

RESOLUTION NO. 2020- _____

A RESOLUTION CALLING FOR THE NOVEMBER 3, 2020 GENERAL
ELECTION TO BE CONDUCTED BY MAIL BALLOT

This Resolution was introduced by _____; moved by Commissioner _____ and seconded by Commissioner _____. This Resolution was adopted _____.

WHEREAS, on March 18, 2020, the Gallatin County Board of Commissioners passed Resolution No. 2020-027 proclaiming a state of emergency in Gallatin County, Montana; and

WHEREAS, due to the global outbreak of COVID-19 Novel Coronavirus, on March 25, 2020, Governor Bullock of the State of Montana issued a directive implementing Executive Orders 2-2020 and 3-2020, permitting counties to conduct the June 2020 primary election under the mail ballot provisions of Title 13 Chapter 19, and suspending Section §13-19-104(3)(a), MCA, for that purpose only; and

WHEREAS, the March 25th Directive was due in part to the Centers for Disease Control and Prevention having urged states to “encourage voters to use voting methods that minimize direct contact with other people and reduce crowd size at polling stations”; and

WHEREAS, county election administrators, including the Gallatin County Election Administrator, adeptly managed the change in procedures for the June 2020 primary, and the election was a success, marked by an increase in voter turnout;

WHEREAS, conducting a polling place election continues to pose an enhanced risk to public health and human safety due to the COVID-19 pandemic by promoting community transmission of the virus and endangering voters, poll workers, and non-voters alike; and

WHEREAS, as acknowledged by the Governor’s August 6th Directive, it “is increasingly unlikely that the pandemic will have fully abated by November such that traditional in-person voting will not pose a significant risk to public health and human safety,” and “[p]ublic health experts have advised that typical election procedures in Montana would create an unacceptable health and safety risk to all Montanans— voters, poll workers, and non-voters alike;” and

WHEREAS, §13-19-202, MCA, allows a governing body to request that the election administrator conduct an election by use of mail ballots; and

WHEREAS, the mail ballot provisions of Title 13, Chapter 19, MCA, still allow for in-person voting if the November 3, 2020 general election is conducted by the use of mail ballots and, consequently, Governor Bullock’s August 6, 2020 Directive includes measures required for safe registration and voting, such as the adoption and enforcement of social distancing policies at polling locations; and

WHEREAS, for a county choosing to conduct the November 3 general election by mail ballot election, Governor Bullock’s August 6, 2020 Directive requires the county to expand opportunities for early voting and to institute measures for safe registration and voting by: (1) making ballots available at the election administrator’s office or other designated location from October 2, 2020 until the end of the election; (2) allowing voters to apply for, receive, and mark a ballot in-person in a manner consistent with § 13-13-222, MCA; (3) sending mail ballots 25 days before the end of the election, on October 9, 2020, consistent with the timeline for absentee ballots at § 13-13-205, MCA; (4) including a prominent notice with instructions sent to voters with mail ballots that a postage stamp is not necessary to return the ballot by

mail; and (5) not closing regular registrations until 10 days before election day on October 24, 2020;

WHEREAS, the August 6th Directive also recommends that counties conducting the November 3 general election by mail ballot election: (1) publicize and provide information to voters about polling locations and designated drop-off locations, as well as any changes or updates to those locations through website updates, letters, posters, advertising, posted signs, or other communications; (2) have Automark or Expressvote available at polling locations from October 2, 2020 through election day and, to the maximum extent possible, making accommodations for Montanans with disabilities to vote during the election period; (3) explore curbside and drive-up options for voting, registration, and other voter services; (4) promote the availability of early voting or voting by mail; and (5) use designated places of deposit as provided in § 13-19-307, MCA, provided the places are administered consistent with social distancing guidelines; and

WHEREAS, the Board of County Commissioners of Gallatin County finds that conducting the November 3 general election by mail ballot election is necessary to protect the health, safety, and general welfare of the citizens of Gallatin County.

NOW THEREFORE, it is hereby resolved as follows:

1. The Board of County Commissioners of Gallatin County, Montana, hereby requests that the Gallatin County Clerk and Recorder, as election administrator for Gallatin County, conduct the November 3, 2020 general election by mail ballot.
2. The November 3, 2020 general election mail ballot election shall be held consistent with Governor Bullock's August 6, 2020 Directive, including the requirements that the election administrator:
 - A. Make ballots available at his office or other designated location from October 2, 2020 until the end of the election;
 - B. Allow voters to apply for, receive, and mark a ballot in-person in a manner consistent with § 13-13-222, MCA;
 - C. Send mail ballots 25 days before the end of the election, on October 9, 2020, consistent with the timeline for absentee ballots at § 13-13-205, MCA;
 - D. Include a prominent notice with instructions sent to voters with mail ballots that a postage stamp is not necessary to return the ballot by mail; and
 - E. Shall not close regular registrations until 10 days before election day on October 24, 2020
3. The election administrator shall establish, implement, and enforce the safe registration and voting measures identified in Governor Bullock's August 6, 2020 directive, including CDC guidelines and state and local public health directives, to limit the transmission of COVID-19 at polling locations, designated drop-off locations, and public-facing portions of facilities involved in voting.
4. The election administrator should take the following steps as recommended by the Governor's August 6th Directive:
 - A. Publicize and provide information to voters about polling locations and designated drop-off locations, as well as any changes or updates to those locations through website updates, letters, posters, advertising, posted signs, or other communications;

- B. Have an Automark available at polling locations from October 2, 2020 through election day and, to the maximum extent possible, making accommodations for Montanans with disabilities to vote during the election period;
- C. Explore curbside and drive-up options for voting, registration, and other voter services;
- D. Promote the availability of early voting or voting by mail; and
- E. Use designated places of deposit as provided in § 13-19-307, MCA, provided the places are administered consistent with social distancing guidelines;

DATED this ___ day of August, 2020.

BOARD OF COUNTY COMMISSIONERS OF
GALLATIN COUNTY

Donald F. Seifert
Chairman

ATTEST

Eric Semerad
Clerk and Recorder, Gallatin County