

HOUSE JOINT RESOLUTION NO. 46  
INTRODUCED BY D. SANDS

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

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

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

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

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

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

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

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

WHEREAS, most recently, bill draft request LC 1503, which would have provided that all elections be conducted by mail, highlighted the fact that current statutes on mail ballot elections are outdated, inadequate, and unwieldy and that there are significant gaps and overlaps in laws with respect to not only mail ballot elections,

but also with respect to absentee and provisional voting and accessibility for elderly and disabled voters; and

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

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

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

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

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

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

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

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

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

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