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HOUSE BILL NO. 599

INTRODUCED BY L. HELLEGAARD, S. GUNDERSON, M. MALONE, S. KERNS, J. SCHILLINGER, S. GIST,
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BOGNER, P. GREEN, B. PHALEN, L. DEMING, Z. WIRTH

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ELECTION LAWS; REVISING THE MAINTENANCE OF
VOTER ROLLS BY REQUIRING INACTIVE VOTERS TO BE REMOVED FROM COUNTY AND STATE
VOTER ROLLS; AMENDING SECTIONS 13-2-220, 13-2-222, AND 13-2-402, MCA; AND PROVIDING AN
IMMEDIATE EFFECTIVE DATE."

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 against the national change of address files and provide appropriate confirmation notice to those individuals whose addresses have apparently changed;

(b) mail a nonforwardable, first-class, "return if undeliverable--address correction requested" notice to all registered electors 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 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 from their addresses of record;

1 (iii) sending forwardable confirmation notices; or

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

3 (2) An individual who submits an application for an absentee ballot for a federal general election or
4 who completes and returns the address confirmation notice specified in 13-13-212(4) during the calendar year
5 in which a federal general election is held is not subject to the procedure in subsection (1)(c) unless the
6 individual's ballot for a federal general election is returned as undeliverable and the election administrator is not
7 able to contact the elector through the most expedient means available to resolve the issue.

8 (3) Any notices for the first general election not voted that are returned as undeliverable to the
9 election administrator or any notices to which the elector fails to respond after the election administrator uses
10 the procedures provided in subsection (1) must be followed within 30 days by an appropriate confirmation
11 notice that is a forwardable, first-class, postage-paid, self-addressed, return notice. If the elector fails to
12 respond within 30 days of the final confirmation notice, after the 30th day, the election administrator shall move
13 the elector to the inactive list.

14 (4) Any notices for the second general election not voted that are returned as undeliverable to the
15 election administrator or any notices to which the elector fails to respond after the election administrator uses
16 the procedures provided in subsection (1) must be followed within 30 days by an appropriate confirmation
17 notice that is a forwardable, first-class, postage-paid, self-addressed, return notice. If the elector fails to
18 respond within 30 days of the final confirmation notice, after the 30th day, the election administrator shall ~~delete~~
19 move the elector from the registration list to the canceled list.

20 (4)(5) A procedure used by an election administrator pursuant to this section must be completed at
21 least 90 days before a primary or general election for federal office.

22 (5)(6) An elector's registration may be reactivated pursuant to 13-2-222 or ~~may~~ must be ~~canceled~~
23 canceled pursuant to 13-2-402."

24

25 **Section 2.** Section 13-2-222, MCA, is amended to read:

26 **"13-2-222. Reactivation of elector.** (1) The name of an elector must be moved by an election
27 administrator from the inactive list to the active list of a county if an elector meets the requirements for
28 registration provided in this chapter and:

1 (a) appears at a polling place in order to vote; or submits an application to vote by absentee ballot
2 in a polling place election or mail ballot election county election office; ~~or votes in a mail ballot election~~
3 ~~conducted under Title 13, chapter 19;~~

4 (b) notifies the county election administrator in writing of the elector's current residence, which
5 must be in that county; or

6 (c) completes a reactivation form provided by the county election administrator that provides
7 current address information in that county.

8 (2) After an elector has complied with subsection (1)(a), (1)(b), or (1)(c), the county election
9 administrator shall place the elector's name on the active voting list for that county.

10 (3) An elector reactivated pursuant to subsection (1)(a) is a legally registered elector for purposes
11 of the election in which the elector voted."
12

13 **Section 3.** Section 13-2-402, MCA, is amended to read:

14 **"13-2-402. Reasons for cancellation.** The election administrator shall cancel the registration of an
15 elector if:

16 (1) the elector submits a written request for cancellation;

17 (2) a certificate of the death of the elector is filed or if the elector is reported to the election
18 administrator as deceased by the department of public health and human services in the department's reports
19 submitted to the county under 50-15-409 or through a newspaper obituary;

20 (3) the elector is of unsound mind as established by a court;

21 (4) the incarceration of the elector in a penal institution for a felony conviction is legally
22 established;

23 (5) a certified copy of a court order directing the cancellation is filed with the election administrator;

24 (6) a notice is received from the secretary of state or from another county or state that the elector
25 has registered in another county or state;

26 (7) the elector:

27 (a) fails to respond to certain confirmation mailings;

28 (b) is placed on the inactive list; and

1 (c) ~~then~~-fails to vote in the prior two consecutive federal general elections; or

2 (8) the elector fails to meet any voter qualification that is listed in 13-1-111."

3

4 NEW SECTION. Section 4. Severability. If a part of [this act] is invalid, all valid parts that are
5 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,
6 the part remains in effect in all valid applications that are severable from the invalid applications.

7

8 NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.

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