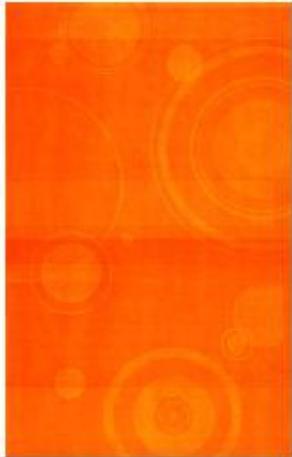


Secretary of State Linda McCulloch  
Elections and Government Services  
Sos.mt.gov      soselections@mt.gov

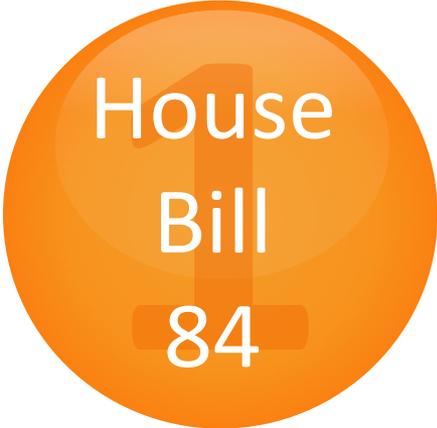
2016 Election Administrator Certification Training

# 2015 Legislative Review



# Legislative Review





House  
Bill  
84

**Sweeping legislation drafted by the State Administration and Veterans' Affairs (SAVA) Committee to “consolidate, simplify, and standardize, to the extent feasible, dates and deadlines for special purpose district elections and for local government elections to provide consistency for election administrators and voters”**

## Some significant changes in **HB 84**:

- Special Purpose District elections will be held in May on school election day **IN THE EVEN YEAR**
  - Special Purpose District trustees elected in November of 2013 will have terms that expire in May of 2018, instead of November of 2017
  - Similarly, trustees elected in November of 2015 will have terms that expire in May of 2020.

# House Bill 84

## Some significant changes in **HB 84** :

- Special Purpose District elections will be held in May on school election day **IN THE EVEN YEAR**
  - Conservation Districts are an exception – elections for Conservation District Trustees will not change
  - Elections for funding (bonds, fee assessments, sale or lease of property) are also an exception and can be held with another election or as a special election

## Some significant changes in **HB 84**:

- Requirement for special purpose district candidates, school candidates and community college candidates to file petition signatures is removed
- Filing period begins 145 days and ends 85 days for most candidates
  - School trustee filing is 145 days to 40 days

## Some significant changes in **HB 84**:

- Late registration now applies to school elections
  - If a county is conducting the school election, late registration is conducted the same as for other elections

# House Bill 84

## Some significant changes in **HB 84**:

- Late registration now applies to school elections
  - If a school is conducting the school election, the county provides a “certificate of late registration” to each late registrant
    - The late registrant must present the certificate to the school clerk in order to be issued a ballot
  - The county election office must be open until 8 p.m. on school election day for late registration

# House Bill 84

Some significant changes in **HB 84**:

➤ Certificate of Late Registration

CERTIFICATE OF LATE REGISTRATION

Type of Late Registration: County to County	
Previous County: Golden Valley	Current County: Lewis & Clark
<b>District Name</b> SCHOOL DISTRICT 2	<b>District Name</b> SCHOOL DISTRICT 1 ELEMENTARY SCHOOL DISTRICT 1 HIGH SCHOOL

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**Lewis & Clark County Montana** **316 N PARK ROOM 168**  
**HELENA, MT 59623**

**Election Administrator**

The undersigned election administrator in and for the county and state aforesaid, does hereby certify that:

**TEST VOTER**

Residence Address _____ 1326 WAUKESHA AVE HELENA, MT 59601	Mailing Address _____
--	-----------------------

Is a duly qualified elector of this county, Registration Number 450146836:  
County Registration Date: 01/12/2016  
State Registration Date: 01/12/2016  
Date of Birth: 01/22/1990

\_\_\_\_\_  
Voter Signature

In witness hereof, I have hereunto set my hand and affixed my official seal on this 12 day of January 2016.

**SEAL**

\_\_\_\_\_  
Paulette DeHart  
Election Administrator

By \_\_\_\_\_  
Deputy

## Some significant changes in **HB 84**:

### Poll Elections

- Absentee ballots are sent 25 days before a school, municipal, county or state/federal election
- Absentee ballots are sent 20 days before a special purpose district or school bond election
- Ballots must still be available for in-person absentee voting and for late registration 30/29 days before an election
- Ballots must still be sent to voters covered under UOCAVA 45 days before a federal election, and as soon as ballots are available for other elections

# House Bill 84

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Some significant changes in **HB 84**:

## Mail Elections

- Ballots are sent 20-15 days before a mail ballot election
- Ballots must still be available for in-person absentee voting and for late registration 30/29 days before an election
- Ballots must be sent to voters covered under UOCAVA as soon as ballots are available for mail ballot elections

# House Bill 84

## MT Votes changes as a result of **HB 84**:

- Recommend to set up school election in MT Votes even if you are not conducting the election
  - Helps to track late registrants with ballots in other districts
  - Helps to track supplemental labels
  - If you do not scan in voted ballots, delete the election and manually change late registrants to “Active” status
    - Note that there will be no voting history
  - If you do scan in voted ballots, late registrants will change to “Active” status when you close the election
- Give ALL late registrants for any election a vote eligible date of the Sunday before the close of voter registration



**Allows an elector with a disability to vote using an electronic ballot**

## HB 400

What is a disability as used in **HB 400**:

**13-3-202. Definitions.** As used in this part, unless the context indicates otherwise, the following definitions apply:

.....

(2) "Disability" means a temporary or permanent physical impairment such as:

(a) impaired vision;

(b) impaired hearing; or

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

## HB 400

- ▶ How will you know if someone is an “elector with a disability”
  - ▶ Application for eballot will contain the following affirmation:

*“By signing below, I understand that I am officially requesting an absentee ballot, and affirm that I am eligible to receive and vote an electronic ballot because I am an individual with a temporary or permanent physical impairment such as impaired vision, impaired hearing or impaired mobility in accordance with [13-3-202, Montana Code Annotated](#), and I will have met the 30-day Montana residency requirement before voting my absentee ballot.”*

## HB 400

- ▶ How will you send an eballot to an elector with a disability?
  1. Use the Electronic Ballot Request System (EBRS - SOS system similar to the EAS)
  2. Email a fillable PDF ballot
  3. Other at county's discretion

## HB 400

- ▶ **The Electronic Ballot Request System (EBRS)**
  1. You will receive email notification that a ballot request has been submitted.
  2. You must first issue a ballot from MT Votes, then approve the ballot request in the Admin side of the EBRS
    - a. A ballot must be issued in MT Votes because EBRS voters, unlike UOCAVA voter, have the potential to appear at the polls to vote.

## HB 400

- ▶ **The Electronic Ballot Request System (EBRS)**
  - a. Choose absentee status of “EBR” in MT Votes
  - b. Absentee issue method will be EBRS or Email

## HB 400

- ▶ How will you receive an eballot from an elector with a disability
  - I. In the mail or delivered in person
    - a. Eballots from the EBRS cannot be returned via email

## HB 400

- ▶ Review Administrative Rules implementing House Bill 400 at <http://sos.mt.gov/ARM/notices/archives/2015/44-2-204pro-arm.pdf>
  - ▶ Rules describe the process to
    - ▶ Log receipt of each eballot
    - ▶ Transcribe eballots (note: according to the new law, these ballots cannot be transcribed until the day before election day, unlike UOCAVA ballots that can be transcribed as they are received)

## Other legislation affecting voting for individuals with disabilities:

- House Bill 209 – Designation of Agent for Voters with Disabilities
  - Expands the use of the Agent Designation process to providing assistance throughout the registration and voting process
  - Use of an Agent is considered a reasonable accommodation under ADA



**House Bill 69**

**House Bill 198**

**House Bill 342**

**House Bill 454**

**House Bill 529**

**House Bill 580**

## Other Legislation

### House Bill 69

- ▶ Requires that each election administrator complete 6 hours of election-related continuing education each year
  - ▶ The 6 hours is in addition to the biennial training provided by the SOS
  - ▶ Options for continuing education include:
    - ▶ National election conferences (IACRIOT, Election Center, etc.)
    - ▶ Election training at MACR conventions
    - ▶ Election training at MACR mid-winter meetings
    - ▶ On-line training on SOS website
    - ▶ MTVotes training

## Other Legislation

### House Bill 69

- ▶ SOS will provide certificate of completion to each attendee at the biennial training
- ▶ SOS will provide certification that training requirements have been met (attendance at biennial training AND 6 hours of continuing education for an even year; 6 hours of continuing education for an odd year) after the end of each calendar year.
- ▶ A list of election administrators who have met annual training requirements will be published on the “for election officials” webpage.

# House Bill 84

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## Other Legislation

### House Bill 198

- Prohibits a candidate's title, accomplishment, award or degree from appearing on the ballot

### House Bill 342

- Allows electors to confirm their absentee mailing address via email without a signature
  - If elector is updating their residential address, they must sign the form
- An updated absentee confirmation form reflects the new law

## Other Legislation

### House Bill 454

- Precinct Committee Election
  - Allows parties to appoint or elect precinct committee members internally
  - Party must follow party rules if appointing or electing internally

## Other Legislation

### House Bill 529

#### ➤ Poll Watchers

- Prohibits a candidate from serving as a poll watcher at a polling place where the candidate's name is on the ballot.

## Other Legislation

### HB 580

- Electioneering
  - Prohibits a candidate, a candidate's family member, or a worker or volunteer for the candidate's campaign from distributing alcohol, tobacco, food, drink or anything of value to a voter within a polling place or within 100 feet of an entrance to a polling place on election day

## Know the Law!



## That's a lot of changes.....

House Bill 84 itself affects **over 300 statutes, in 7 different Titles.**

Thorough review of each 2015 bill, and especially of HB 84 is recommended.

The affect of many of the new laws will become apparent with the **May school/special district elections and the June primary.**

When in doubt, call the SOS. Some scenarios that come up will need to be answered on a case specific basis and we will share questions and answers with all counties as they come up.