

OVERVIEW OF VOTER LIST MAINTENANCE

STATE ADMINISTRATION AND VETERANS' AFFAIRS INTERIM COMMITTEE
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WHAT IS VOTER LIST MAINTENANCE?

According to the [U.S. Election Assistance Commission \(EAC\)](#) and the [National Conference of State Legislatures \(NCSL\)](#), voter list maintenance is the process state and local election officials use to maintain accurate and up-to-date voter lists. **Federal law establishes a baseline of requirements, but the frequency, scope, and specific activities of list maintenance vary by state.** Keeping voter registration lists up to date is a continual process that includes adding new eligible voters, updating voter registration information when a voter moves, and removing ineligible voters. Election officials follow applicable state and federal laws to determine whether a voter should be removed from a list.

BENEFITS OF VOTER LIST MAINTENANCE

Per NCSL and the EAC, having an accurate voter list:

- protects against fraud by ensuring only eligible electors can cast a ballot;
- ensures eligible voters are assigned to the correct voting districts;
- informs Election Day planning by helping accurately budget for ballots, voting machines, polling places, and poll workers;
- minimizes wait times at the polls; and
- simplifies post-election procedures by reducing the need for provisional ballots.

FEDERAL LAW

Federal law places limits on how states may conduct voter registration list maintenance. The [National Voter Registration Act of 1993 \(NVRA\)](#) and the [Help America Vote Act of 2002 \(HAVA\)](#) both provide a floor for state actions on list maintenance.

Other federal laws, like the [Privacy Act of 1974](#) and the [Driver's Privacy Protection Act of 1993](#), may play a role in what personal voter information is available for list maintenance purposes. These two federal privacy laws govern how a voter's personal information may be used to confirm or remove ineligible voters from registration lists.

NATIONAL VOTER REGISTRATION ACT OF 1993 (NVRA)

The primary law governing voter registration in the United States is the National Voter Registration Act (NVRA), or "motor voter" law, which became effective after the 1994 general election. The NVRA requires states to conduct general list maintenance and establishes a process for states to keep voter registration lists accurate.

List maintenance program must be uniform, non-discriminatory, and in compliance with the Voting Rights Act of 1965. The NVRA prohibits list maintenance activities within 90 days of an election. States have discretion in how they manage their ongoing, reasonable list maintenance program, but some procedures, such as removal from the voter list, are specifically outlined in the NVRA. The NVRA prohibits states from removing a voter from the voter list simply for a failure to vote.

The following reasons for removal are allowed under the NVRA:

- the voter requests to be removed;
- the voter dies;
- the voter is declared mentally incapacitated (if state law requires it);
- the voter is convicted of a specified crime (if state law requires it); or
- the voter has moved to an address outside the voter registration agency's jurisdiction.

The NVRA provides a notification process that states must follow before they can remove voters who have moved and failed to update their registrations. The process involves mailing a forwardable notice with a preaddressed, postage-paid return card to registrants whose address has changed. If the voter returns the card, the registration record is either updated with the information the voter provides or, if the voter has moved outside the jurisdiction, deleted.

Jurisdictions have the option to designate a registrant who fails to respond to this notice as inactive. Voters who fail to respond with an updated address can be removed from the rolls only if they fail to vote, or to appear to vote, in an election during the period beginning when the notice is sent, and ending after the second federal general election occurring after the notice is sent.

HELP AMERICA VOTE ACT OF 2002 (HAVA)

The Help America Vote Act (HAVA) requires states to develop a computerized, statewide list for voter registration and to coordinate voter records with those from state departments of corrections, vital statistics, and other state agencies to keep voter records current.

HAVA also clarifies the language in the NVRA that prohibits removing a voter solely for failure to vote. The HAVA language allows for the removal of voters who do not respond to an address confirmation mailing and subsequently fail to vote during the period comprising two federal general elections.

PRIVACY ACT OF 1974

The Privacy Act of 1974 prohibits any federal, state or local government from denying any right—including registering to vote or voting—because of an individual's refusal to disclose their social security number, meaning that states cannot require an individual to provide their social security number to register to vote. HAVA amended the Privacy Act to allow election officials to ask for the last four digits of an individual's social security number (SSN) only if the individual cannot provide their driver's license number.

If a voter refuses to provide the last four digits of their SSN and they do not have a valid driver's license, federal law requires the state to assign the applicant a number that is used for voter registration purposes. A social security number could be used to confirm a voter on a registration list but may not be adequate alone for list maintenance.

DRIVER'S PRIVACY PROTECTION ACT OF 1993

The Driver's Privacy Protection Act of 1993 prohibits the disclosure of certain individual information derived from motor vehicle records. The protected information includes an individual's driver's license number and SSN. Federal law permits this information to be used for government functions such as list maintenance, but states often place additional safeguards on using this information for cross-state comparisons of voter registration lists.

MONTANA STATE LAW

STATEWIDE VOTER LIST

Under [13-2-107, MCA](#), the Secretary of State is required to establish a statewide voter registration system which meets the requirements of [42 U.S.C. 15483](#). It also requires that the system be used as the official list of registered electors for the conduct of all elections subject to Title 13, MCA. Rulemaking authority for the statewide voter registration list is provided to the [Secretary of State](#) under [13-2-108, MCA](#).

In Montana, the current system is called ElectMT and is accessible to county and state election officials. Citizens may [purchase an annual subscription](#) to the statewide voter list for a fee.

ANNUAL LIST MAINTENANCE

Under [13-2-220, MCA](#), election administrators are required to perform annual maintenance of the voter list, using at least one of the following methods:

- a) compare the entire list of registered electors, including electors on the absentee ballot list, against the USPS National Change of Address (NCOA) 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; or
- 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:
 - 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;
 - iii. sending forwardable confirmation notices; or
 - iv. making a door-to-door canvass.

Current practice in Montana is to conduct the annual list maintenance in January, using the NCOA in even years and targeted mailings in odd years. Election administrators also update the voter list regularly throughout the year as they receive notification from voters or other official sources.

CANCELLATION OF A VOTER

Under [13-2-402, MCA](#), an election administrator shall cancel a voter's registration if:

- the elector submits a signed written request for cancellation;
- a certificate of the death of the elector is filed or if the elector is reported to the election administrator as deceased by the department of public health and human services or through an obituary;
- the elector is of unsound mind as established by a court;
- the incarceration of the elector in a penal institution for a felony conviction is legally established;
- a certified copy of a court order directing the cancellation is filed with the election administrator;

- a notice is received from the secretary of state or from another county or state that the elector has registered in another county or state;
- the elector:
 - fails to respond to certain confirmation mailings;
 - is placed on the inactive list; and
 - then fails to vote in two consecutive federal general elections; or
- the elector fails to meet any voter qualification that is listed in [13-1-111, MCA](#).

RECENT LEGISLATION

The following bills related to the voter list maintenance process have been passed in recent years:

- [SB 170 \(2021\)](#): Changed the required frequency of voter list maintenance from odd years to annually
- [HB 335 \(2023\)](#): Prohibits electors on the inactive list from being mailed an absentee ballot until the elector reactivates their registration
- [SB 498 \(2023\)](#): Provides that annual voter list maintenance also applies to the absentee ballot list
- [HB 179 \(2025\)](#): Provides that an elector on the inactive list may not be moved to the active list solely by signing a petition for a statewide ballot issue
- [HB 193 \(2025\)](#): Provides that a written request for cancellation from an elector must be signed
- [HB 248 \(2025\)](#): Clarifies that any obituary, not just a newspaper obituary, may be used to cancel an elector's registration
- [HB 423 \(2025\)](#): Provides rulemaking authority to the Secretary of State regarding list maintenance, including the removal of provisionally registered electors

MAINTAINING ACCURATE VOTER INFORMATION

The most used source for maintaining accurate voter information is the NCOA program. In all, 30 states require the use of NCOA, including Montana. Some less other methods states employ to maintain accurate addresses are:

- working with crediting agencies;
- using returned jury notices;
- working with utility companies;
- receiving change of address updates from the Motor Vehicles Division; and
- data sharing with other states.

CREDITING AGENCIES

According to NCSL, at least two states have statutory language to permit the use of commercially available data—such as credit data—for voter registration list maintenance: Indiana and Tennessee. Mississippi has an ongoing partnership with Experian to receive data for list maintenance. West Virginia previously participated in a partnership with Experian, though it is unclear if the partnership is ongoing. Six states, including Montana, recently participated in a [U.S. Election Assistance Commission \(EAC\) pilot study](#) to explore using Experian credit data for list maintenance purposes. Montana had a positive experience in the pilot study but is unsure about contracting with Experian or another crediting agency because of the cost.

Per NCSL, some of the considerations for using credit data for list maintenance are:

- The quality of the source data: credit bureau data recency, and the ability to match to voter records reliably, etc.

- Credit bureau reliability broadly: some of these entities have suffered some of the worst and most famous data breaches of the last 10-15 years.
- Cost of data: does the data provide added value relative to cost?
- Permissibility of using data in a state: is it allowable to use privately compiled nongovernment data to edit voter registrations?
- Legal risk: does this create legal risk from voters removed due to credit data?

RETURNED JURY NOTICES

Five states – Florida, Indiana, Louisiana, Mississippi, and Rhode Island – use returned jury notices to update voter registration files. In Montana, clerks receive a list of potential jurors from the Office of the Court Administrator, which includes a combination of registered voters and holders of Montana driver’s licenses or ID cards. This occurs in May of each year. The clerks then issue annual jury qualification notices to a portion of the names on the list. While clerks do receive returned jury mail, it is not always because of an address change, nor is it always received in a timely manner (some notices may take months or even up to a year to be returned). Because of this, the Montana clerks do not believe it would be an effective way to update the state’s voting list.

UTILITY COMPANIES

State law allows Hawaii and Illinois to use address updates from utility companies to help with voter list maintenance, though neither state uses the information as more than supplemental information or to confirm data. In other states, utility companies are often hesitant to provide customer address information because of privacy concerns.

MOTOR VEHICLE CHANGE OF ADDRESS

Thirteen states – California, Connecticut, Delaware, Hawaii, Iowa, Maine, Massachusetts, Michigan, Minnesota, New Hampshire, New York, North Carolina, and Virginia – work with their Motor Vehicle Department to automatically update the state’s voter list when someone registers to vote through the Department or changes their address. The exact procedure and frequency vary by state.

In Montana, the Motor Vehicle Division sends daily reports to the Secretary of State’s Office, but the current programming does not denote whether the person is a new registrant or if they’re already on the list and updating their address. The Motor Vehicle Division indicated that re-programming is possible, but the cost and time commitment are unknown at this point.

DATA SHARING BETWEEN STATES

About half the states belong to the nonprofit Election Registration Information Center (ERIC). Member states share their voter registration with ERIC, and ERIC provides them with monthly reports on voters who have moved or died as well as on duplicate registrations.

Some states have agreements with other states to exchange voter registration data for the purposes of ensuring accurate lists. Alabama, Kentucky, North Carolina and South Dakota have statutory provisions to permit interstate agreements. Through directives and agreements from state election officials, the following states and Washington, D.C., have entered into individual state agreements to prevent duplicate registrations: Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Ohio, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

REASONS FOR REMOVING VOTERS FROM THE VOTER LIST

VOTER INACTIVITY FOR SPECIFIED AMOUNT OF TIME

In 21 states, in compliance with the provisions of the NVRA and HAVA, voters who fail to vote or otherwise engage with election officials for a specified amount of time can be removed from voter rolls.

In Alabama, Alaska, Iowa, Ohio, Oklahoma, South Dakota, and Wisconsin*, a voter must remain inactive for eight years before their registration is cancelled. Election officials send an address confirmation notice to any registered elector who has not voted in the past four years. Electors who fail to respond are placed on an inactive list. If they remain inactive through the next two general elections, they are removed from the registration list.

In Florida, Maine, Missouri, and Montana, the total period of inactivity is eight years, and election officials have some discretion in deciding whether to send address confirmation cards to inactive voters. Voters who do not respond to an address confirmation request are designated inactive and deleted from the registration rolls if their status remains inactive through two general elections. In Georgia, Pennsylvania, and Rhode Island, the process is similar, except that the initial period of inactivity triggering the address confirmation mailing is five years, rather than four, for a total period of inactivity of nine years before a voter is removed from the list.

In Hawaii, Idaho*, Minnesota*, and New Hampshire*, election officials cancel the registrations of voters after their failure to vote in the past four years. Unlike the other states, there is no period during which a voter is designated inactive before they are removed.

In Louisiana, if a voter fails to participate in voting-related activity for 10 years they will be moved to the list of inactive voters but will not be removed from the list entirely.

In West Virginia, in the year following each presidential election, counties are required to mail a confirmation notice to voters who have not updated their voter registration records and have not voted in any election in the two preceding calendar years. A voter who fails to respond to the notice by Feb. 1 of the following year will be designated inactive.

Wyoming's* removal process is the quickest: failure to vote in a general election results in the cancellation of an elector's registration.

**Wisconsin, Idaho, Minnesota, New Hampshire, and Wyoming are exempt from the NVRA.*

DECEASED VOTERS

HAVA requires states to coordinate voter registration databases with the state agency responsible for recording deaths, most commonly a bureau of vital statistics or health department. The deceased voter may be removed from the rolls by the chief election official, or the information may be forwarded to county or local officials who remove the deceased voter's name.

In Montana, the Department of Public Health and Human Services provides weekly reports of deceased Montana residents to the Secretary of State's Office. A decedent is considered a Montana resident if the address listed on the death certificate is Montana.

States may use additional sources of information beyond official vital statistics to identify deaths and remove voter registrations, including:

- Electronic Registration Information Center (ERIC): accepted by the states that participate in ERIC
- Government officials or entities: Alabama, Indiana, New Mexico, Washington accept reports from election inspectors, judges of probate, sheriffs, court clerks, tribal governments, and others
- Vital records bureaus of other states: Delaware, Georgia, Indiana, Minnesota, and Oklahoma
- Social Security Administration data: Accepted by statute in Florida, Indiana, Kansas, Maryland, Minnesota, Oklahoma, Tennessee, Texas, Utah, and Washington
- Family member reports: Accepted in Alabama, Colorado, Delaware, Georgia, Iowa, Maine, North Carolina, Oklahoma, Texas, and West Virginia
- Obituaries: Accepted in Georgia, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Montana, New Mexico, Pennsylvania, South Dakota, Vermont, Washington, and West Virginia
- Notices related to estate administration, wills or probate proceedings: Accepted in Alabama, Indiana, Iowa, New Mexico, North Carolina, Pennsylvania, and Texas
- An election official's personal knowledge: Accepted in Alabama, Georgia, Iowa, Nevada, and Texas

VOTERS CONVICTED OF DISQUALIFYING CRIMES

In 48 states, people convicted of certain crimes are disqualified from voting and must be removed from voter rolls. Maine, and Vermont allow people serving time for felony convictions to vote. In all other states, convictions lead to the loss of the right to vote while incarcerated, and in many, the loss extends through probation and parole, or sometimes is permanent. The two most common sources for this information are Clerks of Court and the state's Department of Corrections. The Montana Constitution prohibits someone from voting if there are "serving a sentence for a felony in a penal institution", but does not have a specific process for this in code.

HAVA requires states to coordinate their voter registration database with records from the state department of corrections, and the NVRA requires U.S. attorneys to report felony criminal convictions in federal court to state chief election officials. Most states require courts or the department of corrections to file a monthly report with the state's chief election official listing all disenfranchising convictions. That official may cancel the relevant voter registrations or may forward the information to county and local officials, who then cancel the relevant registrations. In a few states – New Jersey, Oregon, and Washington – registrations are marked as disqualified rather than being deleted.

VOTERS OF UNSOUND MIND

34 states bar people adjudicated as mentally incompetent from voting. The typical practice is to require the courts to notify election officials upon such adjudication, and election officials then cancel the voter's registration. However, in 11 states, the law does not specify how election officials are notified of such an adjudication, including Montana.

In 15 states – Colorado, Idaho, Illinois, Indiana, Kansas, Maine, Michigan, New Hampshire, New Mexico, North Carolina, Oregon, Pennsylvania, Tennessee, Utah, and Vermont – voters who are mentally incompetent are not disqualified from voting.