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Montana Court Strikes Down Birth-Year Voting Requirement That Cost Montanans Their Votes

State failed to justify requirement that caused thousands of absentee ballots to be rejected

HELENA, Mont. - A Montana district court has struck down House Bill 719, ruling that the law violates the right of suffrage guaranteed by the Montana Constitution and blocks the State from enforcing it. The October 2 ruling grants summary judgment to Disability Rights Montana and Big Sky 55+.

HB 719 required absentee voters to provide their birth year when returning a ballot. If the information was missing or did not match election records, the ballot could go uncounted unless the voter completed the cure process by the deadline. In the November 2025 election alone, 1,814 absentee ballots went uncounted solely because of a missing or incorrect birth year.

> "The government should not throw out a Montanan's vote because of a paperwork mistake that does nothing to make an election more secure," said David Carlson, Executive Director of Disability Rights Montana. "Secure elections and accessible elections are not competing values. We can have both. That is what Montanans should expect from their government."

The case challenged an additional administrative barrier affecting only absentee voters, which disproportionately includes disabled and older Montanans. The court noted that some disabled voters may have difficulty recognizing what information is being requested or physically writing a birth date on an absentee ballot.

The mismatch was stark. The requirement caused thousands of ballots to be rejected across the elections considered by the court. At the same time, plaintiffs' expert identified only one case of fraudulent absentee-ballot impersonation in Montana over roughly 40 years and concluded that HB 719 would not have prevented that case.

The court found that HB 719 imposed a burden on voting and that the State failed to show the requirement was reasonable and served its asserted interests, or that those interests were more important than the burden on the right to vote.

> "The right to vote should not turn on whether someone remembered one more box on an envelope," Carlson said. "Election rules should solve real problems, not create new ones. Montana can protect election integrity without creating unnecessary failure points that keep eligible voters' ballots from being counted."

The October 2 order declares HB 719 unconstitutional under Article II, Section 13 of the Montana Constitution and enjoins the State of Montana and Secretary of State Christi Jacobsen, including their agents and successors in office, from enforcing it.

ABOUT DISABILITY RIGHTS MONTANA

Disability Rights Montana advocates for the human, legal, and civil rights of Montanans with disabilities and works to ensure disabled people have equal opportunity to participate fully in their communities.

MEDIA CONTACT
Name: David Carlson
Phone: (406) 449-2344
Email: david@dr-mt.org
Website: https://disabilityrightsmt.org/

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