

DRAFT Findings, Recommendations, and Legislation Proposals for the SJ 35 Study of Voter List Maintenance and Integrity

STATE ADMINISTRATION AND VETERANS' AFFAIRS INTERIM COMMITTEE
PREPARED BY REBECCA C. POWER - JULY 2026

FINDINGS

- Voter list maintenance is the process state and local election officials use to maintain accurate and up-to-date voter lists. 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.
- 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 establishes a baseline of requirements, but the frequency, scope, and specific activities of list maintenance vary by state.
- The National Voter Registration Act of 1993 (NVRA) requires states to conduct list maintenance in a uniform manner in compliance with the Voting Rights Act of 1965 and prohibits list maintenance activities within 90 days of an election. The NVRA prohibits the removal of an individual from the voting list simply for not voting.
- The Help America Vote Act of 2002 (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.
- Montana law requires annual voter list maintenance and provides election administrators with 3 options to choose from each year.
- Since 2021, Montana has passed 7 bills related to voter list maintenance procedures: SB 170 (2021), HB 335 (2023), SB 498 (2023), HB 179 (2025), HB 193 (2025), HB 248 (2025), HB 423 (2025).
- Under 13-1-111, MCA, "an individual convicted of a felony" or "an individual adjudicated to be of unsound mind" does not have the right to vote in Montana, but neither is currently defined in code.
- The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) requires U.S. states and territories to allow overseas and absent members of the military, military family members, and overseas citizens to register and vote absentee in all federal elections.
- In Montana, UOCAVA voters account for less than 1% of the registered voters in the state and have similar turnout rates to non-UOCAVA voters.
- In Montana, the share of non-military UOCAVA voters is increasing, reflecting national trends.

RECOMMENDATIONS

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LEGISLATION PROPOSALS

- PD1 – Forwardable voter registration notifications
 - Provides that notices sent during annual voter list maintenance are forwardable
- PD2 – Changing frequency of death notifications to SOS
 - Clarifies the process for DPHHS to provide death notifications to the SOS to better reflect current practice and increases frequency of transmission of these from quarterly to weekly
- PD15 – Providing a definition of penal institution
 - Adds a definition of “penal institution” to Title 13
- PD16 – Revising voting laws related to individuals who are of unsound mind
 - Provides that courts make findings whether a person is of unsound mind in certain criminal, involuntary commitment, and guardianship proceedings