

SENATE BILL NO. 499

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MOORE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT CERTAIN VOTER LIST MAINTENANCE
PROCEDURES APPLY TO VOTERS WITH PERMANENT ADDRESS CHANGES AND NOT TEMPORARY
ADDRESS CHANGES; AND AMENDING SECTIONS 13-2-220 AND 13-13-212, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-2-220, MCA, is amended to read:

**"13-2-220. Maintenance of active and inactive voter registration lists for elections -- rules by
secretary of state.** (1) The rules adopted by the secretary of state under 13-2-108 must include the following
procedures, at least one of which an election administrator shall follow annually:

(a) compare the entire list of registered electors, including electors on the absentee ballot list,
against the national change of address files and provide appropriate confirmation notice to those individuals
whose permanent addresses have apparently changed;

(b) mail a nonforwardable, first-class, "return if undeliverable--address correction requested" notice
to all registered electors, including electors on the absentee ballot list, of each jurisdiction to confirm their
addresses and provide the appropriate confirmation notice to those individuals who return the notices;

(c) mail a targeted mailing to electors, including electors on the absentee ballot list, who failed to
vote in the preceding federal general election, applicants who failed to provide required information on
registration forms, and provisionally registered electors by:

(i) sending the list of nonvoters a nonforwardable notice, followed by the appropriate forwardable
confirmation notice to those electors who appear to have moved from their addresses of record;

(ii) comparing the list of nonvoters against the national change of address files, followed by the
appropriate confirmation notices to those electors who appear to have moved permanently from their addresses

1 of record;

2 (iii) sending forwardable confirmation notices; or

3 (iv) making a door-to-door canvass.

4 (2) (a) Any notices returned as undeliverable to the election administrator or any notices to which
5 the elector fails to respond after the election administrator uses the procedures provided in subsection (1) must
6 be followed within 30 days by an appropriate confirmation notice that is a forwardable, first-class, postage-paid,
7 self-addressed, return notice.

8 (b) If the elector fails to respond within 30 days of the final confirmation notice, after the 30th day,
9 the election administrator shall move the elector to the inactive list and work with the secretary of state's office
10 and the motor vehicle division in the department of justice to verify the elector's address.

11 (c) If the election administrator is not able to verify the elector's address, the elector must be
12 placed on the inactive list until they follow the procedure in 13-2-222 or 13-2-304, as applicable.

13 (3) A procedure used by an election administrator pursuant to this section must be completed at
14 least 90 days before a primary or general election for federal office.

15 (4) An elector's registration may be reactivated pursuant to 13-2-222 or may be canceled pursuant
16 to 13-2-402."

17

18 **Section 2.** Section 13-13-212, MCA, is amended to read:

19 **"13-13-212. Application for absentee ballot -- special provisions -- absentee ballot list for**

20 **subsequent elections.** (1) (a) Except as provided in subsection (1)(b), an elector may apply for an absentee
21 ballot by using a standard application form provided by rule by the secretary of state pursuant to 13-1-210 or by
22 making a written request, which must include the applicant's birth date and must be signed by the applicant.
23 The request must be submitted to the election administrator of the applicant's county of residence within the
24 time period specified in 13-13-211.

25 (b) A person who holds a power of attorney from a uniformed-service voter may apply for an
26 absentee ballot for that election on behalf of the uniformed-service voter. The applicant shall provide a copy of
27 the power of attorney authorizing the request for an absentee ballot along with the application.

28 (2) (a) If an elector requests an absentee ballot because of a sudden illness or health emergency,

1 the application for an absentee ballot may be made by written request signed by the elector at the time that the
2 ballot is delivered in person by the absentee election board or by an authorized election official as provided in
3 13-13-225.

4 (b) The elector may request by telephone, facsimile transmission, or other means to have a ballot
5 and application personally delivered by the absentee election board or by an authorized election official at the
6 elector's place of confinement, hospitalization, or residence within the county.

7 (c) A request under subsection (2)(a) must be received by the election administrator within the
8 time period specified in 13-13-211(2).

9 (3) An elector may, at any time, request to be mailed an absentee ballot for each subsequent
10 election in which the elector is eligible to vote, as long as the elector remains qualified to vote and remains at
11 the address provided in the initial absentee ballot application. The request may be made when the individual
12 applies for voter registration using the standard application form provided for in 13-1-210.

13 (4) (a) An elector on the active list who has requested to be on the absentee ballot list and who
14 has not filed a permanent change of address with the U.S. postal service must continue to receive an absentee
15 ballot for each subsequent election.

16 (b) (i) The election administrator shall biennially mail a forwardable address confirmation form to
17 each elector who is listed in the national change of address system of the U.S. postal service as having
18 changed the elector's permanent address.

19 (ii) The address confirmation form must request the elector's driver's license number or the last
20 four digits of the elector's social security number. The address confirmation form must include an e-mail
21 address for the election administrator that can be used by the elector to confirm that the elector wishes to
22 continue to receive an absentee ballot and to provide the requested information. The address confirmation form
23 must be mailed in January of every even-numbered year. The address confirmation form is for elections to be
24 held between February 1 following the mailing through January of the next even-numbered year.

25 (iii) An election administrator may provide a website on which the elector can provide the required
26 information to confirm that the elector wishes to remain on the absentee ballot list.

27 (iv) If the elector is providing confirmation using the address confirmation form, the elector shall
28 sign the form, indicate the address to which the absentee ballot should be sent, provide the elector's driver's

1 license number or the last four digits of the elector's social security number, and return the form to the election
2 administrator.

3 (v) The elector may provide the required information to the election administrator using:

4 (A) the e-mail address provided on the form; or

5 (B) a website established by the election administrator.

6 (vi) The elector does not need to provide a signature when using either option provided in
7 subsection (4)(b)(v) to confirm that the elector wishes to remain on the absentee ballot list.

8 (vii) If the form is not completed and returned or if the elector does not respond using the options
9 provided in subsection (4)(b)(v), the election administrator shall remove the elector from the absentee ballot list.

10 (c) An elector may request to be removed from the absentee ballot list for subsequent elections by
11 notifying the election administrator in writing.

12 (d) An elector who has been or who requests to be removed from the absentee ballot list may
13 subsequently request to be mailed an absentee ballot for each subsequent election.

14 (5) In a mail ballot election, ballots must be sent under mail ballot procedures rather than under the
15 absentee ballot procedures set forth in this section.

16 (6) An elector on the inactive voter list may not receive a ballot until the elector reactivates the
17 elector's registration as provided in 13-2-222."

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