Montana Ballot Interference Prevention Act - 5.0
Implantation and Administration of Act
Adopted 03/01/2019

## Introduction

Legislative Referendum 129 was approved in the November 2018 General Election. This referendum added the Montana Ballot Interference Prevention Act (BIPA) as Part 7 under Title 13, Chapter 35. The Act limits who can collect and convey a ballot belonging to another person. Specifically, Mont. Code Ann.§ 13-37-111(1):

- Requires a person authorized to convey another person's ballot to sign a registry when delivering the ballot to a polling place or to the election administrator's office.
- Sets a $500 penalty for each ballot unlawfully collected. Investigations and enforcement of the Act are the responsibility of COPP in conjunction with the county attorneys. See Mont. Code Ann.§ 13-37-111(1).

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County election administrators will need to establish processes to provide the registry for ballot collectors to sign when delivering ballots. A process developed by the Montana Secretary of State (Election Directive #01-19) and the Commissioner of Political Practices (Policy 5.0) is provided below, and the form provided to CE officials to use for the registry is provided as Attachment A to this policy.

## Step 1 Process: Election Administrators[1]

Election administrators will collect and store the information provided by each ballot collector on the prescribed form, Exhibit A. Election administrators will store the information first by election, and then alphabetically by each ballot collector's last name. The individual forms will become individual pages of the registry. Election administrators will send copies of collected forms to COPP on a weekly basis starting when absentee ballots are available. Transmission to COPP may be done via electronic means or by mail. Election administrators will retain the original forms in the registry per their county records retention schedule for election records.

The ballot collection registry is per election. If a county is running two concurrent elections, election officials should ensure that the right registry form is signed by the person conveying

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[1] This includes school district clerks who administer school elections

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The Commissioner recommends all counties use the prescribed form (Attachment A) and ensure it is fully completed, including who processed the form.

### Step 2 Process: Commissioner of Political Practices

It is the policy of the Office of the Commissioner of Political Practices that staff will process all emailed BIPA registry forms from election administrators:

- Monitoring the cppballot@mt.gov for any emailed forms from election administrators.
- Each form will be saved to the server (folders organized by year, county, election).  BIPA registry forms may be saved in batch form or individually.
- All forms will have cursory review by staff as assigned by the Commissioner.

### Ballot collection enforcement process

A BIPA complaint form will be made available on the COPP website

Enforcement and investigations of violations of the law are the responsibility of COPP in conjunction with local law enforcement.  If an election official suspects or discovers and issue or potential violation, it should be reported in writing using the BIPA complaint form to the COPP with as much detail as possible.

When a BIPA complaint is received, the COPP will process the complaint in the same manner as the office handles campaign practices complaints – see procedure here http://politicalpractices.mt.gov/Portals/144/5campaignfinance/CampaignComplaintProcedure2017-2.pdf

# Ballot Collection Registry
## Montana Ballot Interference Prevention Act (Mont. Code Ann. 13-35-701 et al)

An individual permitted to collect and convey a ballot under 13-35-703(2)(c) through (2)(f) shall sign a registry when delivering the ballot to the polling place or the election administrator's office. In addition to the signature requirement, the individual collecting and conveying the ballot shall provide the following information: (1) the individual's name, address, and phone number; (2) the voter's name and address; and (3) the individual's relationship to the voter required to collect and convey a ballot pursuant to 13-35-703(2)(c) through (2)(f).

Ballot collection prohibited -- exceptions. (1) Except as provided in subsection (2), a person may not knowingly collect a voter's voted or unvoted ballot. (2) This section does not apply to: (a) an election official; (b) a United States postal service worker or other individual specifically authorized by law to transmit United States mail; (c) a caregiver; (d) a family member; (e) a household member; or (f) an acquaintance. (3) An individual authorized to collect a voter's ballot pursuant to subsections (2)(c) through (2)(f) may not collect and convey more than six ballots. An individual who violates any provision within LR-129 could be fined $500 for each ballot unlawfully collected.

FOR ELECTION OFFICE USE
County _____ Election _____Date of Election _____
Processed by _____

## **Ballot Collector Information (Please Print)**

Name:_____

Address:_____State:_____Zip:_____

Phone Number:  (          )  _____ - _____

| | Voter Name | Voter Address | Relationship to Voter *(Check one)* * |
|---|---|---|---|
| 1 | | | □ Caregiver<br>□ Family<br>□ Household<br>□ Acquaintance |
| 2 | | | □ Caregiver<br>□ Family<br>□ Household<br>□ Acquaintance |
| 3 | | | □ Caregiver<br>□ Family<br>□ Household<br>□ Acquaintance |
| 4 | | | □ Caregiver<br>□ Family<br>□ Household<br>□ Acquaintance |
| 5 | | | □ Caregiver<br>□ Family<br>□ Household<br>□ Acquaintance |
| 6 | | | □ Caregiver<br>□ Family<br>□ Household<br>□ Acquaintance |

I declare under penalty of perjury that the foregoing is true and correct.

Signature:_____          Date: _____

*See reverse side for definitions*                                                                                          *Revised January 2019*

# Ballot Collection Registry
# Montana Ballot Interference Prevention Act

**13-35-702.   Definitions.** As used in this part, the following definitions apply:

(1)   "Acquaintance" means an individual known by the voter.

(2)   "Caregiver" means 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.

(3)   "Collect" means to gain possession or control of a ballot.

(4)   "Family member" means an individual who is related to the voter by blood, marriage, adoption, or legal guardianship.

(5)   "Household member" means an individual who resides at the same residence as the voter.