

SENATE BILL NO. 439

INTRODUCED BY T. MANZELLA

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO VOTER LIST MAINTENANCE; REQUIRING THE CLERK OF COURT TO SHARE ALL ADDRESS CHANGES WITH THE COUNTY ELECTION ADMINISTRATOR; REQUIRING THE DEPARTMENT OF MOTOR VEHICLES TO SHARE ALL ADDRESS CHANGES WITH THE COUNTY ELECTION ADMINISTRATOR; REQUIRING THE DEPARTMENT OF CORRECTIONS TO NOTIFY THE COUNTY ELECTION ADMINISTRATOR; SUPERSEDING THE UNFUNDED MANDATE LAWS; AND AMENDING SECTIONS 3-15-405, 13-2-220, AND 61-5-115, MCA"

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 3-15-405, MCA, is amended to read:

"3-15-405. Notice to jurors. (1) The clerk of court shall serve notice by mail on the persons drawn as jurors and require the persons to respond by mail as to their qualifications to serve as jurors. The clerk of court may attach to the notice a jury questionnaire and a form for an affidavit claiming an excuse from service provided for in 3-15-313.

(2) If a person fails to respond to the notice, the clerk shall certify the failure to the sheriff, who shall serve the notice personally on the person and make reasonable efforts to require the person to respond to the notice.

(3) If the notice required in subsection (1) is returned as undeliverable or with a notice of a new address for the individual, the clerk of court shall send the name and address update to the county election administrator. The county election administrator shall compare the information with the voter registration list and update the individual's voter registration information as needed in accordance with 13-2-220."

Section 2. 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~~ all 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:

(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.

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

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

(c) If the election administrator is not able to verify the elector's address, the elector must be placed on the inactive list until they follow the procedure in 13-2-222 or 13-2-304, as applicable.

~~(3) In addition to the procedure in subsection (1), an election administrator shall annually request all change of address requests processed by all utility companies and utility cooperatives within the county. The~~

~~election administrator shall compare the names and addresses provided by the utility companies and utility cooperatives to the entire list of registered electors, including electors on the absentee ballot list, and follow the procedure provided in subsection (2).~~

~~(4)(3)~~ Within 30 days of receiving a notice pursuant to 3-15-405 or 61-5-115, an election administrator shall compare the names and addresses provided to the entire list of registered electors, including electors on the absentee ballot list, and follow the procedure provided in subsection (2).

~~(4)~~ Within 30 days of receiving a notice pursuant to [section 4], an election administrator shall cancel the voter registration of the individuals listed by the department of corrections pursuant to 13-2-402.

~~(3)~~ (5) A procedure used by an election administrator pursuant to this section must be completed at least 90 days before a primary or general election for federal office.

~~(4)~~ (6) An elector's registration may be reactivated pursuant to 13-2-222 or may be canceled pursuant to 13-2-402."

Section 3. Section 61-5-115, MCA, is amended to read:

"61-5-115. Notice of change of address. (1) Whenever any person after applying for or receiving a driver's license moves from the address named in the application or in the issued license, the person shall within 10 days notify the department in writing or electronically by an approved automated interface of the old and new addresses and of the number of any license then held by the person.

(2) Whenever the department receives a notification of a change of address, the department shall send the name and address information to the county election administrator. The county election administrator shall compare the information with the voter registration list and update the individual's voter registration information as needed in accordance with 13-2-220."

NEW SECTION. Section 4. Notice to county election administrator. Whenever an individual is convicted of a felony and sentenced to time in a penal institution within the state, the department of corrections shall notify the county election administrator where the individual most recently resided.

NEW SECTION. Section 5. Unfunded mandate laws superseded. The provisions of [this act]

1 expressly supersede and modify the requirements of 1-2-112 through 1-2-116.

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3 NEW SECTION. Section 6. Codification instruction. [Section 4] is intended to be codified as an
4 integral part of Title 53, chapter 1, part 2, and the provisions of Title 53, chapter 1, part 2, apply to [section 4].

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