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Initial Implementation Guidance #01-21

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TOPIC: Implementation of the immediate effective date for HB 176 which changes the deadlines for late registration.

AUTHORITY:

Pursuant to Mont. Code Ann. § 13-1-202(1)(a) and (b), the Secretary of State has the authority to issue written directives and instructions related to and based on election laws, to provide uniformity in the election process, and to provide forms.

The following is meant to provide guidance to election administrators on the changes in late registration for the upcoming elections by the passage of [HB 176](#) in the 2021 Legislature.

OVERVIEW:

House Bill 176 was passed by the Legislature and signed by the Governor on April 19, 2021. Section 6 of the bill provides for an immediate effective date on passage and approval.

The bill makes modifications to 13-2-301(4), 13-2-304, 13-13-301, and 13-19-207.

Historically under Montana law, county election offices close late registration at noon on the day before the election. During this time, county election officials may complete election administrative activities. The effect of the changes under HB 176 ends the late registration of new voters at noon on the day before an election.

HB 176 clarifies Chapter 19 mail election procedures for mail distribution of ballots. Prior to HB 176, some confusion existed as to whether county election officials were required to provide a late registered new voter a ballot by mail or in person, and if in person, mandate the voter vote the ballot at the election administrators office. HB 176 ensures late registered voters receive a ballot in conjunction with the late registration. However, under the revised law, a voter has the option to vote the ballot at the time of issuance or vote and return the ballot in the manner most convenient to the individual voter.

GUIDANCE:

It is important that Election Administrators update website information, printed materials, and other items as applicable. Election Administrators also should consider other forms of communication about the change to potential voters including: (1) the publishing and/or broadcasting additional notice as appropriate; (2) supplemental mailings (e.g. postcards) to inform potential voters about the late registration deadline. The Secretary of State may communicate additional outreach resources made available.

A revised “Notice of close of Regular Voter Registration and Option for Late Registration” has been posted on the SOS website [here](#) – (sosmt.gov, elections, election officials, election official forms, notice forms)

The Office of the Secretary of State recommends that when a County Elections Official provide a late registrant with a ballot, the County Elections Official advise the electors, based on the circumstances of the time, of all available options to cast and return the ballot.

QUESTIONS:

Q: Does this affect mail ballot plans?

A: No, the end of late registration is not specified on the mail ballot plan form. Mail ballot instructions included with ballots mailed to voters do not generally specify the end of the late registration period.