



Montana Legislative Services Division
Office of Research and Policy Analysis

DATE: April 8, 2020

TO: Montana Legislative Services and Fiscal Leadership

FROM: Sheri Scurr, Research Analyst, LSD
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RE: Election costs and available funding

This memorandum is to respond to questions about election costs that arose during the March 31 legislative leadership video conference call.

The governor's March 25, 2020, emergency directive on elections provided that counties may choose to conduct the June 2 primary elections as all-mail ballot elections and that voters in counties that opt in may not be asked to pay the postage for returning their ballots by mail. Thus, the return postage costs in the June 2 primary elections may constitute a new, additional cost.

Regarding this cost, the governor's directive states: "Counties that opt in may seek reimbursement from the state Department of Administration for postage costs incurred by voters returning a ballot through the mail, to be paid from the fund provided at § 10-3-312, MCA, or through federal emergency assistance and response funds if available, subject to the approval of the Office of Budget and Program Planning. Further guidance will be distributed to counties on how to obtain this reimbursement."

The federal CARES Act (H.R. 748, pages 668-669) provides a total of \$400 million for certain election costs. Of this \$400 million, Montana is estimated to receive about \$3 million. This \$3 million must be used, as stated in the CARES Act, "to prevent, prepare for, and respond to coronavirus, domestically or internationally, for the 2020 Federal election cycle".

Within 20 days after a federal election, the state must provide to the Election Assistance Commission an accounting of the state's use of the funds and how the state's use allowed the state to prevent, prepare for, and respond to coronavirus. Also, any money not obligated by December 31, 2020, must be returned to the federal treasury.

As mentioned in the governor's directive, the governor may also use state emergency funds under section 10-3-312, MCA, to cover election costs incurred during this emergency. It should also be noted that the governor's directive states: "Nothing in this Directive prevents counties from seeking additional reimbursement from the federal government or the Secretary of State if federal emergency assistance is made available."

Again, funding needs and details are still being worked out and further guidance from the governor's office is still pending.

As of April 8, 2020, all 56 counties have opted to conduct the primary elections by mail.