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MONTANA SECRETARY OF STATE



TO: Chair Manzella and State Administration and Veterans' Affairs Committee

FROM: Austin James, Director of Elections

DATE: June 25, 2026

SUBJECT: Legislative Proposals

I appreciate the opportunity to appear before the State Administration and Veterans' Affairs Interim Committee to provide feedback and answer questions on matters within the committee's interim purview under the Montana Code Annotated. In recognition of Montana's part-time, citizen legislature and the separation of powers between the legislative and executive branches, my recommendations are offered in a spirit of collaboration and deference to the committee's oversight and study role outside of regular session. The following proposals fall squarely within the committee's jurisdiction and, if pursued by the Legislature, would tangibly improve the security, clarity, and administration of elections in Montana.

1. Ensure that provisionally registered electors are not sent a ballot.

- Recent bipartisan legislation amended absentee-ballot provisions to prohibit sending absentee ballots to inactive electors, ensuring that only active absentee electors receive an absentee ballot.
- This same prohibition should be expressly extended to provisionally registered electors.
- Proposed action: Amend the relevant absentee-ballot statute in Title 13, chapter 13, MCA, to add provisionally registered electors to the list of electors who may not be sent an absentee ballot until their registration status is fully resolved.

2. Clarify legislative residency and vacancy requirements.

- A recent legal argument suggested that a state senator might change residency outside the district without triggering vacancy provisions.

- Regardless of the merit of that argument, the law should clearly require that a legislator remain a resident of their district throughout their term and impose an affirmative duty to notify the Secretary of State upon moving out of the district.
- Proposed action: Amend the relevant provisions in Title 5 or Title 2, MCA (legislative qualifications and vacancies), to: (a) affirm continuous in-district residency as a condition of holding office, and (b) require written notice to the Secretary of State when a legislator's primary residence changes to a location outside the district.

3. Refine petition-gatherer transparency requirements.

- Petition Gatherer Transparency measures adopted by the previous Legislature have been effective but require minor technical cleanup.
- Voters consistently expect that paid, out-of-state circulators for candidate petitions are subject to the same transparency and disclosure requirements as circulators for ballot-issue petitions, which is not currently the case.
- Proposed action: Amend the petition-circulator provisions in Title 13, chapter 27, MCA, and the candidate-petition statutes in Title 13, chapters 10 and 14, MCA, to extend existing transparency and disclosure requirements to paid, out-of-state circulators of candidate petitions.

4. Address aggressive conduct by signature gatherers at local elections.

- During recent school and municipal elections, voters reported aggressive conduct by signature gatherers, including intimidation, harassment, and, in some instances, physical obstruction at polling places and election offices.
- Election administrators lacked clear statutory authority to address conduct tied to ballot issues not appearing on that specific ballot but still part of the same election year.
- Proposed action: Amend the electioneering and loitering prohibitions near polling places and election offices in Title 13, chapter 35, MCA, to clarify that these protections apply to advocacy related to any ballot issue appearing in the same election year, not solely issues on the ballot for that specific election.

5. Clarify list-maintenance procedures following undeliverable Voter Confirmation Cards (Mont. Code Ann. 13-2-207).

- When a Voter Confirmation Card is returned as undeliverable, it is a strong indicator that additional election mailings (e.g., municipal mail ballots, ballot-rejection notices) will also not reach the elector.
- A clear, fiscally conservative, and integrity-focused procedure promotes uniformity and voter-roll accuracy.
- Proposed action: Amend Mont. Code Ann. 13-2-207 to: (a) specify that an undeliverable Voter Confirmation Card constitutes grounds to change the elector's status to inactive, and (b) ensure consistency with the notice-based framework used in federal law for list maintenance.

6. Modernize the Montana Recall Act signature baseline (Mont. Code Ann. 2-16-614).

- Under the Montana Recall Act, recall petition thresholds are based on the number of electors registered in the “last preceding election” in the district.
- Infrequent city and special district elections can result in thresholds tied to voter-registration figures from elections held decades earlier, producing unintended and outdated baselines.
- Proposed action: Amend Mont. Code Ann. 2-16-614 to base recall petition thresholds on a more current registration metric (for example, the most recent general election, or current active-electors registration), while preserving an appropriate percentage standard.

7. Codify reactivation best practices (Mont. Code Ann. 13-2-222).

- Current best practice is to provide an inactive elector with an address-update form at the time of reactivation to prevent repeat inactivation for the same address-related reason.
- Codifying this practice promotes consistency across counties and reduces voter confusion.
- Proposed action: Amend Mont. Code Ann. 13-2-222 to require that, when an elector is reactivated, the election administrator provide an address-update form (or equivalent mechanism) so the elector can confirm or correct their address information.

8. Support death-record matching for voter-roll accuracy.

- The Secretary's "Death of a Loved One" initiative, a nationally recognized program for voter-roll accuracy, relies on verified death-record data to reduce burdens on families and improve list integrity.
- Express statutory authority to cancel registrations based on reliable death-file matches would give counties and the Secretary clear legal footing.
- Proposed action: Amend the voter-cancellation provisions in Title 13, chapter 2, MCA, to add a specific cancellation ground for "verified death-file match" based on records received from the Office of Vital Statistics, the Social Security Administration, or another designated authoritative source.