

1                                   HOUSE JOINT RESOLUTION NO. 46  
2                                   INTRODUCED BY SANDS, INGRAHAM

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4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF  
5 MONTANA REQUESTING THAT AN APPROPRIATE INTERIM COMMITTEE OR SUFFICIENT STAFF  
6 RESOURCES BE ASSIGNED TO DEVELOP LEGISLATION THAT PROVIDES FOR A COMPREHENSIVE  
7 CLEANUP AND CLARIFICATION OF CURRENT ELECTION LAWS, INCLUDING THE POSSIBLE REVISIONS  
8 TO MAIL BALLOT ELECTION LAWS TO REQUIRE OR PERMIT THAT ALL ELECTIONS BE CONDUCTED BY  
9 MAIL BALLOT; AND PROVIDING THAT THE DRAFT LEGISLATION BE PRESENTED TO THE 61ST  
10 LEGISLATURE FOR CONSIDERATION.

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12               WHEREAS, Title 13, chapter 19, of the Montana Code Annotated allows local elections to be conducted  
13 by mail as a cost-effective and efficient alternative for conducting an election by requiring electors to vote at the  
14 polls; and

15               WHEREAS, current law that allows absentee voting and late registration has resulted in a significant  
16 increase in absentee voting, which demonstrates that absentee voting is a popular alternative to voting only at  
17 the polling place on election day; and

18               WHEREAS, a mail ballot election is essentially absentee voting; and

19               WHEREAS, all elections in Oregon are conducted by mail, which has proven for Oregon to be not only  
20 cost-effective but to have significantly improved voter participation; and

21               WHEREAS, Montana's election laws have undergone significant changes in the past 20 years due to  
22 federal legislation, including changes required by the Voting Accessibility for the Elderly and Handicapped Act,  
23 the Uniformed and Overseas Citizens Absentee Voting Act, the National Voter Registration Act of 1993, and the  
24 Help America Vote Act of 2002; and

25               WHEREAS, Montana's election laws have also undergone significant revision due to state-level  
26 legislation revising absentee voting, voter registration, and mail ballot elections; and

27               WHEREAS, in the past 20 years, there has not been a comprehensive examination of the election  
28 statutes or comprehensive legislation to clean up, clarify, and better coordinate all the election statutes;

29               WHEREAS, most recently, bill draft request LC 1503, which would have provided that all elections be  
30 conducted by mail, highlighted the fact that current statutes on mail ballot elections are outdated, inadequate, and

1 unwieldy and that there are significant gaps and overlaps in laws with respect to not only mail ballot elections,  
2 but also with respect to absentee and provisional voting and accessibility for elderly and disabled voters; and

3 WHEREAS, work already completed on LC 1503 lays a foundation for developing comprehensive  
4 legislation concerning mail ballot elections, absentee and provisional voting, and accessibility so that all elections  
5 could be conducted by mail; and

6 WHEREAS, despite the amount of work already completed on LC 1503, more work is required so that  
7 a technically sufficient bill can be properly considered and debated by the Legislature and so that the legislation  
8 will not only update current laws but will enhance the integrity of the process for voter registration, for absentee,  
9 provisional, and mail ballots, and for signature verification; and

10 WHEREAS, assigning this project to an interim committee or to staff during the interim would provide  
11 greater opportunity for public participation and discussion among all interested persons and stakeholders with  
12 respect to Montana's election laws, especially concerning mail ballot elections and absentee voting.

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14 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE  
15 STATE OF MONTANA:

16 That the Legislative Council be requested to designate an appropriate interim committee, pursuant to  
17 section 5-5-217, MCA, or direct sufficient staff resources to draft legislation to provide for a comprehensive  
18 update, clarification, and cleanup of current election law statutes and to require or permit all elections to be  
19 conducted by mail.

20 BE IT FURTHER RESOLVED, that the legislation be drafted with input from the Office of the Secretary  
21 of State, local election administrators, interested persons and organizations, and the general public.

22 BE IT FURTHER RESOLVED, that if assigned to staff, the draft legislation be presented to and reviewed  
23 by an appropriate interim committee designated by the Legislative Council.

24 BE IT FURTHER RESOLVED, that the draft legislation be completed and presented to the appropriate  
25 interim committee prior to September 15, 2008.

26 BE IT FURTHER RESOLVED, that the draft legislation, including any findings, conclusions, comments,  
27 or recommendations of the appropriate committee, be reported to the 61st Legislature.

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