



HB 130: Vote-By-Mail Bill Highlights

Montana Secretary of State Linda McCulloch has introduced comprehensive and uniform Vote-By-Mail election legislation for the 2011 Legislative Session that will **increase voter participation, enhance voter protection, and save taxpayer money.**

Vote-By-Mail legislation was drafted in cooperation with Secretary of State McCulloch; Election Administrators from Yellowstone, Blaine, Pondera, Missoula, and Gallatin counties; representatives from various policy groups across Montana including Montana League of Rural Voters, Montana Disability Rights, Montana Conservation Voters, Montana Association of Clerks & Recorders, Forward Montana, and Montana Women Vote; and representation on behalf of Montana's Sovereign Tribal Nations.



Over the course of 2010, the working group met multiple times to discuss previous Vote-By-Mail legislation attempts in Montana, examining ways in which new legislation could address the concerns that have kept Vote-By-Mail from becoming law. In addition, Secretary of State McCulloch and staff visited with election officials, election advocacy groups, and political party representatives in Oregon to discuss that state's successful Vote-By-Mail process, while representatives from the Montana Association of Clerks & Recorders visited with election administrators in both Washington and Oregon.

The result of the year-long, bipartisan research and discussion was a bill that uniformly implements Vote-By-Mail for all local, municipal, state, and federal elections in Montana.

HB 130 is being carried by **Representative Pat Ingraham**, a former Clerk and Recorder for Sanders County.

Highlights of Vote-By-Mail (HB 130)

The following list outlines notable changes contained in the Vote-By-Mail legislation.

- ❖ Expands the use of mail ballots to **all local, municipal, state, and federal elections in Montana in all counties.**
 - This leaves schools with the option to run elections by mail ballot or by polling place.
- ❖ Requires counties to use the U.S. Postal Service national change of address service at least annually to update mailing addresses and otherwise do their NVRA (National Voter Registration Act) list maintenance.
 - This was always an option in statute. It will now be required.
 - This replaces the current NVRA process of sending two notices to all individuals who did not vote in a federal general election.

- ❖ Requires counties to draft an Annual Plan for mail ballot elections that allows for **30 days of public comment**, and is **subject to a public hearing**.
 - Under current law, counties file a plan for every election that is being run by mail ballot, with no input from the public required.
 - The new plan requirements include **outreach to inform voters of the change to Vote-By-Mail, including outreach specifically geared to inactive voters, locations, days and times of Staffed Places of Deposit and Drop Boxes, and election security procedures**.
- ❖ Requires counties to do a mailing to voters on the inactive list to notify them that a ballot will **NOT** be sent to them unless they update their address or let their local Election Administrator know that their address has not changed.
 - This will be required twice per year in 2012 and 2014, and once per year in 2013 (this section expires December, 2014).
- ❖ Requires a minimum number of Staffed Places of Deposit (on Election Day), Drop Boxes (full 25 days), and voting booths (at election office for full 25 days).
 - Allows ballots to be dropped off **at any county**.
- ❖ Requires that all ballots, except those being mailed to voters covered under UOCAVA (Absent Military and Overseas Voters), be mailed **25 days** before an election.
 - Current law for local mail ballot elections is 15-25 days.
 - Ballots to voters covered under UOCAVA will be mailed no later than 45 days before an election per the federal MOVE (Military and Overseas Voter Empowerment) Act.
- ❖ Allows an Election Administrator to send a ballot that is **returned undeliverable with a forwarding address** to the address provided by the U.S. Postal Service.
 - Requires the Election Administrator to send a confirmation notice to an elector whose ballot is returned undeliverable without a forwarding address. The elector is placed the inactive list if the confirmation is returned undeliverable, or if the voter fails to confirm their address.
 - Under current law, any undeliverable ballot is followed with a confirmation notice. The voter is put on the inactive list if there is no response, or if the notice comes back undeliverable.
- ❖ Requires the Secretary of State to provide training on signature verification to county officials.
- ❖ Legislation would be effective starting on January 1, 2012, and be in effect for the 2012 elections.