



Canvass Procedures and Recount Information

Montana Secretary of State

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Canvass Procedures

Who Conducts the Canvass and When

- School Elections – School Board Trustees
- All other elections – Board of County Commissioners
- Canvass board meets at the regular place of meeting within 14 days after each election
 - In counties with machine tabulators, canvass cannot begin until at least one day after post-election audit of tabulators
- In Federal Primary and General Elections, provisional, FWAB and some EAS ballots are counted after 3 p.m. on Monday following the election, therefore, the canvass cannot be held until after the 8th day after the election at the earliest.

Canvass Procedures

- If one or more of the members of the governing body cannot attend the canvass, they may appoint another county officer (elected officer or deputy) to attend in their place.
- If election is combined with another political entity, that governing body may join the County Commissioners in canvassing the vote.
- The Election Administrator is the secretary of the canvass board.

Canvass Procedures

- The canvass must be public, and date, time and location should be published or posted as any public meeting is.
- **Between Election Night and the canvass, the ballots must be kept sealed and secure. Sealed ballots can be opened only to count provisional ballots, for the post election audit, and in case of a recount, or otherwise only by a court order.**
- If during a canvass the canvass board finds an error in precinct or precincts, the board has the right to petition for a recount in the precinct or precincts, or for an inspection of ballots.

County Canvass process

- The canvass board reviews the poll books and compares the number of ballots cast in a precinct, according to tabulator reports or tally books if hand counting, to how many ballots the poll book says should have been cast

Canvass Procedures

- The EA prepares and files the canvass report
- The canvass report contains
 - the total number of voters voting in each precinct or district
 - The name of each individual receiving votes and the number and title of each ballot issue
 - The number of votes received for each candidate and the number of votes for an against each ballot issue
 - The canvass report is generated from results entered by each county in the Electronic Statewide Election Reporting System (eSERS)
 - If applicable, write-in votes for an individual shall be entered in the report in the same place as the votes for other individuals for the same office but shall be identified as write-in votes

Canvass Procedures

- After the canvass the board shall declare:
 - Nominated or elected any person receiving the most votes
 - The adoption or rejection of a local ballot issue
- Additionally, the board certifies the results of the canvass for justice of the peace, and municipal judges, to the supreme court

Canvass Procedures

- Before Certificates of Nomination or Election are Issued the Commissioner of Political Practices (CPP) must notify election administrators in writing that the candidate has complied with campaign finance requirements:
 - **13-37-127. Withholding of certificates of nomination or election.** (1) A certificate of election may not be granted to any candidate until the candidate or the candidate's treasurer has filed the reports and statements that must be filed pursuant to the provisions of this chapter. A candidate for an elective office may not assume the powers and duties of that office until the candidate has received a certificate of election as provided by law. A certificate of election may only be issued by the public official responsible for issuing a certificate or commission of election.
 - (2) In carrying out the mandate of this section, the commissioner must, by written statement, notify the public official responsible for issuing a certificate of nomination or election that a candidate or the candidate's treasurer has complied with the provisions of this chapter as described in subsection (1) and that a certificate of nomination or election may be issued.

Canvass Procedures

- Once all of the candidates have met their requirements to the Commissioner of Political Practices and the election administrator has received a certification from that office, you must provide a certificate of nomination or election to each individual declared nominated or elected by the board.
- The SOS provides the certificates to candidates who are declared nominated or elected by the state canvass board.

State Canvass Procedures

- The county canvass report for all federal, state, and state district offices **must be sent to the Secretary of State by the deadline provided for each election**
 - Do not include the canvass of county offices when you send your canvass report
 - The SOS provides a large white pre-addressed envelope for mailing the canvass report to the SOS
 - you should always use that envelope to send your canvass

State Canvass Procedures

- The state canvass is held within 27 days after the election. The state canvass board is composed of the State Auditor, the Superintendent of Public Instruction and the Attorney General.
- The state canvass board convenes in the SOS office and the Secretary of State serves as the secretary of the board and files the official record of the canvass.

State Canvass Procedures

- The results of the state canvass are then delivered to the Governor
- Upon receipt of the statements required by [13-15-507](#) and [13-37-127](#), the governor shall issue commissions to the individuals elected. If the governor has been elected to succeed himself, the secretary of state shall issue the commission.

Recounts

- Any entity conducting a recount should follow the uniform procedures outlined in the Secretary of State's [Recount Guide](#)

Recounts

The conditions under which a recount can be conducted are found in [13-16-201](#), MCA.

1. The only automatic recounts are if there is a tie vote. Any other recount must be petitioned for by the unsuccessful candidate or by an elector for an unsuccessful ballot issue.
2. **For a county, municipal, or district office voted for in only one county, other than a legislator or a judge of the district court**
 - Margin less than or equal to $\frac{1}{4}$ of 1% or less than or equal to 10 votes or margin greater than $\frac{1}{4}$ of 1% up to $\frac{1}{2}$ of 1% (bond recount)
 - The defeated candidate may file a petition for a recount within 5 days of the official county canvass

Recounts

- **For a candidate for a congressional office, a state or district office voted on in more than one county, the legislature, or judge of the district court**
 - a. Margin less than or equal to $\frac{1}{4}$ of 1% or
 - b. Margin greater than $\frac{1}{4}$ of 1% up to $\frac{1}{2}$ of 1%
 - Petition filed **with SOS** within 5 days of **state canvass**
 - **In the (b) scenario, the petitioner must post a bond to cover the estimated costs of the recount**
- The secretary of state shall immediately notify each election administrator in each county which includes any precincts that voted for the office, and a recount must be conducted in those precincts.

Recounts

- Immediately upon receiving a petition for a recount the election administrator shall notify the members of the county recount board.
 - (2) The board shall convene at the usual meeting place of the governing body without undue delay but not later than 5 days after receiving notice from the election administrator.

Recounts

- The Recount Board shall consist of 3 members:
- (2) Three members of the governing body shall be appointed by the chairman if there are more than three members of the governing body.
- (3) If three members of the governing body cannot attend when the board meets, any vacant place shall be filled by one or more county officers chosen by the remaining members of the governing body.
- (4) If a member of the recount board is a candidate for an office or nomination for which votes are to be recounted, he shall be disqualified.
- (5) The election administrator is secretary of the recount board, and the board may hire any additional clerks as needed.
- (6) The board may appoint county employees or hire clerks to assist as needed.

Recounts

- Detailed information including procedures for recounts can be found in the Secretary of State's [Recount Guide](#).
- The uniform processes laid out in the Guide should be followed by any county conducting a recount.