



Office of the Secretary of State

Updated May 2017

Reasons to Issue a Provisional Ballot

A provisional ballot should be issued if...

Absentee Ballots

1. ... the returned absentee ballot is not signed, or the signature does not match the signature on file.
 - a. Contact the voter by “the most expedient method available” (13-13-245 MCA) to correct the issue.
 - b. Absentee ballots become provisional ballots if they have no signature or the signature does not match **and** the signature issue is not resolved in time for counting on Election Day.*
2. ... the elector shows up at the polls to vote, but the register indicates s/he has an active absentee ballot.
 - a. The provisional ballot that is issued can be resolved by the election office after Election Day by confirming that the absentee ballot was never received.
 - b. If the register indicates the elector has an *Accepted* ballot, they should not vote a provisional ballot at the polls unless the voter affirms in writing that the voter did not vote the accepted ballot.

Late Registrants

3. ... the elector late-registers and votes at the election office on Election Day and is a transfer registrant (precinct to precinct or county to county)
 - a. Provisional ballots cast under this scenario are resolved in the days after the election by the election office confirming that no ballot was voted by this elector in another precinct or county, using the MT Votes Provisional Ballots module.
 - b. Generating supplemental registers after 1:30PM on the day before Election Day should reduce the number of election day late transfer registrants.
4. ... the individual is late-registering at the election office and their Montana driver's license number or last 4 digits of the SSN did not verify through MT Votes Voter Verify after exhausting all of the search options available.
 - c. Options to resolve include:
 1. Contact Help Desk for assistance with attempting to verify ID number;

* To verify eligibility to vote, an elector who casts a provisional ballot has until 5 p.m. on the day after the election to provide valid identification or eligibility information either in person, by facsimile, or by electronic means (or by mail postmarked no later than the day after the election and received by 3:00 p.m. on the 6th day after the election).

2. Contact Motor Vehicle Division; and/or
3. Registrants may call the Social Security Administration at 800-772-1213 to resolve a problem with their SS# verification. Available from 7 a.m. until 7 p.m.
- d. Register the elector as a provisional registrant rather than a late registrant, but use the vote eligible date of the Sunday before the close of regular registration so it is clear that they are a late registrant.*
- e. If the issue is resolved, change the voter's status to Late Registrant (or Active if the election has passed).

Provisional Registrants

5. ... the elector is provisionally registered.
 - f. The elector's ballot must be handled as a provisional ballot if the elector does not, by the time ballots are counted on election night, resolve the issue that caused the elector to be registered provisionally (generally an unverifiable or missing ID number).*

Identification Issues

6. ... the elector shows up at the polls to vote, but does not have one of the required forms of ID, and chooses not to fill out the "Polling Place Elector ID Form," or fills out the Polling Place Elector ID Form, but the number(s) on the form cannot be verified.*
7. ...the elector shows up at the polls to vote and their name does not appear in the official register, but they believe they are registered to vote.
 - g. In this case, if the election office cannot verify that the elector registered by the close of regular registration, the elector has the option to vote provisionally at the polls, but may want to instead go to the election office, late register, and vote a regular ballot.*

Other Issues

8. ... the elector's right to vote is challenged on Election Day.
 - h. If the challenge was on the grounds that the elector is of unsound mind, or serving a felony sentence in a penal institution, the provisional ballot must be counted unless the challenger provides documentation by 5:00 p.m. on the day after the election that a court has established the elector is of unsound mind, or that the elector has been convicted and is still serving a felony sentence in a penal institution.
 - i. If the challenge is made on other grounds, the elector may fill out and sign an affidavit to refute the challenge and swear they are eligible to vote.
 - j. The elector must be given a copy of the challenger's affidavit and any supporting evidence provided by the challenger. If the challenge is not resolved in the elector's favor by the time a ballot is issued, the elector must be issued a provisional ballot.*
9. ...you have Internet connectivity or other technical problems.
 - k. Regularly save your voter registration list to flash drive or other external storage, save it to your local drive, and print off a current copy to have on hand.
 - l. In case of Internet connectivity problems or other technical problems, process registrations manually.
 - m. All **registrants** under this process must be provisionally registered, unless and until they are verified through MT Votes Voter Verify.
 - n. Issue absentee ballots manually.
 - o. All **ballots** issued under this process must be provisional until it can be confirmed that the voter did not cast multiple ballots.

Provisional voting statutes: [13-13-114 MCA](#), [13-13-601 MCA](#), [13-13-602 MCA](#), [13-13-603 MCA](#), and [13-15-107 MCA](#).

* To verify eligibility to vote, an elector who casts a provisional ballot has until 5 p.m. on the day after the election to provide valid identification or eligibility information either in person, by facsimile, or by electronic means (or by mail postmarked no later than the day after the election and received by 3:00 p.m. on the 6th day after the election).