

City Council Regular

Date: 05/22/2023
Title: Resolution Notifying Election Administrator of Mail Ballot
Presented by: Chris Kukulski, City Administrator
Department: City Hall Administration
Presentation: No
Legal Review Yes

RECOMMENDATION

Staff recommends that the City Council approve the attached Resolution requesting a mail ballot election for the 2023 municipal elections and the City's commitment to fund the return postage costs.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

Municipal elections are held every two years on odd numbered years, therefore, 2023 is a municipal election year. The Primary election date for this election cycle is September 12, 2023, and the General election date is November 7, 2023. Pursuant to Montana Code Annotated (MCA) Section 13-19-104, a municipality may conduct a mail ballot election in coordination with the County Election Administrator. Pursuant to Section 13-19-202, MCA, a municipality may request the County Election Administrator to plan and conduct a mail ballot election through a Resolution approved by the governing body. Section 13-19-202(2), MCA, requires that this request must be made no later than 70 days before the election. The final decision on conducting a mail ballot election is within the sole discretion of the County Election Administrator under Section 13-19-202(3), MCA. However, according to our County Election Administrator, K. V. "Ginger" Aldrich, local mail ballot elections historically have improved voter participation and have been less costly to conduct than traditional polling place elections. The Resolution attached to this memo requests the County Election Administrator to study and respond back to the Mayor and City Council concerning whether the mail ballot election is economically and administratively feasible as provided in Section 13-19-202(2), MCA. The Election Administrator is required by Section 13-19-202(4), MCA, to respond back to the governing body with this information within five (5) days after receiving the Resolution. If the Election Administrator approves of a mail ballot, the Election Administrator shall prepare a written plan for conducting the mail ballot as required by Section 13-16-205, MCA.

ALTERNATIVES

City Council may:

- Approve the attached Resolution requesting the County Election Administrator to consider a mail ballot election; or,
- Disapprove the Resolution requesting a mail ballot election and the City will be responsible the expenses of a polling place election.

FISCAL EFFECTS

As reported by Yellowstone County Election Administrator, K. V. "Ginger" Aldrich, mail ballot elections result in greater voter participation than traditional polling place elections and are less costly for the municipality to conduct. Ms. Aldrich estimated that using the current number of registered voters as a reference, the cost of the 2023 mail ballot election will be approximately \$105,000 for a Primary election, if needed, compared to the costs of a Primary election. For the General election, the costs would be the same. The FY2024 budget will need to be increased from \$120,000 to \$210,000 to cover the cost of both elections. If there is no Primary election, the budget will be adequate.

Attachments

DRAFT Resolution

Res. 23-11120

COUNCIL ACTION	Approved
11-0	
MAY 22 2023	
db	
CITY CLERK	

RESOLUTION 23-11120

**A RESOLUTION OF THE BILLINGS CITY COUNCIL
NOTIFYING THE YELLOWSTONE COUNTY ELECTION
ADMINISTRATOR OF THE CITY'S DESIRE TO
CONDUCT THE 2023 CITY PRIMARY (IF HELD) AND
THE 2023 GENERAL ELECTIONS BY MAIL BALLOT IN
ACCORDANCE WITH SECTION 13-19-202, MONTANA
CODE ANNOTATED**

WHEREAS, voter turnout in Billings municipal elections has historically been low; and

WHEREAS, Montana law provides a method for conducting mail ballot elections for local elections; and

WHEREAS, mail ballot elections statistically increase voter turnout in elections; and

WHEREAS, the Yellowstone County Election Administrator, K. V. "Ginger" Aldrich, informed the City Council that the costs of conducting a mail ballot area always going to be less than the costs of conducting a polling place election; and

WHEREAS, mail ballot elections remove barriers that keep people from getting to the polls, give people more time to study candidates and issues, and has built-in safeguards that increase the integrity of the election process; and

WHEREAS, the City may hold a Primary Election on September 12, 2023, as required by Section 13-1-104(2), MCA; and

WHEREAS, Section 13-14-115(2), MCA, provides:

- (a) The election administrator of the political subdivision may determine that a local nonpartisan portion of a primary election need not be held if:
 - i. The number of candidates for an office exceeds three times the number to be elected to that office in no more than one-half of the offices on the ballot; and
 - ii. The number of candidates in excess of three times the number to be elected is not more than one for any office on the ballot.

- (b) The election administrator may determine that a primary election for a nonpartisan county office need not be held if fewer than three candidates have filed for that office.
- (c) If the election administrator determines that a primary election be held pursuant to subsection (2)(a) or (2)(b), the election administrator shall conduct the primary election only for the nonpartisan offices that have a sufficient number of candidates that have filed to be elected to that office.
- (d) If the election administrator determines that a primary election need not be held pursuant to subsection (2)(a), (2)(b) or (2)(c) for a nonpartisan office, the administrator shall give notice to the governing body that a primary election will not be held for that office; and

WHEREAS, Section 13-14-115(3), MCA, states a governing body may require that a primary election be held if it passes a resolution not more than 10 days after the close of filing by candidates for election stating that a primary election must be held; and

WHEREAS, the City of Billings will hold a General Election on November 7, 2023, as required by Section 13-1-104(3), MCA; and

WHEREAS, pursuant to Section 13-19-104, MCA, such elections can be conducted by a mail ballot election and the Yellowstone County Election Administrator has determined that a mail ballot election conducted in accordance with the provisions of Title 13, Chapter 19, Parts 1-3, MCA, is in the best interests of the City and the electors thereof, and pursuant to Section 13-19-202, MCA, the City of Billings may notify the Yellowstone County Election Administrator of its intent to conduct a mail ballot election; and

WHEREAS, the Election Administrator shall prepare a written plan, including a timetable, for the conduct of the elections and shall submit it to the Secretary of State at least 60 days prior to the date set for the election in accordance with Section 13-19-205, MCA; and

WHEREAS, pursuant to Section 13-1-302, MCA, all costs of the regularly scheduled primary and general elections shall be paid by the counties and other political subdivisions for which the elections are held. Each political subdivision shall bear its proportionate share of the costs as determined by the county governing body.

WHEREAS, the Office of the County Election Administrator will serve as the place of deposit for ballots within the City limits. Electors who wish to mark their ballot in-person may do so at the Office of the County Election Administrator and deposit their ballot with the election officials at that location; and

WHEREAS, the Election Administrator will have an ADA accessible voter interface device available for disabled electors to mark their ballot independently, privately, and securely at the Office of the County Election Administrator; and

WHEREAS, for any election conducted by mail, ballots must be mailed no sooner than the 20th day and no later than the 15th day before Election Day and all ballots must be mailed the same day in accordance with Section 13-19-207, MCA.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, that the City Council of the City of Billings hereby notifies the Yellowstone County Election Administrator of the City's desire to conduct the 2023 City Primary (if held) and the 2023 General Election by mail ballot in accordance with Section 13-19-202, MCA; and

BE IT FURTHER RESOLVED THAT, except as provided in Section 13-19-204, MCA, the decision to conduct an election under the provisions of Section 13-19-202, MCA, is within the sole discretion of the Election Administrator; and

BE IT FURTHER RESOLVED THAT, the City Clerk is hereby directed to forward a certified copy of this resolution to the Yellowstone County Election Administrator in accordance with the provisions of Section 13-19-202, MCA; and

BE IT FURTHER RESOLVED THAT, within five (5) days of receiving this request, the Election Administrator shall respond to the Billings City Clerk in writing stating that this request is either granted or denied for reasons specified. If granted, the Election Administrator shall prepare a plan as provided in Section 13-19-205, MCA; and

APPROVED AND PASSED by the City Council of the City of Billings this 22nd day of May, 2023.



CITY OF BILLINGS

By:

William A. Cole
William A. Cole, Mayor

ATTEST:

By: Denise R. Bohlman
Denise R. Bohlman, City Clerk