



# NVRA Background and Policy

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# What is “NVRA”?

- 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.
- The NVRA allows the Department of Justice to bring civil actions in federal court to enforce its requirements.

# When does NVRA List Maintenance begin?

- NVRA list maintenance should start early in January of every odd-numbered year.
- It is completed early in the odd year and the SOS recommends that it be completed no later than the middle of March in each odd year.

# Why is List Maintenance required?

- NVRA includes a requirement for list maintenance.
- Montana law, 13-2-220, MCA, was enacted to ensure compliance with NVRA.
- The NVRA list maintenance process:
  - **confirms** whether voters have moved;
  - **prompts** them to update their registration; and
  - allows election administrators to **remove** people who do not respond to confirmation mailings and subsequently fail to vote in two federal general elections.

# Who are the voters affected?

- Only **active** electors are affected.
- Note: Inactive electors have already been sent the required mailings and failed to respond and will either activate or will be removed after two federal general elections after the mailings are sent.

# Where can we find the NVRA confirmation mailing forms?

- See the online forms list at

<http://sosmt.gov/Elections/Officials/Forms>

<b>NVRA Forms</b>
<u><a href="#">NVRA First Confirmation Notice</a></u>
<u><a href="#">NVRA Second Confirmation Notice</a></u>

# Who gets the **first** mailing?

- Electors who did not vote in the preceding federal general election receive the first mailing.
- Section 13-2-220, MCA provides other options for types of voters/nonvoters (including utilizing NCOA or door-to-door canvass), although these are rarely used.

# What about absentee voters?

- If an individual applies for an absentee ballot, even if the individual does not return that ballot, the individual does not go into the NVRA process.
  - Such a voter receives voting credit for the purposes of NVRA even though the ballot was not returned.
  - The exception is if the individual's ballot was returned undeliverable; in such instances the individual gets pulled into NVRA.



# What about absentee voters?

- This is because the purpose of the NVRA process is to keep the voter file updated with current voter information.
- By applying for an absentee ballot, a voter is confirming his or her address, and the fact that the voter does not return the ballot does not make the voter subject to inactivation per NVRA because the voter has indicated the voter is still an active voter in your county.

Are these first mailings forwardable or non-forwardable? Do counties pay return postage on these first mailings?

- The first mailings can be either forwardable or non-forwardable, at the county's option.
- Counties are not responsible for return postage on the first mailings.

# What are the possible outcomes after sending the first notice?

- Voter confirms address in the county
- Voter lists a residence address outside the county
- Voter cancels voter registration (and/or county receives notice that elector is deceased)
- Voter does not return the form or form is undeliverable

# What should county election officials do after the first mailing?

- Voter confirms address in the county
  - **County action: leave as Active Voter**
- Voter lists a residence address outside the county
  - **County action: cancel voter if voter requests cancellation in your county**
- Voter cancels voter registration
  - **County action: cancel voter**
- Voter does not return the form/form is undeliverable
  - **County action: send second (forwardable, postage prepaid) mailing**

## How long should a county election official wait after sending the first notice to send a second?

- After the first notice is sent, wait 30 days and send the second notice to voters who do not return the notice or to whom the first notice is undeliverable
- If the elector fails to respond within 30 days to the second notice, move the elector to the inactive list

# Who gets the **second** mailing?

- Only those who did not respond to the first mailing, or whose first notification was returned as undeliverable, are sent the second mailing.

A red, rectangular stamp with a distressed, ink-like texture. The words "SECOND" and "NOTICE" are stacked vertically in a bold, sans-serif font. The stamp is slightly tilted and has a soft drop shadow.

Are these second mailings forwardable or non-forwardable? Do counties pay return postage?

- The second mailings are always sent by forwardable, postage prepaid mail.
- Counties are responsible for return postage on the second mailings.

# What should county election officials do after the second mailing?

- Voter confirms address in the county
  - **County action: leave as Active Voter**
- Voter lists a residence address outside the county
  - **County action: cancel voter if voter requests cancellation in your county**
- Voter cancels voter registration
  - **County action: cancel voter**
- Voter does not return the form/form is undeliverable
  - **County action: put on inactive list 30 days after mailing of 2<sup>nd</sup> notice**



# What NVRA mailing information do I need to collect for the federal survey?

- See <http://sosmt.gov/Portals/142/Elections/Documents/Officials/Federal-Survey-Questions.xlsx>

CATEGORY	COUNTY RESPONSES/TALLIES		SOS NOTES
<b>COUNTY INFORMATION</b>			
County Name & Person Filling out Survey:			
<b>NVRA NOTICES</b>			
	<b>FIRST NVRA NOTICES</b>	<b>SECOND NVRA NOTICES</b>	
How many NVRA notices did you send:	1000	700+	<p>&lt;---These 2017 NVRA mailing totals should all be tracked as they are sent out. Please report these totals to <a href="mailto:soselections@mt.gov">soselections@mt.gov</a> 30 days after sending the 2nd NVRA notice.</p>
How many resulted in the elector confirming registration:	200	200	
How many resulted in the elector's registration being cancelled at the elector's request (including also cancellations due to death):	100	100	
How many were returned undeliverable:	500	500	
How many were never returned:	200*	200*	
How many resulted in other outcomes, if any (describe):	0	0	

\*Usually, this total is the total of Undeliverable first notices **added to** the total Never Returned first notices

\*Usually, the total of Never Returned is the total sent **minus** Confirmations, Cancellations, and Undeliverable

# What NVRA mailing information do I need to collect for the federal survey?

- Please track the totals as you complete each step of the NVRA process.
- We are not yet able to track all NVRA totals in MT VOTES, especially in cases in which undeliverable NVRA confirmations are not receipted in.
- Therefore, counties should as always track the NVRA totals as the NVRA confirmations are sent and received (or not received, as the case may be).

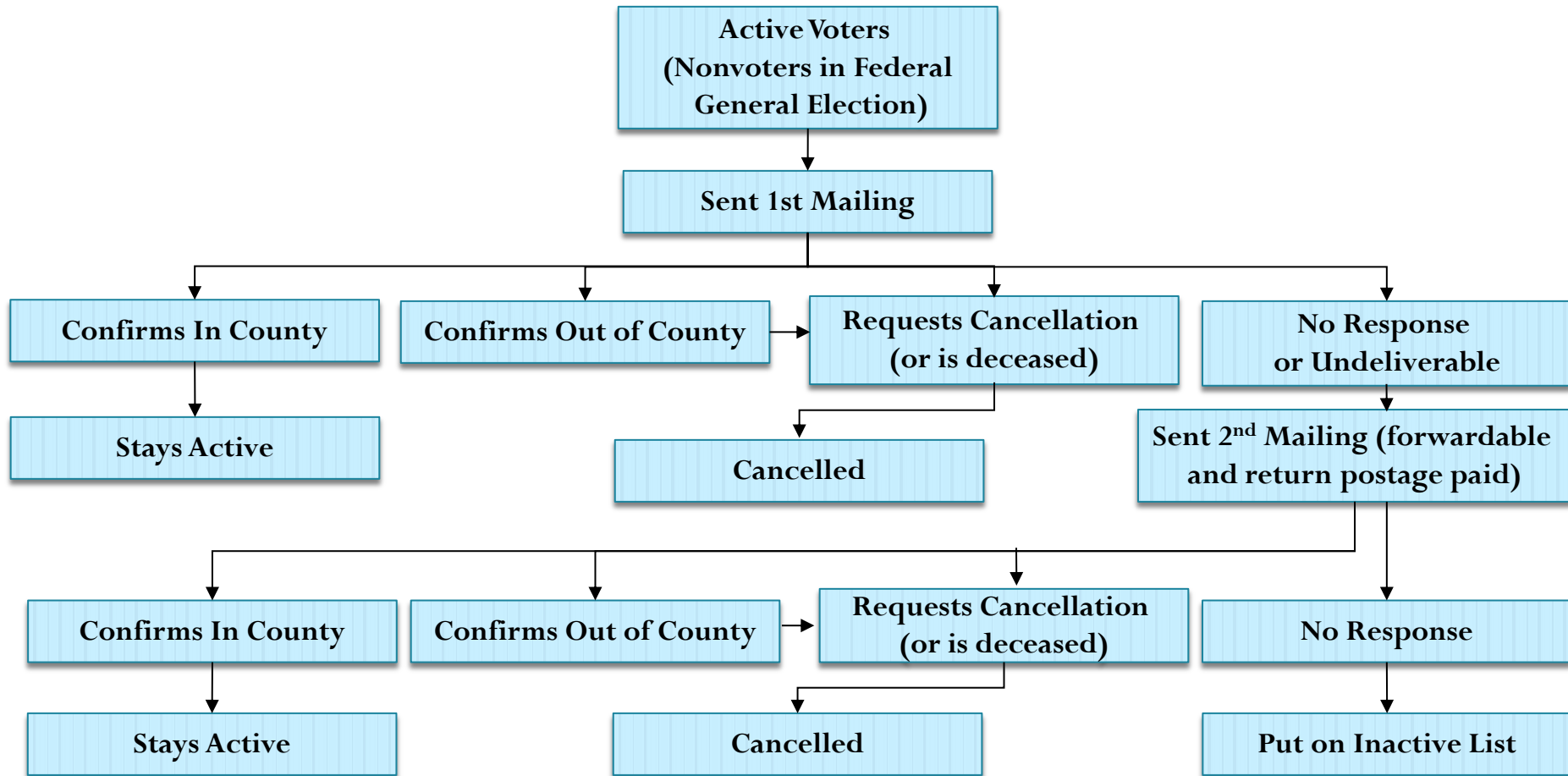
# Handling Inactive Electors

Action	Applies to Inactive Electors?
Reactivate <u>and</u> vote at the polls for a <b>federal</b> election	Yes
Reactivate <u>and</u> vote at the polls for a <b>non-federal</b> election	Yes
Include inactive voter on precinct register for <b>federal</b> election	Yes
Include inactive voter on precinct register for <b>municipal</b> election	Yes
Include inactive voter on precinct register for <b>school</b> election	Yes
Include inactive voter on precinct register for <b>other non-federal</b> election	Yes
<b>Sign</b> statewide petitions (initiatives, recall) or local petitions (7-5-136, MCA)	Yes
Serve <b>jury duty</b>	No
Must be sent <b>Voter Information Pamphlet</b>	No
Sent ballot in <b>mail ballot election</b>	No

# What do mail ballot elections have to do with NVRA list maintenance?

- In a mail ballot election, if the ballot of an elector is returned **undeliverable**, the election administrator must mail a confirmation notice to the elector that follows the requirements for a second NVRA notice – it must be forwardable, first-class, return postage prepaid, and return-addressed.
- If the notice is returned **undeliverable** to the election administrator, the elector is placed on the inactive list. However, lack of response in a mail ballot election does not inactivate an elector!

# NVRA List Management Process Overview



# Resources

- For statutory information about the NVRA process, please see:
  - [13-2-220](http://leg.mt.gov/bills/mca/title_0130/chapter_0020/part_0200/section_0200/0130-0020-0020-0200.html), MCA  
([http://leg.mt.gov/bills/mca/title\\_0130/chapter\\_0020/part\\_0200/section\\_0200/0130-0020-0020-0200.html](http://leg.mt.gov/bills/mca/title_0130/chapter_0020/part_0200/section_0200/0130-0020-0020-0200.html))
- Text of National Voter Registration Act:
  - [http://www.justice.gov/crt/about/vot/42usc/subch\\_ih.php#anchor\\_1973gg-2](http://www.justice.gov/crt/about/vot/42usc/subch_ih.php#anchor_1973gg-2)

# Resources

- SOS NVRA Trainings:
  - 2017 NVRA Policy (<http://sosmt.gov/Portals/142/Elections/Documents/NVRA-Policy.pdf>)
  - 2017 NVRA MT Votes Process (MT Votes: <http://sosmt.gov/Portals/142/Elections/Documents/MT-Votes-NVRA-Process.pdf>)
- For **MT Votes** NVRA process questions, please contact the help desk:
  - [soshelpdesk@mt.gov](mailto:soshelpdesk@mt.gov); 406.444.4296 or 866.541.6767
- For NVRA **policy** questions, please contact the SOS at:
  - [soselections@mt.gov](mailto:soselections@mt.gov); 406.444.5346 or 406.444.5376