

1 **secretary of state.** (1) The rules adopted by the secretary of state under 13-2-108 must include the following
2 procedures, at least one of which an election administrator shall follow annually:

3 (a) compare the entire list of registered electors, including electors on the absentee ballot list, against
4 the national change of address files and provide appropriate confirmation notice to those individuals whose
5 addresses have apparently changed;

6 (b) mail a nonforwardable, first-class, "return if undeliverable--address correction requested" notice to
7 all registered electors, including electors on the absentee ballot list, of each jurisdiction to confirm their
8 addresses and provide the appropriate confirmation notice to those individuals who return the notices;

9 (c) mail a targeted mailing to electors, including electors on the absentee ballot list, who failed to vote
10 in the preceding federal general election, applicants who failed to provide required information on registration
11 forms, and provisionally registered electors by:

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

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

16 (iii) sending forwardable confirmation notices; or

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

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

23 ~~(3)(2)~~ (a) Any notices returned as undeliverable to the election administrator or any notices to which
24 the elector fails to respond after the election administrator uses the procedures provided in subsection (1) must
25 be followed within 30 days by an appropriate confirmation notice that is a forwardable, first-class, postage-paid,
26 self-addressed, return notice.

27 (b) If the elector fails to respond within 30 days of the final confirmation notice, after the 30th day, the
28 election administrator shall move the elector to the inactive list and work with the secretary of state's office and

1 the motor vehicle division in the department of justice to verify the elector's address.

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

4 (d) An elector whose registration has been cancelled under this subsection must follow the registration
5 process in 13-2-110 to be added back to the voter registration list.

6 ~~(4)~~(3) A procedure used by an election administrator pursuant to this section must be completed at
7 least 90 days before a primary or general election for federal office.

8 ~~(5)~~(4) An elector's registration may be reactivated pursuant to 13-2-222 or may be cancelled pursuant
9 to 13-2-402."

10

11 **Section 3.** Section 13-13-212, MCA, is amended to read:

12 **"13-13-212. Application for absentee ballot -- special provisions -- absentee ballot list for**

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

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

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

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

28 (c) A request under subsection (2)(a) must be received by the election administrator within the time

1 period specified in 13-13-211(2).

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

7 ~~(vii)(b)~~ If the form renewal card is not completed and returned or if the elector does not respond using
8 the options provided in subsection (4)(b)(v), the election administrator shall remove the elector will be removed
9 from the absentee ballot list but will remain on the active voter list.

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

12 ~~(d)~~ An elector who has been or who requests to be removed from the absentee ballot list may
13 subsequently request to be mailed an absentee ballot for each subsequent election readded to the absentee
14 ballot list in the future.

15
16 (4) ~~(a)~~ An elector who has requested to be on the absentee ballot list and who has not filed a change
17 of address with the U.S. postal service must continue to receive an absentee ballot for each subsequent
18 election the elector remains on the active voter registration list pursuant to 13-2-220.

19 ~~(b)(i)~~ The election administrator shall biennially mail a forwardable address confirmation form to
20 each elector who is listed in the national change of address system of the U.S. postal service as having
21 changed the elector's address follow the procedure provided in 13-2-220(1).

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

28 ~~(iii)~~ An election administrator may provide a website on which the elector can provide the required

- 1 ~~information to confirm that the elector wishes to remain on the absentee ballot list.~~
- 2 ~~(iv) If the elector is providing confirmation using the address confirmation form, the elector shall sign~~
- 3 ~~the form, indicate the address to which the absentee ballot should be sent, provide the elector's driver's license~~
- 4 ~~number or the last four digits of the elector's social security number, and return the form to the election~~
- 5 ~~administrator.~~
- 6 ~~(v) The elector may provide the required information to the election administrator using:~~
- 7 ~~(A) the e-mail address provided on the form; or~~
- 8 ~~(B) a website established by the election administrator.~~
- 9 ~~(vi) The elector does not need to provide a signature when using either option provided in subsection~~
- 10 ~~(4)(b)(v) to confirm that the elector wishes to remain on the absentee ballot list.~~
- 11 ~~(vii) If the form is not completed and returned or if the elector does not respond using the options~~
- 12 ~~provided in subsection (4)(b)(v), the election administrator shall remove the elector from the absentee ballot list.~~
- 13 ~~(e) An elector may request to be removed from the absentee ballot list for subsequent elections by~~
- 14 ~~notifying the election administrator in writing.~~
- 15 ~~(d) An elector who has been or who requests to be removed from the absentee ballot list may~~
- 16 ~~subsequently request to be mailed an absentee ballot for each subsequent election.~~
- 17 (5) In a mail ballot election, ballots must be sent under mail ballot procedures rather than under the
- 18 absentee ballot procedures set forth in this section."

19

20 **Section 4.** Section 13-19-313, MCA, is amended to read:

21 **"13-19-313. Notice to elector -- opportunity to resolve questions.** Notice to the elector and the

22 opportunity to resolve questions must be as provided in 13-13-245, except as follows:

23 (1) If a mail ballot is returned as undeliverable, the election administrator shall attempt to contact the

24 elector by the most expedient means available to determine the reason for the return and mail a confirmation

25 notice if the elector cannot be contacted otherwise. The notice must be sent by forwardable, first-class mail with

26 a postage-paid, return-addressed notice.

27 (2) If the confirmation notice is returned to the election administrator, the election administrator shall

28 place the elector on the inactive list provided for in 13-2-220 until the elector becomes a qualified elector.

1 Pursuant to 13-2-220(2), if the election administrator is not able to verify the elector's address, the election
2 administrator must cancel the elector's registration."

3

4 NEW SECTION. Section 5. Effective date. [This act] is effective July 1, 2023.

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DRAFT