SJ 35: INTERIM STUDY OF VOTER LIST MAINTENANCE AND INTEGRITY

FINAL REPORT TO THE 70TH MONTANA LEGISLATURE

State Administration and Veterans' Affairs Interim Committee

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Senate Members i

This report is a summary of the work of the State Administration and Veterans' Affairs Interim Committee, specific to the State Administration and Veterans' Affairs (SAVA) Interim Committee's 2025-2026 Senate Joint Resolution 35 (2025) study as outlined in the SAVA Interim Committee's 2025-2026 work plan and SJ 35. Members received additional information and public testimony on the subject, and this report is an effort to highlight key information and the processes followed by the SAVA Interim Committee in reaching its conclusions. To review additional information, including audio minutes and exhibits, visit the SAVA Interim Committee website: https://committees.legmt.gov/#/nonStandingCommittees/3?tab=Details.

A full report, including links to the documents referenced in this print report, is available at the SAVA Interim Committee website: https://committees.legmt.gov/#/nonStandingCommittees/3?tab=Details.

SJ 35 FINAL REPORT

INTRODUCTION

At the June 2025 Legislative Council meeting, the council assigned SJ 35: Study of Voter List Maintenance and Integrity to the State Administration and Veterans' Affairs (SAVA) Interim Committee. During the September 2025 SAVA meeting, committee members voted to allocate 0.35 FTE to SJ 35 in the committee work plan. This includes multiple staff papers and presentations, several panels of stakeholders, state officials, and national officials, a final report, and committee legislation to introduce during the 2027 legislative session. This study plan is a road map for the committee to assist in planning and time management related to the study for the remainder of the interim. This document will be updated after each committee work session.

TASKS LISTED IN THE SJ 35 STUDY RESOLUTION

The following tasks are included in the SJ 35 study resolution:

- Study voter list maintenance in Montana, including the practices associated with maintaining these lists at the local level by county election administrators and at the state level by the Office of the Secretary of State.
- Research practices used in other states and identify best practices.
- Identify and correct inconsistencies and inadequacies in Montana election voter list maintenance programs that compromise election integrity.
- Evaluate how state and local databases, such as those maintained by the Motor Vehicle Division, utility companies, courts, the Department of Corrections, and the Department of Public Health and Human Services, may be used to help maintain the accuracy of voter lists.
- Evaluate how national databases, such as those maintained by the United States Postal Service, could be better utilized to help maintain the accuracy of voter lists.
- Research what other federal data is available regarding citizenship and voting history that may be useful for maintaining the accuracy of voter lists.
- Identify places in which state law needs to be reconciled with federal law.
- Develop legislation to address these issues and be introduced in the 70th legislative session.
- Consult with all interested stakeholders, including but not limited to election administrators, the Office of the Secretary of State, and concerned citizens.

COMMITTEE FINDINGS AND RECOMMENDATIONS

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. In practice, voter list maintenance is a continual practice throughout the year.
- Since 2021, Montana has passed seven 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), and HB 423 (2025).
- Under section 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

- The committee recommends that the Secretary of State research the following:
  - creating a separate verification processes for military and non-military UOCAVA voters;
  - developing a citizenship verification process for all UOCAVA applicants by requiring a U.S. Passport or other documentary proof of citizenship (DPOC);
  - establishing requirements for proof of current overseas address for non-military UOCAVA applicants; and
  - adding a verification process for eligible UOCAVA voters who have never lived in Montana.
- The committee recommends that the Motor Vehicle Division research re-programming their online system to differentiate between new applicants and address updates in the report that is sent to the county election administrators.

PROPOSED LEGISLATION

- PD1 – Forwardable voter registration notifications
  - Provides that notices sent during annual voter list maintenance are forwardable
  - Approved by committee 11-0 during the July 9, 2026, meeting
- PD2 – Changing frequency of death notifications to the Office of the SOS
  - Clarifies the process for the Department of Public Health and Human Services (DPHHS) to provide death notifications to the Office of the Secretary of State (SOS) to better reflect current practice and increases the frequency of transmission of these notifications from quarterly to weekly
  - Approved by committee 10-1 during the July 9, 2026, meeting
- PD15 – Providing a definition of "penal institution"
  - Adds a definition of "penal institution" to Title 13
  - Approved by committee 7-4 during the July 9, 2026, meeting *(Partisan Bill)*
- 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
  - Approved by committee 6-5 during the July 9, 2026, meeting *(Partisan Bill)*

SUMMARY OF COMMITTEE WORK BY MEETING DATE

The following is a summary of the work done on SJ 35 at each SAVA meeting during the 2025–2026 interim.

JULY 30, 2025

The SAVA Interim Committee discussed its draft work plan for the interim and tentatively decided to allocate 0.35 FTE to the SJ 35 study.

MEETING MATERIALS, WRITTEN PUBLIC COMMENT, AND HANDOUTS

- SJ 35 Study Resolution

SEPTEMBER 25, 2025

The September meeting agenda included an introduction from the study resolution sponsor, Chair Manzella, and a panel discussion with stakeholders. The committee adopted its draft work plan, including the 0.35 FTE allocation for the SJ 35 study.

MEETING MATERIALS, WRITTEN PUBLIC COMMENT, AND HANDOUTS

- SJ 35 Study Resolution
- Voter List Maintenance Overview (Election Assistance Commission (EAC))
- Best Practices: Voter List Maintenance (EAC)

NOVEMBER 17, 2025

The agenda included a staff presentation about voter list maintenance practices in other states and best practices from the Election Assistance Commission (EAC), along with a presentation from the Department of Public Health and Human Services about the current process for providing death record information to the Office of the Secretary of State.

MEETING MATERIALS, WRITTEN PUBLIC COMMENT, AND HANDOUTS

- SJ 35 Study Resolution
- SJ 35 Staff Memo
- EAC Best Practices for Voter List Maintenance
- South Dakota HB 1062 (2025) Senate Engrossed Version
- Voter List Maintenance Presentation
- DPHHS Presentation

JANUARY 12, 2026

The agenda included an update from the Office of the Secretary of State on the Systematic Alien Verification for Entitlements (SAVE_ program and the Presidential Executive Order regarding Elections; information about UOCAVA voters, including a recording of a presentation from Heather Honey to the Senate State Administration Committee during the 2025 Session and an overview of county procedures in Montana for UOCAVA voters; a staff presentation about voters of unsound mind; and a staff presentation about committee research requests related to information sharing in other states to keep voter rolls up-to-date.

MEETING MATERIALS, WRITTEN PUBLIC COMMENT, AND HANDOUTS

- Draft SJ 35 Study Plan
- SOS Announcement re. SAVE Program
- Presidential Executive Order 14248 – "Preserving and Protecting the Integrity of American Elections"
- Staff Memo – The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)
- EAC Fact Sheet – Serving UOCAVA Voters
- SOS Fact Sheet – Montana UOCAVA Voters
- SOS UOCAVA Electronic Absentee System Voting Guide for the General Election (2024)
- Heather Honey's Presentation to the Senate State Administration Committee (1/8/25)
- Staff Legal Memo – Voters of Unsound Mind
- Memorandum of Understanding, State of Alabama and Arkansas

MARCH 9, 2026

The agenda included a staff presentation about UOCAVA laws in Montana and a comparison of Montana laws to other states. The agenda also included a staff summary of committee work done to date on the SJ 35 study and a committee work session to determine next steps.

MEETING MATERIALS, WRITTEN PUBLIC COMMENT, AND HANDOUTS

- Staff Memo – UOCAVA Overview (Updated March 2026)
- Staff Spreadsheet – UOCAVA Laws in Other States
- Staff Memo – Overview of Voter List Maintenance (Updated March 2026)
- SJ 35 Study Plan (Updated March 2026)

MAY 4, 2026

The agenda included a staff presentation about UOCAVA data and a more in-depth comparison of Montana UOCAVA laws to those in other states; a staff litigation update on a case related to voters of unsound mind; and a committee work session to determine next steps for the study.

MEETING MATERIALS, WRITTEN PUBLIC COMMENT, AND HANDOUTS

- Staff Presentation – UOCAVA Overview & Data
- SJ 35 Study Plan (Updated May 2026)

JULY 9, 2026

The agenda included a staff presentation on committee research requests; a staff presentation of the draft findings and recommendations for the SJ 35 study; and a committee work session to review provisional bill drafts and the draft findings and recommendations. The committee approved PD1, PD2, PD15, and PD16 and assigned bill carriers.

MEETING MATERIALS, WRITTEN PUBLIC COMMENT, AND HANDOUTS

- Draft SJ 35 Findings & Recommendations

SEPTEMBER 2, 2026

The agenda included a committee work session on the final report. The committee edited the recommendations section and approved the final report.

MEETING MATERIALS, WRITTEN PUBLIC COMMENT, AND HANDOUTS

- Draft SJ 35 Final Report
    - Selected Slides from Heather Honey's 2025 Presentation to the Senate State Administration Committee

APPENDIX A: STATE ADMINISTRATION AND VETERANS' AFFAIRS INTERIM COMMITTEE MEMBERS

Before the close of each legislative session, House and Senate leadership appoint lawmakers to interim committees. The members of the State Administrative and Veterans' Affairs Interim Committee, like most other interim committees, serve one 20-month term. Members who are reelected to the Legislature, subject to overall term limits and if appointed, may serve again on an interim committee. This information is included in order to comply with section 2-15-155, MCA.

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