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SENATE BILL NO. 498

INTRODUCED BY S. MORIGEAU, C. GLIMM, T. MANZELLA, J. ELLSWORTH, T. RUNNING WOLF, P.

FLOWERS, B. PHALEN, S. GALLOWAY, E. STAFMAN

BY REQUEST OF THE (S) JOINT SELECT COMMITTEE ON ELECTION SECURITY

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO ABSENTEE BALLOTS;
REQUIRING ABSENTEE BALLOT LISTS TO BE INCLUDED IN ANNUAL VOTER REGISTRATION LIST
MAINTENANCE; REQUIRING ADDRESS VERIFICATION FOR AN ELECTOR WHEN AN ABSENTEE
BALLOT IS RETURNED AS UNDELIVERABLE; REQUIRING AN ELECTOR TO BE MOVED TO THE
INACTIVE LIST IF THE ADDRESS THE ELECTOR PROVIDED CANNOT BE VERIFIED; REQUIRING AN
INACTIVE ELECTOR TO BE REMOVED FROM THE VOTER ROLL; AMENDING SECTIONS 13-2-220 AND
13-19-313, MCA; AND PROVIDING AN 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, including electors on the absentee ballot list, 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, 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:

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

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

5 (iii) sending forwardable confirmation notices; or

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

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

12 ~~(3)(2)~~ (a) Any notices returned as undeliverable to the election administrator or any notices to which
13 the elector fails to respond after the election administrator uses the procedures provided in subsection (1) must
14 be followed within 30 days by an appropriate confirmation notice that is a forwardable, first-class, postage-paid,
15 self-addressed, return notice.

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

19 (c) If the election administrator is not able to verify the elector's address, the elector must be
20 placed on the inactive list until they appear in person at the election office in their county to provide proof of
21 address.

22 (d) Any notices returned for the second general election not voted as undeliverable to the election
23 administrator, or any notices to which the elector fails to respond after the election administrator uses the
24 procedures provided in this section, must be followed within 30 days by an appropriate confirmation notice that
25 is a forwardable, first-class, postage-paid, self-addressed return notice. If the elector fails to respond within 30
26 days of the final confirmation notice, after the 30th day, the election administrator shall move the elector from
27 the registration list to the canceled list.

28 (4)(3) A procedure used by an election administrator pursuant to this section must be completed at

1 least 90 days before a primary or general election for federal office.

2 ~~(5)~~(4) An elector's registration may be reactivated pursuant to 13-2-222 or may be cancelled pursuant
3 to 13-2-402."
4

5 **Section 2.** Section 13-19-313, MCA, is amended to read:

6 **"13-19-313. Notice to elector -- opportunity to resolve questions.** Notice to the elector and the
7 opportunity to resolve questions must be as provided in 13-13-245, except as follows:

8 (1) If a mail ballot is returned as undeliverable, the election administrator shall attempt to contact
9 the elector by the most expedient means available to determine the reason for the return and mail a
10 confirmation notice if the elector cannot be contacted otherwise. The notice must be sent by forwardable, first-
11 class mail with a postage-paid, return-addressed notice.

12 (2) If the confirmation notice is returned to the election administrator, the election administrator
13 shall place the elector on the inactive list provided for in 13-2-220 until the elector becomes a qualified elector.
14 In order to become a qualified voter, an elector shall appear in person at the election office in their county to
15 provide proof of address."
16

17 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2023.

18 - END -