
Montana

Voter Registration & Voter List Maintenance Guide

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State Guide to Voter Registration & Voter List Maintenance Statutes

This is a guide to your state's laws relating to voter registration and voter list maintenance.

The statutes/codes cited in this guide may not be the most recent version. States may have more current or accurate information. We make no warranties or guarantees about the accuracy, completeness, or adequacy of the information contained in the individual state guides or the information linked to on the state site.

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Who can I contact with election related questions?

[Link to Elections Official](#)

Chief Elections Office:	Christi Jacobsen, Secretary of State <u>Elections Division</u>
Physical Address:	Montana State Capitol 1301 E 6th Avenue Helena, MT 59620
Mailing Address:	Election & Voter Services Division P.O. Box 202801 Helena, MT 59620-2801
Phone Number:	406-444-9608
Fax Number:	406-444-2023
Online Contact:	<u>soselections@mt.gov</u>

How do I register to vote?

[Link to Register](#)
[Link to Statutes](#)

13-1-111. Qualifications of voter.

(1) A person may not vote at elections unless the person is:

(a) registered as required by law;

(b) 18 years of age or older;

(c) a resident of the state of Montana and of the county in which the person offers to vote for at least 30 days, except as provided in 13-2-514; and

(d) a citizen of the United States.

(2) A person convicted of a felony does not have the right to vote while the person is serving a sentence in a penal institution.

(3) A person adjudicated to be of unsound mind does not have the right to vote unless the person has been restored to capacity as provided by law.

How do I cancel my voter registration?

[Link to Statutes](#)
[Link to Election Offices](#)

13-2-402. Reasons for cancellation.

The election administrator shall cancel the registration of an elector if:

(1) the elector submits a written request for cancellation;

How is voter list maintenance handled?

13-2-207. Confirmation of registration.

(1) The election administrator shall give or mail to each elector a notice, confirming registration and giving the location of the elector's polling place. A notice sent to an elector to whom the notice is not personally given must be sent by nonforwardable, first-class mail, which must conform to postal regulations to ensure address corrections are received.

(2) If the notice confirming registration is returned as undeliverable, the election administrator shall investigate the reason for the return of any mailed notices and mail a confirmation notice to the elector. The notice must conform to postal regulations to ensure return, not forwarding, of undelivered notices.

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 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) 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) An elector's registration may be reactivated pursuant to 13-2-222 or may be canceled pursuant to 13-2-402.

13-2-222. Reactivation of elector.

- (1) The name of an elector must be moved by an election administrator from the inactive list to the active list of a county if an elector meets the requirements for registration provided in this chapter and:
- (a) appears at a polling place in order to vote, submits an application to vote by absentee ballot in a polling place election or mail ballot election, or votes in a mail ballot election conducted under Title 13, chapter 19;
 - (b) notifies the county election administrator in writing of the elector's current residence, which must be in that county; or
 - (c) completes a reactivation form provided by the county election administrator that provides current address information in that county.
- (2) After an elector has complied with subsection (1)(a), (1)(b), or (1)(c), the county election administrator shall place the elector's name on the active voting list for that county.
- (3) An elector reactivated pursuant to subsection (1)(a) is a legally registered elector for purposes of the election in which the elector voted.

13-2-402. Reasons for cancellation.

The election administrator shall cancel the registration of an elector if:

- (1) the elector submits a written request for cancellation;
- (2) a certificate of the death of the elector is filed or if the elector is reported to the election administrator as deceased by the department of public health and human services in the department's reports submitted to the county under 50-15-409 or through a newspaper obituary;
- (3) the elector is of unsound mind as established by a court;
- (4) the incarceration of the elector in a penal institution for a felony conviction is legally established;
- (5) a certified copy of a court order directing the cancellation is filed with the election administrator;
- (6) a notice is received from the secretary of state or from another county or state that the elector has registered in another county or state;
- (7) the elector:
 - (a) fails to respond to certain confirmation mailings;
 - (b) is placed on the inactive list; and
 - (c) then fails to vote in two consecutive federal general elections; or
- (8) the elector fails to meet any voter qualification that is listed in 13-1-111.

[The National Voter Registration Act of 1993](#)

Congress enacted the National Voter Registration Act of 1993 (also known as the “NVRA” and the “Motor Voter Act”), to enhance voting opportunities for every American. The Act has made it easier for all Americans to register to vote and to maintain their registration. Section 8 of the NVRA contains requirements with respect to the administration of voter registration by States and requires States to implement procedures to maintain accurate and current voter registration lists.

For more information about the NVRA, please visit the [Department of Justice website](#).



List of voter registration statuses and their definitions

[Link to Statutes](#)

Registration Statuses	
Active - an elector who meets the requirements for registration and whose name appears on the active voting list	<u>13-2-222.</u>
Inactive - an elector who failed to return an address confirmation notice and the election administrator was unable to verify the elector's address	<u>13-2-220.</u>

How do I file a HAVA complaint?

[Link to HAVA Complaint Process](#)

[Link to Form](#)

If you believe that a violation of Title III of the Help America Vote Act of 2002 is occurring, or is about to occur, please state the specific acts committed by the person or entity named in this complaint, along with a reference to the section of HAVA alleged to have been violated.

The [completed form](#) should be notarized and returned to the Secretary of State Office

How do I file a non-HAVA election complaint?

[Link to Process](#)

[Link to Form](#)

The following methods are available for reporting a potential election law violation:

- Contact a member of the SOS elections staff at (406) 444-9608.
- Fill out and complete a report of the activity you witnessed using the [prescribed form](#) and submit it to the Secretary of State's Office using one of the following contact methods.

Mail To: Secretary of State, Fair Elections Center, P.O. Box 202801, Helena, Montana 59620-2801

Fax: (406) 444-2023

Who can I contact regarding an election related complaint?

Secretary of State, Christi Jacobsen	
Physical Address:	State Capitol, Room 260 1301 6th Avenue Helena, MT 59602
Mailing Address:	Secretary of State Fair Elections Center P.O. Box 202801 Helena, MT 59620-2801
Phone Number:	406-444-9608
Fax Number:	406-444-2023
Email Address:	fairelections@mt.gov
Website:	https://sosmt.gov/elections/fairelections/