

MONTANA SECRETARY OF STATE

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ELECTION DIRECTIVE

October 10, 2007

#04-07

TOPIC: ENSURING NONFORWARDABILITY OF MAIL BALLOTS

A question has arisen about whether mail ballots should be sent by forwardable mail, and if not, the best ways to notify postal carriers to return mail ballots undeliverable rather than forwarding them.

The law copied below indicates that the ballot should be sent to the elector's most current address on file with your office. There is no indication that it should be sent by forwardable mail.

Similarly, the rule copied below indicates that if an elector wants to have the elector's ballot mailed to an address other than the most current one on file with your office, the elector should contact your office to provide you with the new address (instead of assuming that the ballot will be forwarded to the elector).

13-19-206. Distributing materials to electors -- procedure. For each election conducted under this chapter, the election administrator shall:

. . . (3) ensure that each packet is:

(a) addressed to a single individual elector at the most current address available from the official registration records; and

(b) deposited in the United States mail with sufficient prepaid postage for it to be delivered to the elector's address.

44.9.304 DESIGNATION OF MAILING ADDRESS OR ALTERNATIVE ADDRESS (1) In certain instances electors may designate the address to which their ballot is to be mailed. These instances include:

(a) electors who will be absent from their place of residence during the conduct of the election; and

(b) if applicable, electors who are not registered but are otherwise entitled to vote in that election and who do not wish to appear and vote in person.

(2) In these cases, and after complying with the requirements of law, the elector may designate the address to which his ballot is to be mailed by completing an absentee request as provided in Title 13, chapter 13, part 2, MCA, until noon the day before ballots are scheduled to be mailed. (History: Sec. [13-19-105](#), MCA; [IMP](#), Sec. [13-19-303](#) and [13-19-304](#), MCA; [NEW](#), 1985 MAR p. 1020, Eff. 7/26/85; AMD, 1990 MAR p. 308, Eff. 2/9/90.)

Therefore, mail ballots should be sent by non-forwardable mail. We have enclosed an updated sample of a mail ballot outer envelope that includes language that you should use to ensure that your mail ballots are not forwarded. If it is not possible to put the language from this sample on your mail ballot outer envelopes, please instruct your postmaster to ensure that the mail ballots you send are not forwarded but are instead returned undeliverable.

Please contact Alan Miller at (406) 444-5346 if you have any questions about this directive.

Approved: 

Brad Johnson
Secretary of State

October 10, 2007

Date