

## **HJR 46 Study: Election Laws Proposed Clarification on Places of Deposit**

### Background

A county election administrator has questioned whether the current mail ballot election laws require any place of deposit outside of an election administrator's office to be open every day after ballots have been mailed.

Because the language in current law appears ambiguous on this point, the Secretary of State's Office and the HJR 46 work group have reviewed a proposed change to LC 35 to clarify the language. No one objected to the proposed change.

### Current Language in 13-19-307, MCA

The section of law involving places of deposit is shown below, with the potentially ambiguous language highlighted in yellow:

"13-19-307. **Places of deposit.** (1) The election administrator shall designate his office and may designate one or more places in the political subdivision in which the election is being conducted as places of deposit where ballots may be returned in person by the elector.

(2) Prior to election day, ballots may be returned to any designated place of deposit only during regular business hours.

(3) On election day, each location designated as a place of deposit must be open as provided in 13-1-106, and ballots may be returned during those hours.

(4) The election administrator may designate certain locations as election day places of deposit, and any location so designated shall function as a place of deposit only on election day.

(5) The election administrator shall provide each designated place of deposit with an official ballot transport box secured as provided by law."

### Proposed Change

The proposed change to the statute is shown on the back, incorporated into the other LC 35 changes that SAVA has approved for this section. The change is highlighted in yellow.

Section 41. Section 13-19-307 , MCA, is amended to read:

"13-19-307. **Places of deposit.** (1) (a) The election administrator shall designate ~~his~~ the election administrator's office and may designate one or more places in the political subdivision in which the election is being conducted as places of deposit where ballots may be returned in person by the elector or the elector's agent or designee.

(b) If the election administrator's office is not accessible pursuant to 13-3-205, the election administrator must designate at least one accessible place of deposit.

(2) Prior to election day, ballots may be returned to any designated place of deposit only during regular business hours during the days and times set by the election administrator, within the regular business hours of the location.

(3) On election day, each location designated as a place of deposit must be open as provided in 13-1-106, and ballots may be returned during those hours.

(4) The election administrator may designate certain locations as election day places of deposit, and any designated location ~~so designated shall~~ must function as a place of deposit only on election day.

(5) Each place of deposit must be staffed by at least two election officials who are selected as provided for election judges in 13-4-102.

~~(5)~~ (6) The election administrator shall provide each designated place of deposit with an official ballot transport box secured as provided by law."