



OFFICE OF THE SECRETARY OF STATE

PO BOX 202801
HELENA MT 59620-2801
www.sos.mt.gov
(406) 444-2034
(406) 444-4249 (FAX)
(406) 444-9068 (TTY)

Linda McCulloch
Secretary of State

ELECTION DIRECTIVE #04-08

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TOPIC: Polling Place Voting Procedures

AUTHORITY:

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

The following is meant to provide guidance and uniformity on multiple scenarios that can occur at the polling place on election day. This Directive is consistent with training administered by county election administrators and the office of the Secretary of State, and is included in the Election Judge Handbook and in the Polling Place Quick Guide. Election officials and election judges must use the information in this Directive in conjunction with detailed procedures contained in the Election Judge Handbook.

IMPORTANT - PLEASE REVIEW ALL OF THE INFORMATION BELOW WITH ALL ELECTION OFFICIALS AND ELECTION JUDGES TO ENSURE UNIFORMITY AND CONSISTENCY WITH MONTANA LAW.

Miscellaneous Polling Place Scenarios:

1. A voter at the polls must be allowed to vote once at their **prior** precinct of registration (the precinct in which they are currently registered). At their option, they can instead go to the election office or single designated location and late register and vote based on their **new** precinct.
2. Any person **in line at 8:00 p.m.** at the polling place or at the election office or designated location must be allowed to stay in line and register and vote.

Accepted Forms of Polling Place ID:

- ◆ **Driver's license or any form of photo ID with the elector's name on it**, including but not limited to state issued ID, federal government issued ID, tribal ID, student ID and military ID.

- ◆ If an elector does not have photo ID, the elector may provide a utility bill, bank statement, or any government issued document with **elector's name and current address**.
 - If the ID provided has information that differs from the information in the precinct register but the election judge determines the information provided is sufficient to verify the voter's identity and eligibility to vote, the voter may sign the register and vote, but must complete an updated registration form.

Elector did not bring Accepted Form of ID:

- ◆ Have elector fill out the **"Polling Place Elector ID"** form; call Election Office to verify ID information on card.
- ◆ If information **verifies**, allow elector to cast **regular ballot**.
- ◆ If information **does not verify**, allow elector to cast **provisional ballot**.

Elector's name not in Register:

- ◆ Call Election Office to verify the elector's name should be on the register.
- ◆ If the Election Office confirms that the elector was omitted from the Register due to an error, have elector fill out *"Erroneous Omission from Precinct Register"* form.
- ◆ Elector casts **regular ballot** in above scenario.
- ◆ If Election Office cannot confirm that elector was erroneously omitted from the Register, inform the elector that if the elector votes provisionally the ballot will not be counted unless there was administrative error in omitting the elector from the Register. **If elector chooses not to vote provisionally at the polls, send the elector to the Election Office or designated location to late register and vote.**

Elector's address in Register is incorrect:

- ◆ Have the elector fill out a new Voter Registration form with updated information for future elections.
- ◆ Elector casts **regular ballot in the precinct where currently registered**.

Register says Elector was issued an Absentee Ballot:

- ◆ The elector must vote a **provisional ballot**. Inform elector that ballot will be counted so long as no absentee ballot is turned in.

A Provisionally Registered Elector appears to vote (the voter's status will be noted on Register):

- ◆ If the provisionally registered elector provides required ID and the ID number is verified by the Election Office (or the elector fills out the Polling Place Elector ID Form, and the ID number is verified by the Election Office), the elector votes a **regular ballot**.
- ◆ If the provisionally registered elector does not provide a form of required ID or the ID number cannot be verified by the Election Office, the elector votes a **provisional**

ballot. Inform the elector the provisional ballot will be counted so long as the elector provides verifiable ID number to the elections office by 5 pm the day following the Election.

An Inactive Elector appears to vote:

- ◆ An inactive elector is someone who has not exercised their right to vote in a Federal General Election (which is held every even numbered year), and who did not respond to several confirmation mailings from the Election Office.
- ◆ An individual can also be placed on the inactive list because a ballot in a mail ballot election is returned to the election office as undeliverable, and the individual does not respond to a subsequent forwardable notice mailed by the election office.
- ◆ **An inactive elector can cast a regular ballot in any election by appearing to vote at the polls, or by requesting an absentee ballot.** An inactive elector should fill out a new voter registration form if information in their voter registration record has changed, and will vote a ballot in the precinct where they are currently registered.
- ◆ An inactive voter must be allowed to vote once at their **prior precinct of registration** (the precinct in which they are currently registered). An inactive voter **does not have to go to the county election office** or designated location to late register.

Elector is challenged:

- ◆ If challenge can be resolved (*see “Resolving Challenges” in the “Special Situations” section of this Handbook*) elector casts a **regular ballot**.
- ◆ If challenge cannot be resolved, elector casts a **provisional ballot**.

Elector cannot sign the Register:

- ◆ Have elector mark the spot with a fingerprint or another identifying mark like an X. Note in the register that you witnessed the elector marking the register.
- ◆ If elector is unable to provide a fingerprint or identifying mark and does not have a designated agent, the election judge (or election administrator) may sign for the elector after verifying elector’s ID.

Elector requires assistance to Vote:

- ◆ The elector may use the AutoMARK.
- ◆ Any person of their choice may aid them, except for an employer or union official.
- ◆ A designated agent may assist them with any part of the voting process.
- ◆ Two election judges may help (affiliated with different parties, if possible).

Elector makes a mistake on their Ballot (see detailed information in “special situations” section of Election Judge Handbook)

- ◆ Ballot judge will write “spoiled” on stub and elector will write “spoiled” on ballot.
- ◆ Judge will remove stub and elector places spoiled ballot in an envelope marked “Spoiled.”

- ◆ Inform poll book judge to mark poll book accordingly for the spoiled ballot number.
- ◆ Give elector a new ballot informing poll book judge what the new number is.
- ◆ DO NOT place stickers or labels to cover up and correct errors on the spoiled ballot, and DO NOT provide stickers or labels to voters to place on their spoiled ballot.

A Ballot is missing or blank:

- ◆ If the next sequential ballot is missing have the Poll Book Judge indicate this by writing “missing” next to the number in the poll book.
- ◆ If the ballot has no number due to a misprint, fold it up and place it in a spoiled ballot envelope and place it in the ballot box, with stub attached. (Make sure that the next ballot contains the correct next sequential number. If not, follow the step immediately above for that ballot).

Elector brings in voted Absentee Ballot for drop-off (also see the more detailed “Absentee Voters at the Polls” subsection under the “Absentee Voting and Absentee Ballots” section of the Election Judge Handbook):

- ◆ Electors must be allowed to drop off absentee ballots at any polling place in their home county. This does not apply to late registrants, who are instructed to return ballots to the county election office or designated location.
- ◆ Absentee ballots dropped off at the polling place must be sealed in a secrecy envelope and an affirmation envelope, signed and dated by the elector.
- ◆ An absentee ballot dropped off at a polling place other than the one in which the elector appears on the register must be:
 - Delivered to the election office for signature verification and tabulation if tabulation of absentee ballots is done at a central location (or as directed by the election administrator).
 - Delivered to the election office for signature verification and then the ballot will need to be delivered by the election office to the correct precinct if all counting is done at the precinct location (or as directed by the election administrator).

An Elector asks about Write-In Candidates:

- ◆ Provide write-in candidate information that was provided by the election administrator if the elector requests it.
- ◆ Instruct elector if they have a pre-printed label to make sure they are placing the label over the write-in spot for that race, and that they fill in the oval for the candidate whose name they are writing in.

Elector requests Ballot be hand counted:

- ◆ When the elector returns with the voted ballot, remove the stub and place it in the stub container. Return the ballot to the elector and have the elector place it in an envelope marked “Hand Count” and place it in the ballot box.

Poll Watchers/Observers/Signature Gatherers:

- ◆ **New!** A candidate, family member of a candidate or a worker or volunteer for a candidate's campaign may not distribute alcohol, tobacco, food, drink or anything of value to a voter within a polling place or a building in which an election is being held or within 100 feet of an entrance to a polling place.
- ◆ **New!** A candidate may not be a poll watcher at a polling place where electors are voting on ballots with the candidate's name on them.
- ◆ At the time when each elector signs the elector's name, the Register Judge shall pronounce the name loud enough to be heard by the poll watchers. A poll watcher who does not understand the pronunciation has the right to request that the judge repeat the name.
- ◆ Poll watchers can be permitted to view the Register only if it can be done during a time that does not interfere with any voting, and with permission of the chief election judge.
- ◆ Poll watchers and observers shall also be permitted to observe all of the vote counting procedures after the closing of the polls **(or before close of polls if they remain sequestered with counting judges until the close of polls)** and all entries of the results of the elections.
- ◆ Poll watchers may challenge any elector, using the prescribed form properly completed.
- ◆ Poll watchers and observers may speak to an election judge within a polling place to discuss application or interpretation of election procedures/laws, so long as it does not interfere with the election procedures as determined by the chief election judge.
- ◆ Make sure that the poll watchers or observers are not soliciting information or promoting an issue or candidate to electors in the polling place.
- ◆ If cell phones are allowed, poll watchers, observers and signature gatherers who are using cell phones should be asked to go to a secluded spot or outside the polling place, where voters will not hear them and where the call will not be distracting to those voting.
- ◆ If you are having problems with a poll watcher, observer or signature gatherer, call the election office.