



March 20, 2019

**TO:** School District Clerks, Election Administrators

**FROM:** Nicole Thuotte, School Finance Specialist

**RE:** Notice of important changes in mail and absentee ballot collection requirements pursuant to the Montana Ballot Interference Prevention Act

Important changes in mail and absentee ballot collection requirements are effective for the May 7, 2019 election and continue into future elections. This information is meant to give further details about the guidance issued by the Montana Secretary of State's office, relating to elections run by school district officials.

### **New Requirements**

Ballot initiative LR 129 was passed in the November 2018 general election. Now codified in §§ 13-35-701 through 705, MCA and known by the short title "Montana Ballot Interference Prevention Act", the law limits the return of ballots by an individual other than the voter. To return a ballot for another person, an individual must meet one of the following relationship definitions:

- **Acquaintance:** An individual known by the voter;
- **Caregiver:** An individual who provides medical or health care assistance to the voter in a residence, nursing care institution, hospice facility, assisted living center, assisted living home, residential care institution, adult day health care facility, or adult foster care home;
- **Family Member:** An individual who is related by blood, marriage, adoption or legal guardianship;
- **Household Member:** An individual who resides at the same residence as the voter.

An individual meeting these requirements is allowed to return no more than 6 (six) ballots per election. For each ballot returned, the ballot collector (individual returning the ballot) must sign a register, using the registry prescribed by the Secretary of State's office. This registry must be filed by election, then by the ballot collector's last name. If the ballot collector returns other ballots for the same election, a new registry is signed and filed alphabetically with the other(s).

Additionally, all registry forms must be emailed to the Office of the Commissioner of Political Practices each week, in compressed PDF format, at [cppballot@mt.gov](mailto:cppballot@mt.gov).

## **Office of Public Instruction (OPI) Recommendations**

The following are suggestions for implementation of the above requirements. Districts may choose other implementation methods that meet the requirements of the law:

- Ballot boxes should NEVER be left unattended. All ballot boxes should be clearly marked with a notice regarding ballot collection. The OPI has developed a notice for districts to use.
- Anyone in the district who will be responsible for collecting ballots, including those who are manning deposit boxes, should be deputized as election officials. Anyone not deputized as an election official and who accepts ballot on behalf of an individual, becomes a ballot collector.
- It is highly recommended that the district logs all ballots received, and identify how each ballot is received (e.g., add a column to the voter list for “method of return” and use “E” for returned by elector, “M” for returned by mail, and “C” for collected by another individual).
- Ask each individual returning a ballot whose ballot they are returning. If the ballot is not theirs they are required to sign the registry.
- If an individual returning a ballot refuses to sign the registry, or does not meet one the acceptable relationships, accept the ballot and report the violation to the MT Commissioner of Political Practices. If you do not have the individual’s name, record as much information as possible (height, weight, hair color, vehicle information, etc.).
- Let other district employees know about the new ballot collection requirements. If anyone accepts a ballot from someone with whom they do not have an acceptable relationship, they are in violation of the law, and must be reported to the MT Commissioner of Political Practices.
- It is recommended that the district post notices of the new requirements on all ballot boxes, in areas where ballot boxes are located, and in all polling locations.

Link to Forms:

Ballot Collection Registry Form:

<https://sosmt.gov/Portals/142/Elections/Documents/2019-BallotCollectionRegistry1.pdf>

Ballot Interference Prevention Act Complaint Form:

<https://politicalpractices.mt.gov/Portals/144/2019%20Communication%20assets/PDFs%20for%20website/Fillable%20Ballot%20Interference%20Prevention%20Act%20Complaint%20Form.pdf?ver=2019-03-12-152127-720>