or political committee.

17 ~~(11)(14)~~"De minimis act" means an action, contribution, or expenditure that is so small that it does not  
18 trigger registration, reporting, disclaimer, or disclosure obligations under Title 13, chapter 35 or 37, or warrant  
19 enforcement as a campaign practices violation under Title 13, chapter 37.

20 ~~(12)(15)~~"Disability" means a temporary or permanent mental or physical impairment such as:

21 (a) impaired vision;

22 (b) impaired hearing;

23 (c) impaired mobility. Individuals having impaired mobility include those who require use of a  
24 wheelchair and those who are ambulatory but are physically impaired because of age, disability, or disease.

25 (d) impaired mental or physical functioning that makes it difficult for the person to participate in the  
26 process of voting.

27 ~~(13)(16)~~"Election" means a general, special, or primary election held pursuant to the requirements of  
28 state law, regardless of the time or purpose.

1           ~~(14)~~(17)(a) "Election administrator" means, except as provided in subsection ~~(14)~~ (17)(b), the county  
2 clerk and recorder or the individual designated by a county governing body to be responsible for all election  
3 administration duties, except that with regard to school elections not administered by the county, the term  
4 means the school district clerk.

5           (b)       As used in chapter 2 regarding voter registration, the term means the county clerk and recorder  
6 or the individual designated by a county governing body to be responsible for all election administration duties  
7 even if the school election is administered by the school district clerk.

8           ~~(15)~~(18)(a) "Election communication" means the following forms of communication to support or  
9 oppose a candidate or ballot issue:

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

15           (b)       The term does not mean:

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

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

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

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

24           (v)       a communication not for distribution to the general public by a religious organization exempt  
25 from federal income tax when compliance with Title 13 would burden the organization's sincerely held religious  
26 beliefs or practices; or

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

28           ~~(16)~~(19)"Election judge" means a person who is appointed pursuant to Title 13, chapter 4, part 1, to

1 perform duties as specified by law.

2 ~~(17)~~(20)"Election official" means an election administrator, election deputy, or election judge.

3 ~~(18)~~(21)"Election worker" means an individual designated by an election official to perform election  
4 support duties.

5 ~~(19)~~(22)(a) "Electioneering communication" means a paid communication that is publicly distributed by  
6 radio, television, cable, satellite, internet website, newspaper, periodical, billboard, mail, or any other  
7 distribution of printed materials, that is made within 60 days of the initiation of voting in an election, that does  
8 not support or oppose a candidate or ballot issue, that can be received by more than 100 recipients in the  
9 district voting on the candidate or ballot issue, and that:

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

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

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

14 (b) The term does not mean:

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

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

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

22 (iv) a communication that constitutes a candidate debate or forum or that solely promotes a  
23 candidate debate or forum and is made by or on behalf of the person sponsoring the debate or forum;

24 (v) a communication not for distribution to the general public by a religious organization exempt  
25 from federal income tax when compliance with Title 13 would burden the organization's sincerely held religious  
26 beliefs or practices; or

27 (vi) a communication that the commissioner determines by rule is not an electioneering  
28 communication.

1           ~~(20)~~(23)"Elector" means an individual qualified to vote under state law.

2           ~~(21)~~(24)(a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or  
3 gift of money or anything of value:

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

5           (ii)       made by a candidate while the candidate is engaging in campaign activity to pay child-care  
6 expenses as provided in 13-37-220; or

7           (iii)       used or intended for use in making independent expenditures or in producing electioneering  
8 communications.

9           (b)       The term does not mean:

10          (i)       services, food, or lodging provided in a manner that they are not considered contributions  
11 ~~under subsection (9) as defined in this section;~~

12          (ii)       except as provided in subsection ~~(21)(a)(ii)~~ (24)(a)(ii), payments by a candidate for personal  
13 travel expenses, food, clothing, lodging, or personal necessities for the candidate and the candidate's family;

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

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

19          (v)       the use of a person's real property for a fundraising reception or other political event; or

20          (vi)       the cost of a communication not for distribution to the general public by a religious organization  
21 exempt from federal income tax when compliance with Title 13 would burden the organization's sincerely held  
22 religious beliefs or practices.

23          (c)       This definition does not apply to Title 13, chapter 37, part 6.

24          ~~(22)~~(25)"Federal election" means an election in even-numbered years in which an elector may vote for  
25 individuals for the office of president of the United States or for the United States congress.

26          ~~(23)~~(26)"General election" means an election that is held for offices that first appear on a primary  
27 election ballot, unless the primary is canceled as authorized by law, and that is held on a date specified in 13-1-  
28 104.



1           ~~(24)~~(27)"Inactive elector" means an individual who failed to respond to confirmation notices and whose  
2 name was placed on the inactive list pursuant to 13-2-220 or 13-19-313.

3           ~~(25)~~(28)"Inactive list" means a list of inactive electors maintained pursuant to 13-2-220 or 13-19-313.

4           ~~(26)~~(29)(a) "Incidental committee" means a political committee that is not specifically organized or  
5 operating for the primary purpose of supporting or opposing candidates or ballot issues but that may  
6 incidentally become a political committee by receiving a contribution or making an expenditure.

7           (b) For the purpose of this subsection ~~(26)~~ (29), the primary purpose is determined by the  
8 commissioner by rule and includes criteria such as the allocation of budget, staff, or members' activity or the  
9 statement of purpose or goal of the person or individuals that form the committee.

10          ~~(27)~~(30)"Independent committee" means a political committee organized for the primary purpose of  
11 receiving contributions and making expenditures that is not controlled either directly or indirectly by a candidate  
12 and that does not coordinate with a candidate in conjunction with the making of expenditures except pursuant  
13 to the limits set forth in 13-37-216(1).

14          ~~(28)~~(31)"Independent expenditure" means an expenditure for an election communication to support or  
15 oppose a candidate or ballot issue made at any time that is not coordinated with a candidate or ballot issue  
16 committee.

17          ~~(29)~~(32)"Individual" means a human being.

18          ~~(30)~~(33)"Legally registered elector" means an individual whose application for voter registration was  
19 accepted, processed, and verified as provided by law.

20          ~~(34)~~(34)"Mail ballot election" means any election that is conducted under Title 13, chapter 19, by  
21 mailing ballots to all active electors.

22          ~~(35)~~     "Overvote" means the number of selections made by an elector on a ballot is more than the  
23 maximum number allowed.

24          ~~(32)~~(36)"Person" means an individual, corporation, association, firm, partnership, cooperative,  
25 committee, including a political committee, club, union, or other organization or group of individuals or a  
26 candidate as defined in ~~subsection (8) this section.~~

27          ~~(33)~~(37)"Place of deposit" means a location designated by the election administrator pursuant to 13-19-  
28 307 for a mail ballot election conducted under Title 13, chapter 19.

1           ~~(34)~~(38)(a) "Political committee" means a combination of two or more individuals or a person other than  
2   an individual who receives a contribution or makes an expenditure:

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

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

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

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

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

12          (d)      A political committee is not formed when a combination of two or more individuals or a person  
13   other than an individual makes an election communication, an electioneering communication, or an  
14   independent expenditure of \$250 or less.

15          (e)      A joint fundraising committee is not a political committee.

16          ~~(35)~~(39)"Political party committee" means a political committee formed by a political party organization  
17   and includes all county and city central committees.

18          ~~(36)~~(40)"Political party organization" means a political organization that:

19          (a)      was represented on the official ballot in either of the two most recent statewide general  
20   elections; or

21          (b)      has met the petition requirements provided in Title 13, chapter 10, part 5.

22          ~~(37)~~(41)"Political subdivision" means a county, consolidated municipal-county government,  
23   municipality, special purpose district, or any other unit of government, except school districts, having authority  
24   to hold an election.

25          ~~(38)~~(42)"Polling place election" means an election primarily conducted at polling places rather than by  
26   mail under the provisions of Title 13, chapter 19.

27          ~~(39)~~(43)"Primary" or "primary election" means an election held on a date specified in 13-1-107 to  
28   nominate candidates for offices filled at a general election.

1           ~~(40)~~(44)"Provisional ballot" means a ballot cast by an elector whose identity or eligibility to vote has not  
2   been verified as provided by law.

3           ~~(41)~~(45)"Provisionally registered elector" means an individual whose application for voter registration  
4   was accepted but whose identity or eligibility has not yet been verified as provided by law.

5           ~~(42)~~(46)"Public office" means a state, county, municipal, school, or other district office that is filled by  
6   the people at an election.

7           ~~(43)~~(47)"Random-sample audit" means an audit involving a manual count of ballots from designated  
8   races and ballot issues in precincts selected through a random process as provided in 13-17-503 and 13-17-  
9   510.

10          ~~(44)~~(48)"Registrar" means the county election administrator and any regularly appointed deputy or  
11   assistant election administrator.

12          (49)    "Regular ballot" means an official ballot that has been issued to an elector.

13          ~~(45)~~(50)"Regular school election" means the school trustee election provided for in 20-20-105(1).

14          (51)    "Rejected ballot" means a ballot which has been cast but cannot be counted by law.

15          ~~(46)~~(52)"Religious organization" means a house of worship with the major purpose of supporting  
16   religious activities, including but not limited to a church, mosque, shrine, synagogue, or temple. The organic  
17   documents of the organization must list a formal code of doctrine and discipline, and the organization must  
18   spend the majority of its money on religious activities such as regular religious services, educational  
19   preparation for its ministers, development and support of its ministers, membership development, outreach and  
20   support, and the production and distribution of religious literature developed by the organization.

21          (53)    "Replacement ballot" means a regular ballot issued by an election administrator or election  
22   judge to replace a regular ballot.

23          (54)    "Report of the canvass" means a report that contains the information required to be entered  
24   into the record at the canvass as provided in 13-15-404 and 13-15-506.

25          ~~(47)~~(55)"School election" has the meaning provided in 20-1-101.

26          ~~(48)~~(56)"School election filing officer" means the filing officer with whom the declarations for nomination  
27   for school district office were filed or with whom the school ballot issue was filed.

28          ~~(49)~~(57)"School recount board" means the board authorized pursuant to 20-20-420 to perform recount

1 duties in school elections.

2 ~~(50)(58)~~"Signature envelope" means an envelope that contains a secrecy envelope and ballot and that  
3 is designed to:

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

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

7 ~~(51)(59)~~"Special election" means an election held on a day other than the day specified for a primary  
8 election, general election, or regular school election.

9 ~~(52)(60)~~"Special purpose district" means an area with special boundaries created as authorized by law  
10 for a specialized and limited purpose.

11 ~~(61)~~ "Spoiled ballot" means a ballot that has been mistakenly marked, damaged, or altered.

12 ~~(53)(62)~~"Statewide voter registration list" means the voter registration list established and maintained  
13 pursuant to 13-2-107 and 13-2-108.

14 ~~(54)(63)~~"Support or oppose", including any variations of the term, means:

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

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

23 ~~(64)~~ "Undervote" means when the number of choices selected by an elector on a ballot is less than  
24 the maximum number allowed for that contest or when no selection is made for a single-choice contest.

25 ~~(55)(65)~~"Valid vote" means a vote that has been counted as valid or determined to be valid as provided  
26 in 13-15-206.

27 ~~(66)~~ "Voided ballot" means a ballot that has been marked "void" by an election administrator.

28 ~~(56)(67)~~"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.

~~(57)~~(68) "Voter interface device" means a voting system that:

(a) is accessible to electors with disabilities;

(b) communicates voting instructions and ballot information to a voter;

(c) allows the voter to select and vote for candidates and issues and to verify and change selections; and

(d) produces a paper ballot that displays electors' choices so the elector can confirm the ballot's accuracy and that may be manually counted.

~~(58)~~(69) "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 3.** 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.

(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, the election administrator or an election judge shall handle the ballot as ~~a regular ballot~~ an accepted 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 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~~ an accepted ballot.

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

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

5 (3) In a primary election, if unvoted party ballots are returned by a voter, they must be separated  
6 and handled pursuant to 13-1-303 and 13-12-202.

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

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

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

14 (7) (a) Except as provided in subsection (8), after receiving an absentee ballot secrecy envelope  
15 and if the validity of the ballot is confirmed pursuant to 13-13-245, then no sooner than 3 business days before  
16 election day, the election official may open the secrecy envelope and place the ballot in the proper, secured  
17 ballot box until tabulation occurs. Automatic tabulation using a vote-counting machine may not begin sooner  
18 than 1 day before election day. Tabulation using a manual count may not begin until election day.

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

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

23 (d) Access to an electronic system containing early tabulation results is limited to the election  
24 administrator and the election administrator's designee. Results may not be released except as provided in 13-  
25 35-241.

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

(9) 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) 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 4.** Section 13-37-219, MCA, is amended to read:

**"13-37-219. Limitations on contributions to candidate when office sought is not known.** A candidate, as defined in ~~13-1-101(8)(b)~~ 13-1-101(10)(b), who has not determined the office to which the individual will seek nomination or election is subject to the lowest contribution limitation of the offices the candidate is considering seeking."

**Section 5.** Section 13-37-226, MCA, is amended to read:

**"13-37-226. Time for filing reports.** (1) Except as provided in 13-37-206 and 13-37-225(3), a candidate shall file reports required by 13-37-225(1)(a) containing the information required by 13-37-229, 13-37-231, and 13-37-232 as follows:

(a) quarterly, due on the 5th day following a calendar quarter, beginning with the calendar quarter in which funds are received or expended during the year or years prior to the election year that the candidate expects to be on the ballot and ending in the final quarter of the year preceding the year of an election in which the candidate participates;

(b) except as provided in subsection (4)(a), the 20th day of March, April, May, June, August, September, October, and November in the year of an election in which the candidate participates;

(c) except as provided in subsection (6), within 2 business days of receiving a contribution equal to the applicable limitation provided in 13-37-216 for the candidate if the contribution is received between the 15th

1 day of the month preceding an election in which the candidate participates and the day before the election;

2 (d) except as provided in subsection (6), within 2 business days of making an expenditure of an  
3 amount equal to or more than the applicable contribution limitation provided in 13-37-216 for the candidate if  
4 made between the 15th day of the month preceding an election in which the candidate participates and the day  
5 before the election;

6 (e) semiannually on the 10th day of March and September, starting in the year following an  
7 election in which the candidate participates until the candidate files a closing report as specified in 13-37-  
8 228(3); and

9 (f) as provided by subsection (3).

10 (2) Except as provided in 13-37-206, 13-37-225(3), and 13-37-227, a political committee or a joint  
11 fundraising committee shall file reports required by 13-37-225(1)(a) containing the information required by 13-  
12 37-229, 13-37-231, and 13-37-232 as follows:

13 (a) quarterly, due on the 5th day following a calendar quarter, beginning with the calendar quarter  
14 in which the political committee or the joint fundraising committee receives a contribution or makes an  
15 expenditure after an individual becomes a candidate or an issue becomes a ballot issue, as defined in ~~13-4-~~  
16 ~~401(6)(b)~~ 13-1-101(7)(b), and ending in the final quarter of the year preceding the year in which the candidate  
17 or the ballot issue appears on the ballot;

18 (b) except as provided in subsection (4)(b), the 30th day of March, April, May, June, August,  
19 September, October, and November in the year of an election in which the political committee or the joint  
20 fundraising committee participates;

21 (c) within 2 business days of receiving a contribution, except as provided in 13-37-232, of \$500 or  
22 more if received between the 25th day of the month before an election in which the political committee or the  
23 joint fundraising committee participates and the day before the election;

24 (d) within 2 business days of making an expenditure of \$500 or more that is made between the  
25 25th day of the month before an election in which the political committee or the joint fundraising committee  
26 participates and the day before the election;

27 (e) quarterly, due on the 5th day following a calendar quarter, beginning in the calendar quarter  
28 following a year of an election in which the political committee or the joint fundraising committee participates



1 until the political committee or the joint fundraising committee files a closing report as specified in 13-37-228(3);

2 and

3 (f) as provided by subsection (3).

4 (3) In addition to the reports required by subsections (1), (2), and (4), if a candidate, political  
5 committee, or joint fundraising committee participates in a special election, the candidate, political committee,  
6 or joint fundraising committee shall file reports as follows:

7 (a) a report on the 60th, 35th, and 12th days preceding the date of the special election; and

8 (b) 20 days after the special election.

9 (4) (a) A candidate for a municipal office who participates in an election held in an odd-numbered  
10 year shall file the reports required in subsection (1) on the 20th day of June, July, August, September, October,  
11 and November of the year of the election in which the candidate participates.

12 (b) A political committee that participates in a municipal election held in an odd-numbered year  
13 shall file the reports required in subsection (2) on the 30th day of June, July, August, September, October, and  
14 November of the year of the election in which the committee participates.

15 (5) Except as provided by 13-37-206, candidates for a local office and political committees that  
16 receive contributions or make expenditures referencing a particular local issue or a local candidate shall file the  
17 reports specified in subsections (1) through (4) only if the total amount of contributions received or the total  
18 amount of funds expended for all elections in a campaign exceeds \$500.

19 (6) A candidate is not required to file a report required by subsection (1)(c) or (1)(d) if the  
20 candidate is not opposed in the election.

21 (7) A report required by this section must cover contributions received and expenditures made  
22 pursuant to the time periods specified in 13-37-228.

23 (8) A report required by this section is due by 11:59 p.m. on the due date.

24 (9) A political committee may file a closing report prior to the date in 13-37-228(3) and after the  
25 complete termination of its contribution and expenditure activity during an election cycle.

26 (10) For the purposes of this section:

27 (a) a candidate participates in an election by attempting to secure nomination or election to an  
28 office that appears on the ballot; and

1 (b) a political committee or a joint fundraising committee participates in an election by receiving a  
2 contribution or making an expenditure."

3  
4 **Section 6.** Section 13-37-234, MCA, is amended to read:

5 **"13-37-234. Religious organization exemptions to be broadly construed.** Pursuant to the first  
6 amendment to the United States constitution and to ensure the consistent application of the law, the  
7 commissioner shall broadly construe the exemptions concerning religious organizations provided in ~~13-1-~~  
8 ~~101(9)(b)(iv), (15)(b)(v), (19)(b)(v), and (21)(b)(vi)~~ 13-1-101(12)(b)(iv), (18)(b)(v), (22)(b)(v), and (24)(b)(vi)."

9  
10 NEW SECTION. **Section 7. Effective date.** [This act] is effective on passage and approval.

11 - END -