

1 HOUSE BILL NO. 287

2 INTRODUCED BY B. BENNETT

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT ADDRESS CONFIRMATION IS NOT REQUIRED
5 FOR AN ELECTOR ON THE ABSENTEE BALLOT LIST FOR SUBSEQUENT ELECTIONS UNLESS THE
6 ELECTOR HAS CHANGED THE ELECTOR'S ADDRESS; AND AMENDING SECTIONS 13-2-220 AND
7 13-13-212, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 **Section 1.** Section 13-2-220, MCA, is amended to read:
12 **"13-2-220. Maintenance of active and inactive voter registration lists for elections -- rules by**
13 **secretary of state.** (1) The rules adopted by the secretary of state under 13-2-108 must include the following
14 procedures, at least one of which an election administrator shall follow in every odd-numbered year:
15 (a) compare the entire list of registered electors against the national change of address files and provide
16 appropriate confirmation notice to those individuals whose addresses have apparently changed;
17 (b) mail a nonforwardable, first-class, "return if undeliverable--address correction requested" notice to
18 all registered electors of each jurisdiction to confirm their addresses and provide the appropriate confirmation
19 notice to those individuals who return the notices;
20 (c) mail a targeted mailing to electors who failed to vote in the preceding federal general election,
21 applicants who failed to provide required information on registration cards, and provisionally registered electors
22 by:
23 (i) sending the list of nonvoters a nonforwardable notice, followed by the appropriate forwardable
24 confirmation notice to those electors who appear to have moved from their addresses of record;
25 (ii) comparing the list of nonvoters against the national change of address files, followed by the
26 appropriate confirmation notices to those electors who appear to have moved from their addresses of record;
27 (iii) sending forwardable confirmation notices; or
28 (iv) making a door-to-door canvass.
29 (2) An individual who submits an application for an absentee ballot for a federal general election or who
30 completes and returns the address confirmation notice specified in 13-13-212~~(3)~~(4) during the calendar year in

1 which a federal general election is held is not subject to the procedure in subsection (1)(c) unless the individual's
2 ballot for a federal general election is returned as undeliverable and the election administrator is not able to
3 contact the elector through the most expedient means available to resolve the issue.

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

9 (4) A procedure used by an election administrator pursuant to this section must be completed at least
10 90 days before a primary or general election for federal office.

11 (5) An elector's registration may be reactivated pursuant to 13-2-222 or may be canceled pursuant to
12 13-2-402."

13

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

15 **"13-13-212. Application for absentee ballot -- special provisions -- biennial absentee ballot list**

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

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

24 (2) (a) If an elector requests an absentee ballot because of a sudden illness or health emergency, the
25 application for an absentee ballot may be made by written request signed by the elector at the time that the ballot
26 is delivered in person by the absentee election board or by an authorized election official as provided in
27 13-13-225.

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

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

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

7 ~~(b)(i)(4)~~ (a) An elector who has requested to be on the absentee ballot list and who has not filed a
8 change of address with the U.S. postal service must continue to receive an absentee ballot for each subsequent
9 election.

10 (b) (i) The election administrator shall biennially mail a forwardable address confirmation form to each
11 elector who ~~has requested an absentee ballot for subsequent elections~~ is listed in the national change of address
12 system of the U.S. postal service as having changed the elector's address.

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

19 ~~(ii)(iii)~~ (iii) An election administrator may provide a website on which the elector can provide the required
20 information to confirm that the elector wishes to remain on the ~~biennial~~ absentee ballot list.

21 ~~(iii)(iv)~~ Except as provided in subsections (3)(b)(iv) and (3)(b)(v) If the elector is providing confirmation
22 using the address confirmation form, the elector shall sign the form, indicate the address to which the absentee
23 ballot should be sent, provide the elector's driver's license number or the last four digits of the elector's social
24 security number, and return the form to the election administrator.

25 ~~(iv)(v)~~ (v) The elector may provide the required information to the election administrator using:

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

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

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

30 ~~(v)(vii)~~ (vii) If the form is not completed and returned or if the elector does not respond using the options

1 provided in subsection ~~(3)(b)(iv)~~ (4)(b)(v), the election administrator shall remove the elector from the ~~biennial~~
2 absentee ballot list.

3 ~~(d)~~(c) An elector may request to be removed from the ~~biennial~~ absentee ballot list for subsequent
4 elections by notifying the election administrator in writing.

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

7 ~~(4)~~(5) In a mail ballot election, ballots must be sent under mail ballot procedures rather than under the
8 absentee ballot procedures set forth in ~~subsection (3)~~ this section."

9 - END -