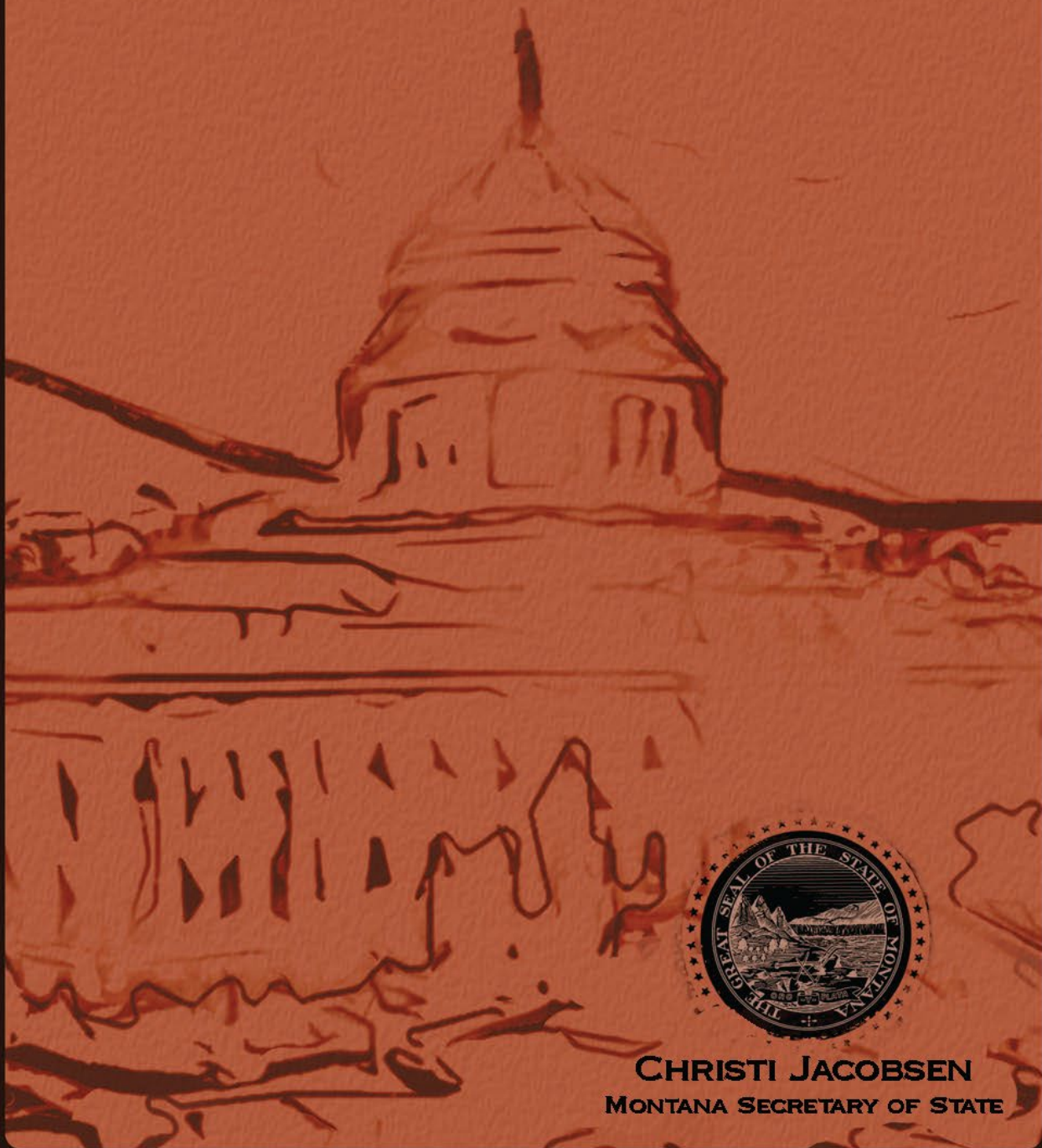


# **MONTANA ELECTION HANDBOOK 2024**



**CHRISTI JACOBSEN**  
MONTANA SECRETARY OF STATE





## **CHRISTI JACOBSEN**

### **MONTANA SECRETARY OF STATE**



Dear Montana Election Official,

Election season is upon us, and soon our Montana family, friends, and neighbors will have their voices heard by casting votes in local, state, and federal races. Exercising our responsibility to vote is one of the greatest civic duties called upon us, and I'm thankful I was born and raised in Montana where my voice can be heard through the ballot box.

I'm also grateful for Montana's election officials, workers, and volunteers and the important role they play in our electoral process. Working on the front lines during an election is a tremendous responsibility, one that ensures our elections will be safe, secure, and transparent.

The Handbook that follows provides comprehensive details regarding the role and responsibilities of our election workers, with critical information ranging from the polling place to assisting electors with disabilities. Election officials are responsible for several essential procedures during an election, beginning with the opening of polls and continuing until every eligible vote has been counted. This Handbook will serve as your guide, while our office and local election officials are also available to provide the necessary support and resources.

On behalf of the hundreds of thousands of voters across Montana, thank you again for your dedication. I'm excited to join state and local election officials in a commitment to provide safe, protected, and accessible elections to all Montanans.

With my gratitude,

A handwritten signature in cursive script that reads "Christi Jacobsen".

Christi Jacobsen  
Montana Secretary of State

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# The Election Judge

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## Serving as an Election Judge

There are few roles as critical to our democracy as the job of an election judge. On election day, a citizen's right to cast a ballot and have the vote count rests in the hands of the election judge.

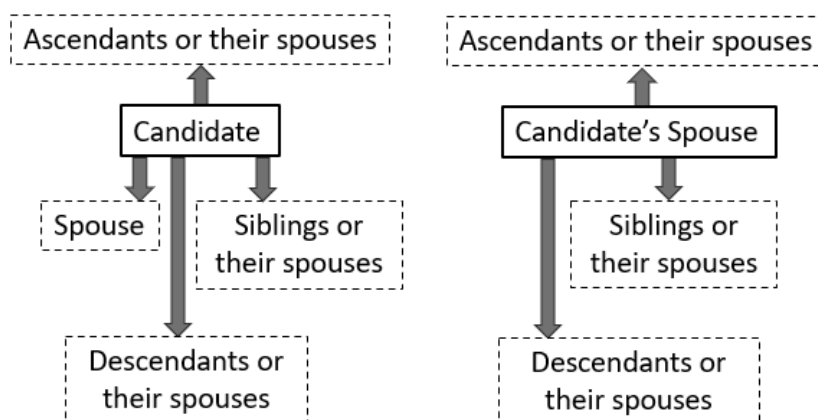
### Qualifications

To qualify to serve as an election judge, individuals must be registered to vote in the county and precinct where they are serving and attend training conducted by the county Election Administrator. In the event of insufficiencies or vacancies, a judge may be appointed to serve outside their precinct.

A person may not be an election judge in a precinct where they are also a candidate, a spouse of a candidate, or an immediate family member of a candidate where the candidate's name appears on the ballot. This prohibition does not apply to candidates for precinct office.

***13-4-107(2) MCA: No election judge may be a candidate or a spouse, ascendant, descendant, brother, or sister of a candidate or a candidate's spouse or the spouse of any of these in an election precinct where the candidate's name appears on the ballot. However, this does not apply to candidates for precinct offices.***

The following individuals may not be an election judge in a precinct where the candidate's name appears on the ballot:





## Roles of the Election Judge

Election judges are responsible for the administration of election procedures in the polling place on election day. The roles of election judges are varied, each one helping Montanans cast their ballot privately and independently, ensuring elections remain secure, fair, accurate, and accessible to all electors.

Judges are appointed by the county governing body. The appointments are from lists of electors submitted by county central committees of qualified political parties. The Election Administrator may also appoint judges if a list submitted by a political party is insufficient for the staffing requirements or to fill vacancies ([13-4-102, MCA](#)). The Election Administrator will notify the judges of their appointment and the time set for training. Each election judge completing the training will be given a certificate of completion. No one may serve as an election judge without a valid certificate unless filling vacancies in emergencies. Election judges must be trained and recertified before each even-year primary election.

The Election Administrator will assign the election judges their roles. Not all counties use every type of judge. The Election Administrator will set up their election day process based on the county's resources and available election workers. A judge may perform multiple roles on election day.



The most common types of election judges are the Chief Election Judge, Register Judge, Poll Book Judge, Ballot Judge, and Provisional Judge. The Election Administrator may appoint additional judges as members of tabulating, counting, and resolution boards or as marshals or monitors as needed to fulfill the requirements of the election process. **See *Tabulation Boards*, page 80.**

The election judge must be ready for polling place situations that arise on election day. Ideally, the elector will go to their polling place, provide acceptable ID, and successfully receive, mark, and return their voted ballot. On occasion, an elector may forget their ID or fail to bring a form that meets the identification

requirement. An elector may need to update their registration to receive a ballot. Perhaps, the elector has moved and will now vote in a different precinct, or entirely different county. An absentee voter may arrive with their absentee ballot or may have misplaced, spoiled, or not received their ballot. Sometimes, the register shows an elector's status as inactive due to voter inactivity or an elector's name may not appear in the register at all. Individuals may go to the polling place wanting to register on election day, or an elector may show up at the wrong polling place. The election judge needs to know how to respond in these unique situations.

## Chief Election Judge

Of the election judges appointed for each precinct, one must be designated as Chief Election Judge. The Chief Election Judge may also be referred to as a Polling Place Manager. In some instances where several precincts are gathered in the same location, a Polling Place Manager may provide oversight or coordination for the Chief Election Judges to help ensure a standardized process.

The Chief Election Judge (or Polling Place Manager) will open and close the polls and is responsible for the conduct of the proceedings in the polling place. The Chief Election Judge will assign duties to other members of the board of election judges, and, unless otherwise assigned, is responsible for the return of, or for arranging the return of, all ballots and election supplies to the Election Administrator.

The Chief Election Judge provides support for the other election judges, resolving issues, and making decisions within the scope of the law and applicable procedures for the polling place.



## Register Judge

Montana statute defines an elector as an individual qualified to vote under state law. One important component of the qualification process is identification. All electors must present acceptable identification to vote at the polls on election day.

By requiring proper identification, election officials verify a voter's eligibility and defend against fraudulent activities.

The Register Judge's job is to confirm the elector's identity and eligibility to vote. Montana permits electors a wide variety of options to identify themselves for voting. The Register Judge requests the elector's ID and verifies it is an acceptable form of identification.

## Polling Place Identification

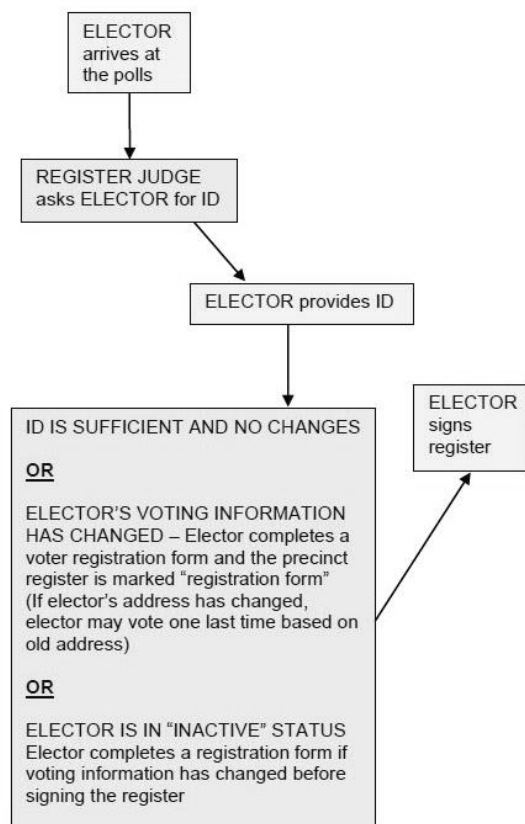
*\*Pursuant to a September 30, 2022, District Court Order, acceptable polling place identification for a voter is reverted to rules according to the 2017 statute. The 2021 statute is enjoined from enforcement.*

An elector typically identifies themselves by presenting a driver's license or State ID card. Occasionally, election judges will also process voters that present other identification including tribal, student, military, or other alternative documents.

**See *Polling Place Identification in Special Situations*, page 64.**

## Signing the Register

The Register Judge instructs the elector to state their name and address, locates the elector's name in the register and, if the identification process is successful, instructs the elector to sign the register.



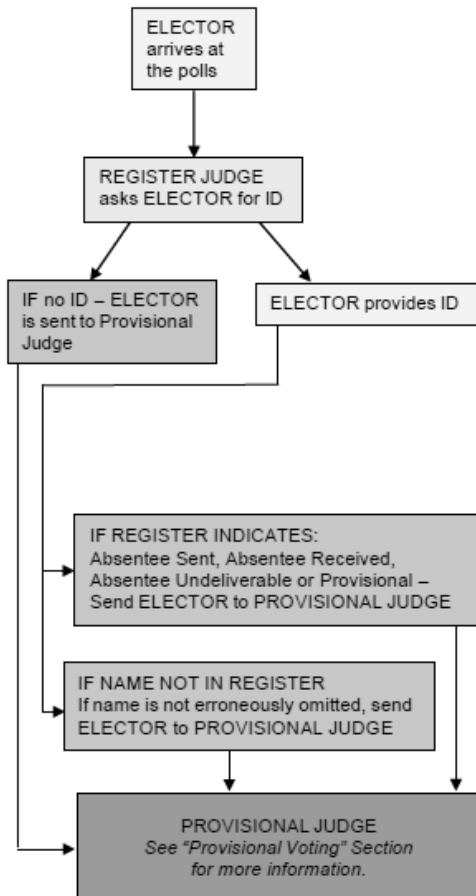
### The elector is unable to sign the register:

If an elector is unable to sign the register, instruct them to mark the spot with a fingerprint or another identifying mark like an X.

Note in the register you witnessed the elector marking the register. If the elector is unable to provide a fingerprint or identifying mark and does not have a designated agent, the election judge (or the Election Administrator) may sign for the elector after verifying the elector's ID.

## Assisting Electors with Voting Eligibility

On election day, election judges will encounter situations that must be resolved before the elector may cast their ballot. The following are common situations experienced by election judges in a polling place setting:



### The elector's ID differs from information in the register:

If the elector's ID has information that differs from the register, but the election judge determines the information provided is enough to verify the elector's identity and eligibility to vote, the elector may sign the register and vote a **regular ballot**.

If the information in the register is incorrect, have the elector fill out a voter registration form with their correct information and they may vote a **regular ballot**.

*Note: If the elector has moved outside of the county, they may vote one last time based on their former address (13-2-512, MCA).*

### The elector did not bring an acceptable form of ID or the information presented is insufficient to verify the elector's identity and eligibility to vote:

If the elector did not bring an acceptable form of ID, the elector may choose to return to the polling place with the required identification and vote a **regular ballot** or, if the elector is unable to meet the ID requirement, the elector may vote a **provisional ballot**.

### The elector's name is not in the register:

If the elector's name is not in the register, call the election office to verify if the elector's name was omitted erroneously.

- If the elector was omitted erroneously from the register, have the elector complete the *Certificate of Erroneous Omission* form. The elector votes a **regular ballot**. ([ARM 44.3.2111](#))
- If the election office cannot confirm the elector was erroneously omitted from the register, the elector may vote a **provisional ballot**.

**Note:** *If the elector chooses to **not** vote a **provisional ballot**, direct them to the election office or designated location to resolve the omission.*

### An inactive elector appears at the polling place to vote:

An elector can be placed in "Inactive" status for a variety of reasons established in law ([13-2-220, MCA](#), [ARM 44.3.2014](#)). These reasons include not responding to correspondence during annual voter list maintenance or having a ballot returned to the election office as undeliverable in a mail ballot election.

An **inactive** elector may reactivate their registration on election day by appearing at the polling place or by requesting an absentee ballot. The elector may vote a **regular ballot** on election day at the county election administrator's office or a central location designated by the county Election Administrator (which may include the polling place). See [13-2-222, MCA](#) and [ARM 44.3.2015](#).

**Note:** *An **inactive** elector should fill out a voter registration form if any information in their voter record has changed.*

### The register says elector was issued an absentee ballot:

If the register indicates the elector was sent an absentee ballot, an absentee ballot was received for the elector, or the ballot was returned as undeliverable, send the elector to the Provisional Judge.



The elector must vote a **provisional ballot**. Inform the elector the **provisional ballot** will be counted if the **absentee ballot** was not returned.

### Elector brings a voted absentee ballot to drop off at the polls:

On election day, electors may return **absentee ballots** to the election office or any polling place in the county where the elector is registered to vote.

- For school districts, ballots can be returned to any polling place in the school district.

- 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 by the election judges for signature verification and tabulation if tabulation of **absentee ballots** is done at a central location or handled as directed by the Election Administrator; or
  - delivered to the election office by the election judges for signature verification. If all counting is done at the precinct location, the election office will then deliver the ballot to the correct precinct or handle as directed by the Election Administrator.

**Absentee ballots** dropped off at the polling place must be sealed in a secrecy envelope and then in an affirmation signature envelope. The signature envelope must be signed and dated by the elector.

See *Absentee Voting and Absentee Ballots* section, page 35, for further guidance.

#### The register notes “Provisional” status for the elector:

If the provisionally registered elector provides required polling place ID or other missing information and this is verified by the Election Administrator, the elector can vote a **regular ballot**.

If the provisionally registered elector does not provide a form of required ID or the ID number or other missing information, the elector may vote a **provisional ballot**.

- Inform the elector the **provisional ballot** will be counted if the elector provides verifiable ID and any applicable missing registration information to the election office by 5pm the day following the election.

See *Provisional Voting* for detailed instructions, page 41.

#### The elector is challenged:

An elector’s right to vote may be challenged by another registered elector by submitting an affidavit of challenge. If an elector has been challenged and the challenge is resolved, the elector may vote a **regular ballot**. If the challenge is not resolved, the elector may vote a **provisional ballot**.

**Reminder!** *If the challenge is based on residency, an elector may vote one last time based on their former address. The voter must complete a voter registration form with their new address.*

See *Resolving Challenges* section for additional information, page 60.

## Provisional Judge

The Provisional Judge is responsible for assisting electors who are required to vote a provisional ballot because they do not meet the eligibility to vote a regular ballot.

See *Provisional Voting* section, page 41, for further guidance.

## Poll Book Judge

The poll book is the official record used to reconcile the number of electors to the ballots issued. After the Register Judge processes the elector, the Poll Book Judge writes the elector's name in the poll book beside the ballot number provided by the Ballot Judge.



Ballot numbers should not be pre-entered. The number on the next ballot stub must match the number in the poll book. If a ballot number is missing from the ballot, or if the ballot is voided, this is clearly noted in the poll book.

For example, when a ballot is spoiled, the Poll Book Judge will coordinate with the Ballot Judge to document the spoiled ballot and enter the elector's new ballot number in the poll book.

**Ballot Reconciliation Report**

This form is included in the back of each poll book and is used to reconcile ballots on Election Day.

COUNTY \_\_\_\_\_ PRECINCT \_\_\_\_\_

**PART 1**

1. Last ballot number issued \_\_\_\_\_

2. Subtract Void and Spoiled Ballots \_\_\_\_\_

3. Subtotal \_\_\_\_\_

4. Subtract number of ballots reserved for Absentee voting – see Certificate of Number of Ballots Sent to Polling Place Form (use the number from that form) \_\_\_\_\_

5. Total number of paper ballots issued \_\_\_\_\_

**PART 2**

6. Total number of paper ballots issued (same as Part 1, #5) \_\_\_\_\_

7. Subtract total number of unresolved provisional ballots \_\_\_\_\_

8. Total number of ballots less unresolved provisional ballots \_\_\_\_\_

**PART 3**

9. Total number of ballots in ballot box (sheet 1) \_\_\_\_\_ (sheet 2) \_\_\_\_\_

This total should be the actual number of ballots counted – the number of sheet 1 and sheet 2 ballots may be different.

\* #8 and #9 should match. If they do not, fill out the reason below.

If the number of ballots hand-counted does not reconcile with the number of ballots from the poll book ballot reconciliation, detail below how many ballots are short or in excess and the reason for the discrepancy (if known):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signatures of Judges: \_\_\_\_\_

**Ballot Reconciliation Report –**  
Find this form at the back of each poll book. 2 copies are required. One copy is to be sealed and returned with each poll book and one copy is for the Election Administrator.

These 2 totals should match.

At the end of the day, the poll book must be reconciled to the number of ballots issued using the Ballot Reconciliation Report.

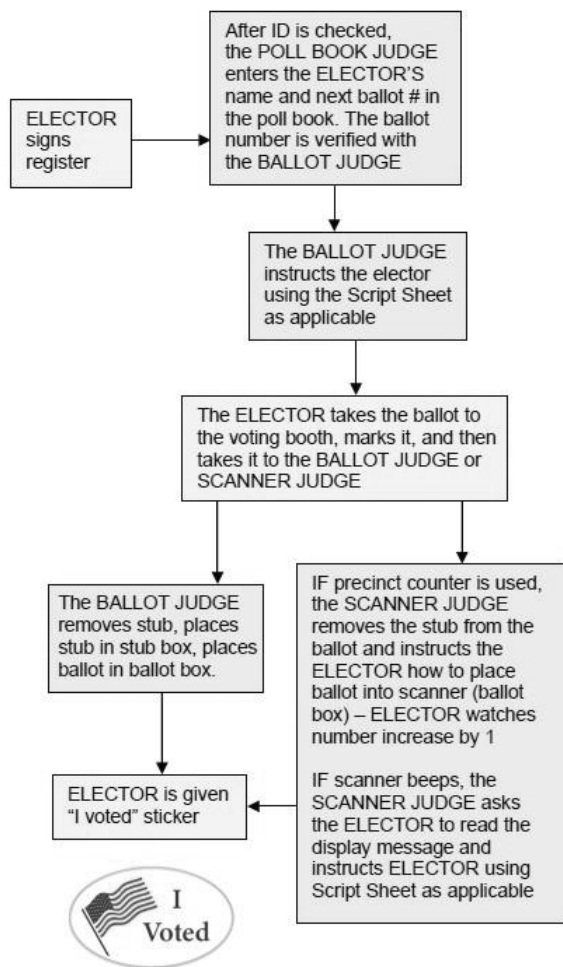
**Note:** *If there is early pickup of ballots for counting, additional poll books will be required.*

- The Poll Book Judge will start subsequent poll books where the prior poll book finished.
- All judges must sign the poll book(s) before each pickup.
- The Ballot Reconciliation Report is completed before the poll book and ballots are released for counting.

## Ballot Judge

The Ballot Judge issues ballots to electors in sequential order, providing the ballot numbers to the Poll Book Judge. Each ballot is stamped with the official ballot stamp, ensuring no part of the stamp appears on the stub.

The Ballot Judge demonstrates to the elector the procedure for marking the ballot, placing the voted ballot into the secrecy sleeve, and returning the voted ballot to the appropriate judge.



When the elector returns the ballot, the stub is removed and placed in stub box. The voted ballot is placed into the ballot box in a manner that ensures no part of the voted ballot is visible.

**Note:** In a *primary election*, the elector is given one ballot for each Party.

- ✓ The stub numbers on each Party's ballot must match.
- ✓ The elector is instructed to vote only one Party's ballot.
- ✓ The voted ballot and all unvoted party ballots are returned to the Ballot Judge.

The unvoted ballots will be placed in the stub box or in the unvoted ballot box, depending on the polling place setup or as directed by the Election Administrator.



**A ballot is missing or blank:**

If the next sequential ballot is missing, the Poll Book Judge must note this by writing “missing” next to the number in the poll book.

If the ballot is missing a number due to misprint, fold and place the ballot in a “spoiled” ballot envelope. The envelope is then placed in the ballot box with the stub attached. The Ballot Judge will verify the next ballot has the correct sequential number. If not, repeat these steps for the next ballot.

**Elector asks about write-in candidates:**

The Election Administrator will provide the Chief Election Judge at each precinct a list of declared write-in candidates along with copies of the filing form with name variations. The list may be shown to any elector who requests the information.

**Note:** Lists *may not* be posted in the polling place or in a voting booth.

The Election Administrator will also provide copies of filing forms listing name variations to ballot tabulating judges.

**Elector makes a mistake on the ballot (See also *Special Situations* section):**

If an elector spoils or damages their ballot, a new ballot must be provided to the elector upon request.

The Ballot Judge will write “spoiled” on the ballot stub and the elector will write “spoiled” on the spoiled ballot. The Ballot Judge will remove the stub and the elector will place the spoiled ballot in an envelope marked “spoiled.”

The Ballot Judge will instruct the Poll Book Judge to mark the poll book accordingly for the spoiled ballot. The word “spoiled” must be noted in the poll book beside the elector’s name for that ballot number in the poll book.

The Ballot Judge will give the elector a new ballot and provide the new ballot number to the Poll Book Judge to enter in the poll book.

**Note:** Stickers or labels *may not* be placed by an election judge or elector to cover up or correct errors on the spoiled ballot. A new ballot must be issued.

## Elector Requires Assistance to Vote

The polling place is for everyone. The elections process in Montana accommodates voters with disabilities in a variety of ways.



Avoid making assumptions about ability. Listen to understand which part of the voting process an elector may need help. Be accommodating and talk with the Chief Election Judge about ways that you can assist electors with disabilities with the voting process.

The elector may use the ExpressVote® Universal Voting System. **See *ExpressVote® Poll Worker Quick Start Guide* for system setup, use, and troubleshooting, page 50.**

The elector may request the designated assistance of an individual to aid the elector in the marking of the elector's ballot. A properly designated agent may assist the elector with the voting process in a variety of ways with a few requisites.

*The individual chosen as a designated agent **may not** be the elector's employer, an agent of the elector's employer, or an officer or agent of the elector's union. The agent designated to assist the elector shall sign the agent's name on the precinct register beside the name of the elector assisted.*

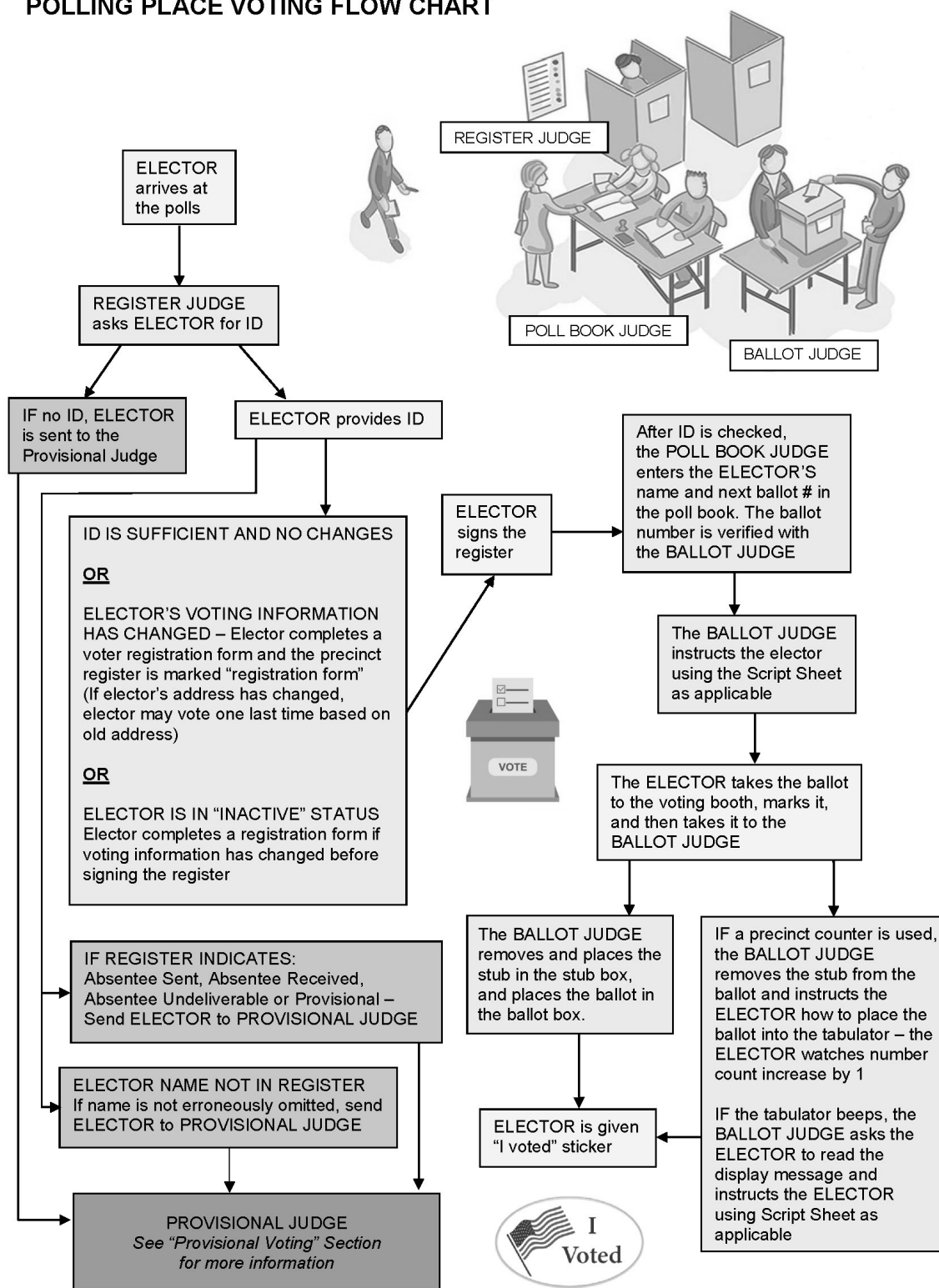
The elector also has the option to be **assisted by two election judges** who represent different parties. The elector and assigned judges will complete the “Oath of Elector Needing Assistance within Polling Place” section of “*Oath of Elector Unable to Enter Polling Place*” form.

*If election judges who represent different political parties are not available, the Chief Election Judge shall appoint two election judges to assist the elector (13-13-119, MCA). The judges appointed must make a notation on the voter's signature line in the register and file the signed form in the designated section of the register binder.*

If an elector has **difficulty entering the polling place**, the elector may cast their ballot by requesting a ballot be delivered to them outside the building where the polling place is located.

After identifying the elector and confirming registration status, the Chief Election Judge shall appoint two election judges (representing different political parties, if possible) to take the ballot to the elector. The elector must sign the *Oath of Elector Unable to Enter Polling Place* form. The appointed judges must make a notation on the elector's signature line in the register and file the signed *Oath of Elector Unable to Enter Polling Place* form in the designated section of the register binder.

# POLLING PLACE VOTING FLOW CHART





# Election Day at the Polls

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## Polling Place Supplies Checklist

*Checklist for election judges may include items not needed at all polling places and may not include all polling place supplies required.*

### Paper:

- ☐ Absentee Elector Lists
- ☐ Absentee Secrecy and Signature Envelopes
- ☐ Absentee Voter Applications
- ☐ ExpressVote® Tally Sheets (tracking)
- ☐ Ballots
- ☐ Challenge Forms
- ☐ Checklists for Opening and Closing of Polls
- ☐ Curbside Voting Materials
- ☐ Election Handbooks
- ☐ Election Judge Time Sheets
- ☐ Election Judge Oath Forms
- ☐ Emergency Contact Lists
- ☐ Envelopes for Close of Polls
- ☐ Envelopes for Hand-Count Ballots (if any)
- ☐ Envelopes for Spoiled and Unvoted Ballots
- ☐ List of All Registered Electors
- ☐ List of Challenges
- ☐ List of Election Judges
- ☐ List of Registered Electors at the Polling Place
- ☐ Maps: Precinct Maps, Road Maps, etc.
- ☐ Poll Location List
- ☐ Poll Book and Reconciliation Worksheets
- ☐ Polling Place Emergency Relocation Checklist
- ☐ Poll Watcher/Election Observer Early Count Oath Forms
- ☐ Precinct Register
- ☐ Provisional Ballot Envelopes
- ☐ Register Erroneous Omission Forms
- ☐ Sample Ballots
- ☐ Security Seals and Seal Log
- ☐ Signs for Electors with Disabilities
- ☐ Sticky Notes
- ☐ Title 13 Election Law Books
- ☐ Voter Information Pamphlets
- ☐ Voter Registration Applications
- ☐ Voting Instructions and Warning Posters


### Items:

- ☐ 100-Foot String to Avoid Electioneering
- ☐ ExpressVote® Secrecy Sleeves
- ☐ Badges and Name Tags
- ☐ Calculators
- ☐ Cell Phones/Phone Cards/Quarters for Phone Booths
- ☐ Clipboards
- ☐ Duct Tape
- ☐ Envelope Dampeners
- ☐ Extension Cord
- ☐ Eye Drops
- ☐ Feather Duster
- ☐ Finger Adhesive
- ☐ First Aid Kit
- ☐ Flashlight and Extra Batteries
- ☐ Food and Coffee for Election Judges
- ☐ Hand Sanitizer and Lotion
- ☐ Highlighters
- ☐ "I Voted" Stickers
- ☐ Ink Pads
- ☐ Isopropyl Rubbing Alcohol Cleaning Pads
- ☐ Keys
- ☐ Lanyards
- ☐ Letter Openers
- ☐ Light Bulbs
- ☐ Magnifying Glass and Magnifying Sheet
- ☐ Numbered Security Ties
- ☐ "Official Ballot" Stamps
- ☐ Paper Clips
- ☐ Pens, including blue, black, and red
- ☐ Permanent Marker
- ☐ Photocopier (optional)
- ☐ Plastic Electrical Cord Adapters
- ☐ Poll Booths
- ☐ Poster Tack
- ☐ Pressurized Can of Air
- ☐ Reading Glasses
- ☐ Rubber Bands
- ☐ Rubber Thumbs
- ☐ Rulers
- ☐ Scissors
- ☐ Scotch Tape
- ☐ Signature Line Rectangle (for Blind/Low-Vision)
- ☐ Spindles
- ☐ Staple Remover
- ☐ Thumb Tacks
- ☐ Toilet Paper and Tissues
- ☐ Tool Kits
- ☐ Voting Systems
- ☐ Other: \_\_\_\_\_

## Election Day

On election day, the election judge is the connection to the process for the elector and the voice of the election office.

The election judges shall meet at their assigned polling places at the time set by the Election Administrator. The judges shall take and subscribe the official oath prescribed by the Constitution. They may administer the oath to each other. The judges shall check all supplies and complete preparations for voting before the time set for opening the polls, under the direction of the Chief Election Judge.



### Oath of Office for Election Judges

*To serve as an election judge, an individual must possess a current certification of completion of instruction and subscribe the Oath of Office for Election Judges.*

**OATH TO BE FILED WITH COUNTY ELECTION ADMINISTRATOR**

Election judges must take and subscribe this Oath prior to the opening of polls. The completed Oath must be returned to the election administrator at the end of election day. Each judge taking and subscribing this Oath must sign this form and their signature be witnessed by the election administrator or chief election judge.

State of Montana  
County of \_\_\_\_\_

Election serving: \_\_\_\_\_

*"I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution of the United States and the Constitution of the State of Montana, and that I will discharge the duties of my office with fidelity (so help me God)."*


The signed affirmations above are hereby witnessed by \_\_\_\_\_  
*Printed Name of Election Administrator or Chief Election Judge*

dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_, Montana.  
*City*

\_\_\_\_\_  
*Signature of Election Administrator or Chief Election Judge*

## Setup for All Elections

Prior to the opening of the polls, election judges should:

1. Meet at the polling place at a time set by the Election Administrator (13-13-101, MCA).
2. Take and subscribe to the judges' official oath in the poll book. The judges may administer the oath to each other (13-4-105 and 13-13-101, MCA).
3. Check supplies provided by the Election Administrator using the checklist provided by the Election Administrator (13-13-101, MCA).
4. Verify the number of ballots including ExpressVote® Ballot cards delivered on the ballot certification report and ExpressVote® activation card report.
5. Verify all seal numbers on the Chain of Custody and Security Seal Log.
6. Check ballots to confirm they are the correct ballots for your precinct and the ballots are correctly numbered.
7. The Chief Election Judge or Ballot Judge will verify the Ballot Certification Report with ballots delivered to the polling place and will verify and update the ballot seal log and the voting system seal log.
  - Notify the Election Administrator **immediately** if the number of ballots delivered does not match the number on the Ballot Certification Report.
8. **If the register is not already marked**, mark the signature lines in the precinct register for anyone issued a ballot after the registers were printed.

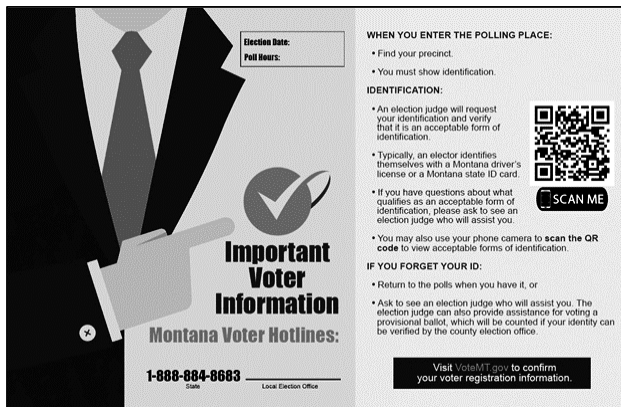
**See also *Absentee Voting and Absentee Ballots* for additional information pertaining to absentee voting, page 35.**

9. Set up the official table or tables with:
  - Ballots in numerical order and according to the instructions received from the Election Administrator
  - Official ballot stamp and pad
  - Secrecy sleeves/envelopes
  - Precinct register
  - Poll book
  - Voter information pamphlets (during Federal General elections)
  - One copy of the registered elector list
  - One copy of the list of absentee electors
  - Ballot box
  - Box for ballot stubs and unvoted ballots



- Supply of registration forms, provisional ballot supplies, envelopes, provisional ballot instructions, polling place elector identification forms, and all other miscellaneous supplies as directed by the Election Administrator
  - List of any filed write-in candidates. *Reminder - **DO NOT** post write-in list in plain view. (13-35-211(3), MCA)*
10. Check voting equipment; make sure it is set-up, plugged in, properly sealed, and ready for use.
11. Post or display at the polling place:
- A list of the registered electors in the precinct (13-2-115(3), MCA)
  - A list of absentee electors in a conspicuous location (13-13-233, MCA)
  - Sample ballots for the precincts in at least one conspicuous location (13-13-112(5), MCA)
  - The Montana Voter Information poster in each poll booth and elsewhere in the polling place (13-13-112, MCA)

**Post the Montana  
Voter Information  
poster in each voting  
booth and elsewhere  
in the polling place.**



**Important  
Voter  
Information**

Montana Voter Hotlines:  
**1-888-884-8663**  
State Local Election Office

**Election Date:**  
**Poll Hours:**

**WHEN YOU ENTER THE POLLING PLACE:**

- Find your precinct.
- You must show identification.

**IDENTIFICATION:**

- An election judge will request your identification and verify that it is an acceptable form of identification.
- Typically, an elector identifies themselves with a Montana driver's license or a Montana state ID card.
- If you have questions about what qualifies as an acceptable form of identification, please ask to see an election judge who will assist you.
- You may also use your phone camera to scan the QR code to view acceptable forms of identification.

**IF YOU FORGET YOUR ID:**

- Return to the polls when you have it, or
- Ask to see an election judge who will assist you. The election judge can also provide assistance for voting a provisional ballot, which will be counted if your identity can be verified by the county election office.

Visit [VoteMT.gov](http://VoteMT.gov) to confirm your voter registration information.

**VOTING:**

After you have shown ID and your eligibility to vote has been verified,

- Sign the register and receive an official ballot.
- Follow the instructions on the ballot for marking the ballot.
- Mark the designated voting area for only one issue or candidate, except where the instructions tell you that you can vote for more than one.

You may skip voting on any contests without invalidating your ballot.

If you wish to vote for a write-in candidate, write in the name and mark the designated voting area.

After you have voted your ballot, give it to the election judge or, if applicable, place it in the voting system if one is provided. (See voting system for instructions on use of system.)

**GET A NEW BALLOT:**

If you damage or spoil your ballot, make a mistake on it, or mark more than the number of votes allowed for an office or issue,

- do not try to erase the mistake or scratch it out, and do not throw away your ballot.
- ask an election judge to replace your ballot.

**PRIMARY BALLOTS:**

- After marking your ballot, insert the voted and unvoted ballots in each secrecy sleeve provided with the stubs outside the sleeve.
- Hand the voted and unvoted ballots separately to the election judge, identifying them as voted and unvoted.
- The judge will remove the stubs from all the ballots and deposit the voted ballot in the voted ballot box.

**ACCESSIBLE VOTING OPTIONS:**

- Use the AutoMARK or ExpressVote voter assist terminal that is equipped to assist voters with disabilities.
  - One is available at every polling place.
  - An election judge will show you how to use the equipment.
- Request curbside service.
- Request assistance from an election judge or a person of your choice.
- Use your designated agent.

**PROVISIONAL VOTING:**

- You have the option to vote a provisional ballot if your identity or eligibility to vote is not confirmed.
- An election judge will give you a ballot and a special provisional form for you to fill out.
- You will be notified as to whether your provisional ballot was counted.

**VOTER INFORMATION PAMPHLET FOR BALLOT MEASURES:**

For each General Election there is a pamphlet provided at the polling place with information about the For and Against of each statewide ballot measure.

**GENERAL INFORMATION ON VOTING RIGHTS:**

Any person has the right to cast a provisional ballot in circumstances where your eligibility or identity cannot be confirmed.

If you believe your rights have been violated, please contact the Office of the Secretary of State at 1-888-884-8663 or your county election administrator.

If you see a potential election law violation, call the Office of the Secretary of State at 1-888-884-8663 to report the specific details observed, visit the online Fair Election Center, or contact your county election administrator.

- "Warning" notices in conspicuous locations (13-13-113, MCA)

***Post the Warning in  
conspicuous locations  
around the polling place.***

<b>WARNING</b>	
<p>The sections of law printed below list specific conduct or actions which may cause an elector to be subject to criminal prosecution. This is not intended to be a complete printing of all laws pertaining to election violations. <u>By law, this warning notice must be posted in conspicuous places in the polling place.</u></p>	
<p><b>INFORMATION ON STATE LAWS REGARDING PROHIBITIONS ON ACTS OF FRAUD AND MISREPRESENTATION:</b></p> <p>13-35-201. Electors and ballots. (1) An elector may not show the contents of the elector's ballot to anyone after it is marked. An elector may not place any mark upon the ballot by which it may be identified as the one voted by the elector.</p> <p>(2) An elector may not receive a ballot from any person other than an election judge and may not vote any ballot except one received from an election judge. A person other than an election judge may not deliver a ballot to an elector.</p> <p>(3) A person may not solicit an elector to show the elector's ballot after it is marked.</p> <p>(4) An elector who does not vote a ballot delivered to the elector shall, before leaving the polling place, return the ballot to an election judge.</p> <p>13-35-202. Conduct of election officials or election workers. An election official or election worker may not:</p> <p>(1) deposit in a ballot box a paper ballot that is not marked as official;</p> <p>(2) examine an elector's ballot before putting the ballot in the ballot box;</p> <p>(3) look at any mark made by the elector upon the ballot;</p> <p>(4) make or place any mark or device on any ballot with the intent to ascertain how the elector has voted;</p> <p>(5) allow any individual other than the elector to be present at the marking of the ballot except as provided in 13-1-116, 13-1-118, 13-13-116, and 13-13-221; or</p> <p>(6) make a false statement in a certificate regarding affirmation.</p> <p>13-35-206. Injury to election equipment, materials, and records. A person is guilty of criminal mischief or tampering with public records and information, as appropriate, and is punishable as provided in 45-6-101 or 45-7-206, as applicable, whenever the person:</p> <p>(1) prior to or on election day, knowingly defaces or destroys any list of candidates posted in accordance with the provisions of the law;</p> <p>(2) during an election:</p> <p>(a) removes or defaces instructions for the voters; or</p> <p>(b) removes or destroys any of the supplies or other conveniences placed in the voting station for the purpose of enabling a voter to prepare the voter's ballot;</p> <p>(3) removes any ballots from the polling place before the closing of the polls with the purpose of changing the result of the election;</p>	<p>(4) carries away or destroys any poll lists, checklists, ballots, ballot boxes, or other equipment for the purpose of disrupting or invalidating an election;</p> <p>(5) knowingly defaces, mutilates, alters, or destroys any election returns;</p> <p>(6) mutilates, excises, destroys, or alters election records, except as provided by law;</p> <p>(7) tampers with, disarranges, defaces, injures, or impairs a voting system with the intent to alter the outcome of an election;</p> <p>(8) mutilates, injures, or destroys a ballot or appliance used in connection with a voting system; or</p> <p>(9) fraudulently defaces or destroys a declaration or certificate of nomination.</p> <p>13-35-211. Electioneering – soliciting information from electors. (1) A person may not do any electioneering on election day within any polling place or any building in which an election is being held or within 100 feet of any entrance to the building in which the polling place is located that aids or promotes the success or defeat of any candidate or ballot issue to be voted upon at the election.</p> <p>(2) On election day, a candidate, a family member of a candidate, or a worker or volunteer for the 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 the building in which the polling place is located.</p> <p>(3) A person may not buy, sell, give, wear, or display at or about the polls on an election day any badge, button, or other insignia that is designed or tends to aid or promote the success or defeat of any candidate or ballot issue to be voted upon at the election.</p> <p>(4) A person within a polling place or any building in which an election is being held may not solicit from an elector before or after the elector has marked a ballot and returned it to an election judge, information as to whether the elector intends to vote or has voted for or against a candidate or ballot issue.</p> <p>13-35-214. Illegal influence of voters. A person may not knowingly or purposely, directly or indirectly, individually or through any other person, for any election, in order to induce any elector to vote or refrain from voting or to vote for or against any particular candidate, political party ticket, or ballot issue:</p> <p>(1) give, lend, agree to give or lend, offer, or promise any money, liquor, or valuable consideration or promise or endeavor to procure any money, liquor, or valuable consideration; or</p> <p>(2) promise to appoint another person or promise to secure or aid in securing the appointment, nomination, or election of another person to a public or private position or employment or to a position of honor, trust, or emolument in order to aid or promote the candidate's nomination or election, except that the candidate for governor may publicly announce or define the candidate's choice for lieutenant governor.</p> <p>13-35-217. Officers not to influence voter. An officer, while acting in an official capacity, may not, by menace, reward, or promise of reward, induce or attempt to induce any elector to cast a vote contrary to the elector's original intention or desire.</p> <p>13-35-218. Coercion or undue influence of voters. (1) A person, directly or indirectly, individually or through any other person, in order to induce or compel a person to vote or refrain from voting for any candidate, the ticket of any political party, or any ballot issue before the people, may not:</p> <p>(a) use or threaten to use any force, coercion, violence, restraint, or undue influence against any person; or</p> <p>(b) inflict or threaten to inflict, individually or with any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person.</p> <p>(2) A person may not, by position, duress, or any fraudulent contrivance, impede or prevent the free exercise of the franchise by any voter at any election or compel, induce, or prevail upon any elector to give or to refrain from giving the elector's vote at any election.</p> <p>(3) A person may not, in any manner, interfere with a voter lawfully exercising the right to vote at an election in order to prevent the election from being fairly held and lawfully conducted.</p> <p>(4) A person on election day may not obstruct the doors or entries of any polling place or engage in any solicitation of a voter within the room where votes are being cast or elsewhere in any manner that in any way interferes with the election process or obstructs the access of voters to or from the polling place.</p>
<p><b>INFORMATION ON FEDERAL LAWS REGARDING PROHIBITIONS ON ACTS OF FRAUD AND MISREPRESENTATION:</b></p> <p>Federal authorities may become involved in election fraud or misrepresentation issues when a state prosecutor asks for federal assistance or when allegations arise that criminal voter fraud has occurred in a federal election. If you have information about voter fraud, contact the nearest office of the FBI or your local U.S. Attorney's office.</p> <p style="text-align: right;">Reference: 13-13-113, MCA Updated March 2024</p>	

- Open the ballot box and stub boxes and ascertain they are empty. Replace the security seal. Record the security seal number on the Chain of Custody and Security Seal Log.
- Prepare supplies (secrecy sleeves, unvoted envelopes, and proper writing tools to be used by the elector to mark their ballot).
- Set up polling booth. Ensure voters with disabilities have sufficient space for accessing the booth.
- Call your county Election office **immediately** if you are missing any supplies.

# Sample Chain of Custody and Security Seal Log

## For Ballots and Election Materials

Chain of Custody and Security Seal Log (Page 1). This form must be used to track the chain of custody and ballots and media, and to track security seals.

Election Day  
at the Polls

**Ballots and Election Materials Chain of Custody & Security Seal Log**  
For the purpose of showing the control, transfer, and disposition of ballots and election materials during an election. Security seals, when removed, should be placed on the attached security seal log.

County: \_\_\_\_\_  
Precinct: \_\_\_\_\_

Election Date: \_\_\_\_\_  
Polling Place: \_\_\_\_\_

**PART 1: Materials prepared at election office to be delivered to polling place (completed by Election Administrator)**

Election Material Type:	Security Seal Serial #:

Signature of Election Administrator \_\_\_\_\_
Date \_\_\_\_\_

Signature of Witness \_\_\_\_\_
Date \_\_\_\_\_

**PART 2: Materials received at polling place (completed by Polling Place Manager before polls open)**

Election Material Type:	Security Seal Serial #:

Signature of Polling Place Manager \_\_\_\_\_
Date \_\_\_\_\_

Signature of Witness \_\_\_\_\_
Date \_\_\_\_\_

**PART 3: Materials leaving polling place (completed by Election Judge or Polling Place Manager after polls close)**

Election Material Type:	Security Seal Serial #:

Signature of Polling Place Manager \_\_\_\_\_
Date \_\_\_\_\_

Signature of Witness \_\_\_\_\_
Date \_\_\_\_\_

**PART 4: Materials returned to election office (completed by Election Administrator)**

Election Material Type:	Security Seal Serial #:

Signature of Election Administrator \_\_\_\_\_
Date \_\_\_\_\_

Signature of Witness \_\_\_\_\_
Date \_\_\_\_\_

NOTE: IF EARLY PICK-UP OF BALLOTS, THIS FORM MUST ACCOMPANY BALLOTS TO COUNTING LOCATION. A SECOND FORM SHOULD REMAIN WITH SEALED BALLOT CONTAINER TO BE COMPLETED FOR THE NEXT OR FINAL TRANSPORT.

Part 1: To be completed by the Election Administrator before delivery to polling place.

Part 2: To be completed by the Chief Election Judge before the polls open.

Part 3: To be completed by the Chief Election Judge before transport back to the election office.

Part 4: To be completed by the Election Administrator upon return to the election office.

## Security Procedures

1. Ensure all voting system access points are sealed while polls are open.
2. Ensure all ballot box access points are sealed while polls are open.
3. Before removing or breaking a security seal, ensure more than one judge is present, (preferably one from each party).
4. Record on the log provided the number of the security seal removed and replacement seal as well as the reason for removing seal.

## Opening the Polls

The Chief Election Judge (or Polling Place Manager) will proclaim the opening of the polls aloud at the time set for opening ([13-13-101\(2\), MCA](#) and [13-1-106, MCA](#)).

## General Procedures at the Polls

Voting stations must be arranged in a manner to prohibit any other individual from seeing how the elector votes or has voted. Ensure voting stations for electors in wheelchairs have sufficient space and are the correct height. No more than one individual may occupy a voting station at one time, except when assistance is furnished to an elector as provided by law. An individual may not occupy a voting station longer than is reasonably necessary to prepare the elector's ballot, after which the election judges may affect the removal of the elector from the station ([13-13-111, MCA](#)).



- Check from time to time to ensure no stickers or campaign materials have been stuck on or in the voting booth or device ([13-35-211, MCA](#)).
- Check to ensure sample ballots are not marked.
- If tabulators or ExpressVote® are used, periodically check they are in good working order ([13-35-206, MCA](#)).

## DS200®/DS300® Precinct-Level Ballot Tabulator Voting Procedures

1. The elector shall place the voted ballots (with stubs attached) in the secrecy sleeve/envelope, and the Ballot Judge or designated judge shall remove the stub(s).
  - a) Ballots are tabulated by the elector inserting them into the ballot tabulator entry slot in any direction.
  - b) The tabulator will display a message(s) if the voter needs to take further action before the ballot is tabulated.

**See *Voting System Setup, Use, and Troubleshooting* for the DS200® and DS300® Ballot Tabulators on page 76.**

- c) The ballot count on the display increases whenever the tabulator successfully scans a ballot.

**Note:** *In a partisan primary election, each elector will hand the unmarked ballots separately to the election judge, identifying them as unmarked ballots. The election judge shall, in the presence of the elector:*

- a) *remove the stub(s) from all ballots; and*
  - b) *deposit the unmarked ballot(s) and the stubs in the appropriate container.*

2. The secrecy of the elector's ballot must be protected throughout the voting process. Position yourself so that you do not view the elector's ballot.

***An election judge or voting system (when a precinct level ballot tabulator is being used at the polling place) shall place the ballot in the ballot box immediately without allowing anyone to examine the ballot. Nothing other than a ballot may be put in a ballot box (13-13-117(2)(b), MCA).***

## Poll Watchers

The role of the poll watcher is to observe and monitor the election without violating voter privacy or disrupting the election. Poll watchers may observe the steps of the election process including all the vote counting procedures of the election judges after the closing of the polls and all entries of the results of the elections. Please note the following:

- 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. (13-13-120, MCA)
- A candidate, family member of a candidate, or worker or volunteer for a candidate's campaign may not distribute alcohol, tobacco, food, drink, or anything of value to an elector 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. (13-35-211, MCA and ARM 44.11.606)
- At the time when each elector signs their 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 may obtain permission from the Chief Election Judge to view the register during a time that does not interfere with any voting with permission of the Chief Election Judge.
- Poll watchers and observers are entitled to observe all vote counting procedures.
- Poll watchers and observers for early tabulation before the polls close must sign the prescribed affirmation and may not disclose results learned prior to polls closing on election day under penalty of law. (13-15-207(4), MCA)
- Access to an electronic system containing early tabulation results is limited to the Election Administrator and the Elections Administrator's designee.
  - Results may not be released prior to the close of polls on election day.
- Poll watchers may challenge any elector using the prescribed form.
- Poll watchers and observers may speak to an election judge at a polling place to discuss application or interpretation of election procedures or laws, providing it **does not interfere** with election procedures as determined by the Chief Election Judge.
- Poll watchers and observers may not solicit information or promote an issue or candidate to electors in the polling place.
- If cell phones are allowed, poll watchers, observers, and signature gatherers using cell phones should be asked to go to a secluded area or outside the polling place, where electors will not hear the call and will not be distracted. Cameras or

other electronic devices should be handled in a similar fashion. The elector must be able to vote in secrecy and without interruption.

- If you encounter an issue with a poll watcher, observer, or signature gatherer, contact the county election office.

See *Guidance to Election Officials Regarding Official Poll Watchers and Election Observers* for additional information, page 96.

## Early Counting of Ballots on Election Day

Counting votes cast may begin before the polls close, if directed by the Election Administrator. Election judges, ideally one from at least two parties, shall meet at a place designated by the Election Administrator. Judges doing the tabulating shall be in a separate room from where ballots are being cast.

The Election Administrator may appoint extra election judges as marshals to be responsible for exchanging ballot boxes and poll books and monitoring the counting board room and election observers.

When votes are being counted prior to the close of the polls, in addition to the official oath taken and subscribed to by the election judges, the members of the counting board shall complete and sign the following affirmation:

***“I, \_\_\_\_\_, will not discuss the results of the early counting of votes at any time prior to the closing of the polls on election day.” (13-15-207(4)(a), MCA)***

Election observers may not disclose any results learned before the close of polls on election day under penalty of law. Observers of early counting shall complete and sign the following affirmation:

***“I, \_\_\_\_\_, will not discuss the results of the early counting of votes at any time prior to the closing of the polls on election day.” (13-15-207(4)(a), MCA)***

The vote count must be open to public observation and continue without adjournment until votes for all candidates and ballot issues have been counted (13-15-101, MCA). The county canvass board must meet within 14 days of the election to canvass the returns.

## Early Pickup of Ballots

**Note:** *Make sure all ballots issued and marked in the poll book prior to the early pick-up are deposited in the (early pick-up) ballot box before the box is removed.*

1. After verifying the security seal number on the Chain of Custody and Security Seal Log, open the ballot box, remove, and count the ballots to compare the total ballots in the ballot box with the number issued as recorded in the poll book, and record the numbers on the Ballot Reconciliation Report. The form must be given to the Chief Election Judge or designee to be delivered to the election office.
2. Check the ballots to ensure the official ballot stamp appears on them.
3. Judges for counties that hand-count ballots at the polls will count all votes on ballots in the first box. That box and the poll book should then be exchanged for subsequent boxes and poll books, as necessary, reconciling total ballots to total issued in poll book each time.
4. Election judges using a central tabulation center must:
  - Place the ballots and poll book in the "Early Pick-up" container, marking the precinct number and total number of ballots enclosed (after reconciling on the Ballot Reconciliation Report the total number of ballots with total issued in the poll book) on the outside of the container;
  - Officially seal the container as required and record the seal number on the Chain of Custody and Security Seal Log; **and**
  - Relinquish the "Early Pick-up" container to authorized personnel for delivery to the counting center and obtain a receipt if required by the Election Administrator.





## ExpressVote® Voter Assistance Terminal Ballot Cards

The specific procedures for handling ExpressVote® ballot cards will vary depending on the type of tabulation equipment. Please consult with your Election Administrator regarding which option is used.

There are four options to track and reconcile ExpressVote® ballot cards:

1. If the ExpressVote® ballot cards have attached stubs, the ballot cards are handled and issued just like a regular ballot. The stub number is tracked and recorded in the poll book.
2. If the tabulation machines are not configured to read an ExpressVote® ballot card, the ballot card is handled as a transcription ballot. (13-3-208(3), MCA) The ballot card is placed in a secrecy envelope and placed in the ballot box (or other depository for these ballots designated by the Election Administrator). The ExpressVote® ballot card issued is noted in the poll book. The secrecy envelope containing the ballot card is sent to the transcription board for transcribing and tabulation.
3. If the ExpressVote® ballot card doesn't come with a stub or if it will be hand-counted, the ballot card is processed as a regular ballot. However, for each ExpressVote® ballot card issued, a corresponding regular ballot and ballot stub number is issued and marked in the poll book with a notation that the ballot voted was an ExpressVote® ballot card. The blank unvoted regular ballot is marked by an election judge as "Voted by Express Vote" and placed into a depository designated by the Election Administrator. The corresponding stub is placed in the appropriate container. The voted ExpressVote® ballot card is placed in the ballot box.
4. A county may use an alternative option to track, record, and manage ExpressVote® ballot cards. This alternative procedure must be approved 45 days in advance of the election in writing by the Secretary of State's office. Please consult with your Election Administrator if your county is using an alternative ExpressVote® ballot card tracking option.



# Absentee Voting and Absentee Ballots

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## Absentee Voters at the Polls

Electors must be allowed to drop off absentee ballots at the election office or any polling place in the county that issued the ballot. This also applies to late registrants. For school district elections, ballots may be returned to any polling place in the school district.

- An absentee or late registration ballot dropped off at a polling place other than the one in which the elector appears on the register must be placed in an absentee ballot box or other depository designated by the Election Administrator.

**Note:** *An absentee or late registration ballot dropped off at the polling place that is not in the absentee signature envelope must be placed in a secrecy envelope, then placed in an absentee signature envelope, and signed by the elector.*

*Ballots not in signature envelopes or that have unsigned signature envelopes must be treated as provisional ballots until the elector resolves the issue.*

When absentee electors want to vote at a polling place:

- If the elector has their unmarked absentee ballot, direct them to the voting booth. The elector should mark their ballot, place and seal it in the secrecy envelope, and then in the signature envelope. The elector must sign and date the signature envelope. When the elector is finished, confirm the envelope has been signed, then place it in the absentee ballot box or other depository designated by the Election Administrator.

**Note:** *If the elector does not have their secrecy and signature envelopes, replacements should be provided. If replacement absentee envelopes are not available, handle the ballot as a provisional ballot so the ballot totals match at the end of the night. Do not deposit the ballot in a ballot box if it is not in an absentee envelope.*

- If the elector does not have their absentee ballot and affirms it was not received, or was spoiled, lost, or destroyed, the elector must be issued a **provisional ballot**. The elector should be advised that if their absentee ballot was received by the election office, the provisional ballot will be rejected.

## Delivery and Recording of Absentee Ballots

(13-13-233(3) and 13-13-204(1), MCA)

*(This section is for counties that do NOT have an appointed Absentee Ballot Counting Board. For the counties that DO, please reference page 39 for instructions.)*

The Chief Election Judge shall receive in supplies a container with voted absentee ballots received by the Election Administrator prior to election day, with a certificate stating:

- the number of absentee ballots delivered,
- the number of ballots retained for late absentee voting, **and**
- the names and number of electors receiving an absentee ballot.

See also *Provisional Voting* section, page 41.

## Processing Absentee Ballots Delivered to the Polls from the Election Office

Signature verification will likely take place at the election office before ballots are delivered to the polls from the election office (13-13-241, MCA). If a county is tabulating absentee ballots at a central location, the county election office will not deliver absentee ballots to the polls.

- If verification is not completed by the election office prior to absentee ballots being delivered to the polling place, compare the signature of the elector on the absentee ballot request form or voter registration form with the signature on the elector's signature envelope. The signature must match, and the affirmation must be completed.
- If the signature does not appear to match or if there is no signature, and if, after the elector is notified pursuant to 13-13-241(5), MCA, the elector fails to affirm or provide the signature by the close of polls, handle the ballot as a provisional ballot.

See also *Provisional Voting* section, page 41.

1. Open the verified absentee ballot signature envelope without opening the secrecy envelope.
2. If the elector is listed in the register **and is not listed as provisionally registered**, handle the ballot as a regular ballot by either placing the secrecy envelope in the

voted ballot box, or by placing the secrecy envelope in a container specified by the Election Administrator for absentee ballots delivered to the polls.

3. If the elector is listed in the register as **provisionally registered**, confirm evidence of eligibility, elector identification form, or copies of ID are enclosed as required.

See also the *Provisional Voting*, page 41 and *Polling Place Identification in Special Situations*, page 64.

4. After opening the absentee ballot signature envelope and if the ballot has not been placed in a secrecy envelope, without unfolding the ballot or permitting it to be examined, place the ballot in a secrecy envelope, and place the secrecy envelope in the proper ballot box.

**Note:** *In a **primary election**, unvoted absentee ballots, if returned, must be deposited in the unvoted ballot box without being removed from the "For Unvoted Party Ballot(s)" envelopes.*

5. Place emptied absentee ballot signature envelopes in the envelope or container marked for that purpose.



## Absentee Ballot Counting Board

(13-13-241, 13-15-104, and 13-15-207, MCA)

(For counties WITH an appointed Absentee Ballot Counting Board.)

Absentee ballots may be counted one day prior to election day by tabulator. If hand counting, absentee ballots are counted on election day.

At the Election Administrator's discretion, absentee ballots may be opened and prepared for tabulation up to three business days before the election.

**Note:** *For counties with less than 8,000 registered electors or less than 5,000 absentee electors at the close of regular registration, absentee ballots may be opened and prepared no sooner than one business day before the election.*

Election judges and any individuals having access to information may not disclose any results of early absentee counting at any time prior to the closing of the polls on election day.

When votes are being counted prior to the close of the polls, in addition to the official oath taken and subscribed to by the election judges, the members of the counting board will complete and sign the following affirmation:

***"I, \_\_\_\_\_, will not discuss the results of the early counting of votes any time prior to the closing of the polls on election day."*** (13-15-207(4)(a), MCA)

If counting is to begin before the polls close, the counting board must be in a room separate from where ballots are being cast to ensure election results cannot be provided before the close of polls.

- The board will start the count of all absentee ballots for all precincts at the time set by the Election Administrator.
- Election observers must also complete and sign the following affirmation administered by the Chief Election Judge:

***"I, \_\_\_\_\_, will not discuss the results of the early counting of votes any time prior to the closing of the polls on election day."***

## Rejected Absentee Ballots

(13-15-108 and 13-13-245, MCA)

An absentee ballot is invalid if:

- problems with the ballot have not been resolved; or
- identifying marks are placed on the ballot by the elector, which must result in the immediate rejection of the ballot without notice to the elector; or
- more than one ballot is enclosed in a single signature or secrecy envelope.

### **Exceptions!**

- *There are multiple elections being held at the same time and the envelope contains only one ballot for each election.*
- *The signature envelope contains ballots from the same household, each ballot is in its own secrecy envelope, and the signature envelope contains a valid signature for each elector who has returned a ballot.*

**See also *Handling Unvoted Primary Ballots or Multiple Ballots*, page 94.**

Absentee ballots rejected by the counting board must be enclosed in an envelope marked "REJECTED BALLOT(S) OF ABSENTEE ELECTORS." Include the application, if any, and all envelopes. The rejected ballots must then be secured in a container in which the voted ballots are to be placed or within the same secure area, and the container sealed, dated, and marked.

## Unopened Absentee Ballot in Ballot Box

(13-13-244, MCA)

If a signature envelope containing an absentee ballot is found unopened in the ballot box and the envelope has not been marked "Rejected," it shall be opened, and the ballot counted after verification of the signature.

**See *Processing Absentee Ballots Delivered to the Polls from the Election Office* section, page 37.**



# Provisional Voting

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## Casting a Provisional Ballot

Casting a provisional ballot allows the elector the opportunity to vote when there is ID or eligibility verification that can be remedied by the requirement deadline.

There are several reasons an elector will cast a provisional ballot:

- Elector appears in the precinct register as having been issued an absentee ballot but stated the absentee ballot was not received or was spoiled, lost, or destroyed.
- Elector late registers on the day of election in another county.
- Precinct register indicates elector is provisionally registered, which could not be resolved.
- Elector stated they registered to vote with the Motor Vehicle Division or other government agency which could not be confirmed.
- Elector's identification or registration information was incorrect or insufficient.
- Elector's right to vote was challenged.  
*See **Resolving Challenges in Special Situations**, page 60 for guidance.*
- Individual's name is not in the precinct register.  
*See **Erroneous Omission from Precinct Register**, page 62, for guidance.*

## Provisionally Registered Electors

If a provisionally registered elector provides required identification or other missing information **and this is verified by the Election Administrator**, the elector can vote a **regular ballot**.

If a provisionally registered elector does not provide the required identification or the other missing information cannot be verified by the Election Administrator, the elector may vote a **provisional ballot**.

**Note:** *Inform the elector the **provisional ballot** will be counted if the elector provides verifiable ID and any applicable missing registration information to the election office by 5pm the day following the election.*

## Elector Has Been Issued an Absentee Ballot

If the elector requested an absentee ballot and wants to vote at the polling place because they did not receive, spoiled, lost, or destroyed the absentee ballot, the elector must complete the provisional ballot form and mark a **provisional ballot**.

- Provide the provisional ballot instructions to the elector outlining their responsibilities to have their provisional ballot counted.

Under normal circumstances, the Election Administrator will count the provisional ballot unless it is determined the elector has already voted by previously submitting their absentee ballot.

## Elector Has Been Challenged

If the elector was challenged by another elector and the challenge was not resolved (*see **Resolving Challenges in Special Situations**, page 60*), have the challenged elector complete the provisional ballot form, and give the elector the instructions on the elector's responsibility to have the elector's ballot counted.

## Elector Does Not Have ID

If the elector is unable to provide identification including an acceptable alternative form of identification, the elector may vote a **provisional ballot**.

## Elector Omitted from Register in Error

See *Erroneous Omission from Precinct Register* in the *Special Situations* section, page 62.

## Provisional Ballot Voting Procedure

Once the elector has received the instructions and completed the Provisional Ballot form, they will return to the Register Judge and sign the register. If their name is not in the register, they will sign the back of the register, or a location specified by the Election Administrator.

The Ballot Judge will instruct the elector how to mark their ballot. The Ballot Judge will remove the stub(s) from the ballot(s) and place them inside the Provisional Ballot Outer Envelope. When the elector returns with the voted ballot (and


unvoted other party ballot(s) in a primary election), the elector will place the secrecy envelope in the Provisional Ballot Outer Envelope with the stub(s) and seal the provisional envelope. The Ballot Judge will then place the Provisional Ballot Outer Envelope in the Unverified Provisional Ballot Container.

### Resolving the Provisional Ballot

If the elector returns to the polling place on election day and resolves the issue that led to their ballot being voted provisionally, an election judge will:

- retrieve the envelope from the Unverified Provisional Ballot Container;
- instruct the elector to remove the ballot from the secrecy envelope and place it in a secrecy sleeve to be placed in ballot box, **and**
- update the polling place register to ensure elector receives voter credit.

# Provisional Ballot Cover Sheet/Outer Envelope Sample



## Provisional Ballot Cover Sheet/Outer Envelope

*This envelope is to be filled out at the polling place or election office by the election judge/official and the elector and provided to the election administrator with polling place materials.*

**SECTION 1: ELECTOR INFORMATION**

Printed Name: \_\_\_\_\_ Former Name (if applicable): \_\_\_\_\_

Montana Driver's License Number or State ID number: \_\_\_\_\_

Alternate form of acceptable ID provided in lieu of Montana Driver's License/State ID: \_\_\_\_\_

Phone Number(s): \_\_\_\_\_

City/Town/Village/County (city/zip): \_\_\_\_\_

Any other information, regarding your voter registration that would help resolve the provisional ballot: \_\_\_\_\_

I am eligible to vote in this election and precinct, all the information I provided on this form is true to the best of my belief, and I am aware of the penalty for false swearing.

Elector signature: \_\_\_\_\_ Date: \_\_\_\_\_

**SECTION 2: ELECTION JUDGE/OFFICIAL**

Precinct/Ward/District Name/Number: \_\_\_\_\_

Elector was instructed to cast a provisional ballot for the following reasons: (check all that apply)

<input type="checkbox"/> Name not in official register and not erroneously omitted	<input type="checkbox"/> Register indicates provisionally registered, which could not be confirmed
<input type="checkbox"/> Elector claims registration with Motor Vehicle Division or government agency, which could not be confirmed	<input type="checkbox"/> Elector affirmed absentee ballot was not received, or was signed by someone other than elector
<input type="checkbox"/> Elector failed to sign register	<input type="checkbox"/> Elector's identification was insufficient
<input type="checkbox"/> Elector failed to sign absentee ballot envelope	<input type="checkbox"/> County-to-county late registration in election office due to error
<input type="checkbox"/> Elector's absentee signature was not verified	<input type="checkbox"/> Precinct-to-precinct late registration in election office
<input type="checkbox"/> Elector's right to vote was challenged	<input type="checkbox"/> Other: _____

Election Judge/Official Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**SECTION 3: PROVISIONAL BALLOT RESOLUTION INFORMATION**

Elector registered in Precinct/Ward/District Name/# \_\_\_\_\_ Voted in Precinct/Ward/District Name/# \_\_\_\_\_

Voter ID# \_\_\_\_\_

Provisional Ballot Accepted: Yes ☐ No ☐

Reasons Ballot Accepted: (circle all that apply)	Reasons Ballot Was Rejected: (circle all that apply)
Not on register in error	Not registered (circle, if applicable): canceled/wrong precinct, district, ward/ wrong county
Motor Vehicle Division or other government agency error	Motor Vehicle Division or other government agency has no record of registration
Elector did not provide signature	Elector did not provide signature
Elector did not sign absentee ballot envelope	Elector did not sign absentee ballot envelope
Elector's absentee signature was not verified	Elector's absentee signature was not verified
Challenge resolved in challenger's favor	Challenge resolved in challenger's favor
Provisional registration was not resolved	Provisional registration was not resolved
Absentee ballot was not received	Absentee ballot received and accepted
Elector provided sufficient identification	Elector never provided sufficient identification
Confirmed county-to-county late registrant did not vote in prior county	Confirmed county-to-county late registrant voted in prior county
Confirmed precinct-to-precinct late registrant did not vote in prior precinct	Confirmed precinct-to-precinct late registrant voted in prior precinct
Other: _____	Other: _____

Processed by \_\_\_\_\_ Date processed for resolution: \_\_\_\_\_ Date voter notified: \_\_\_\_\_

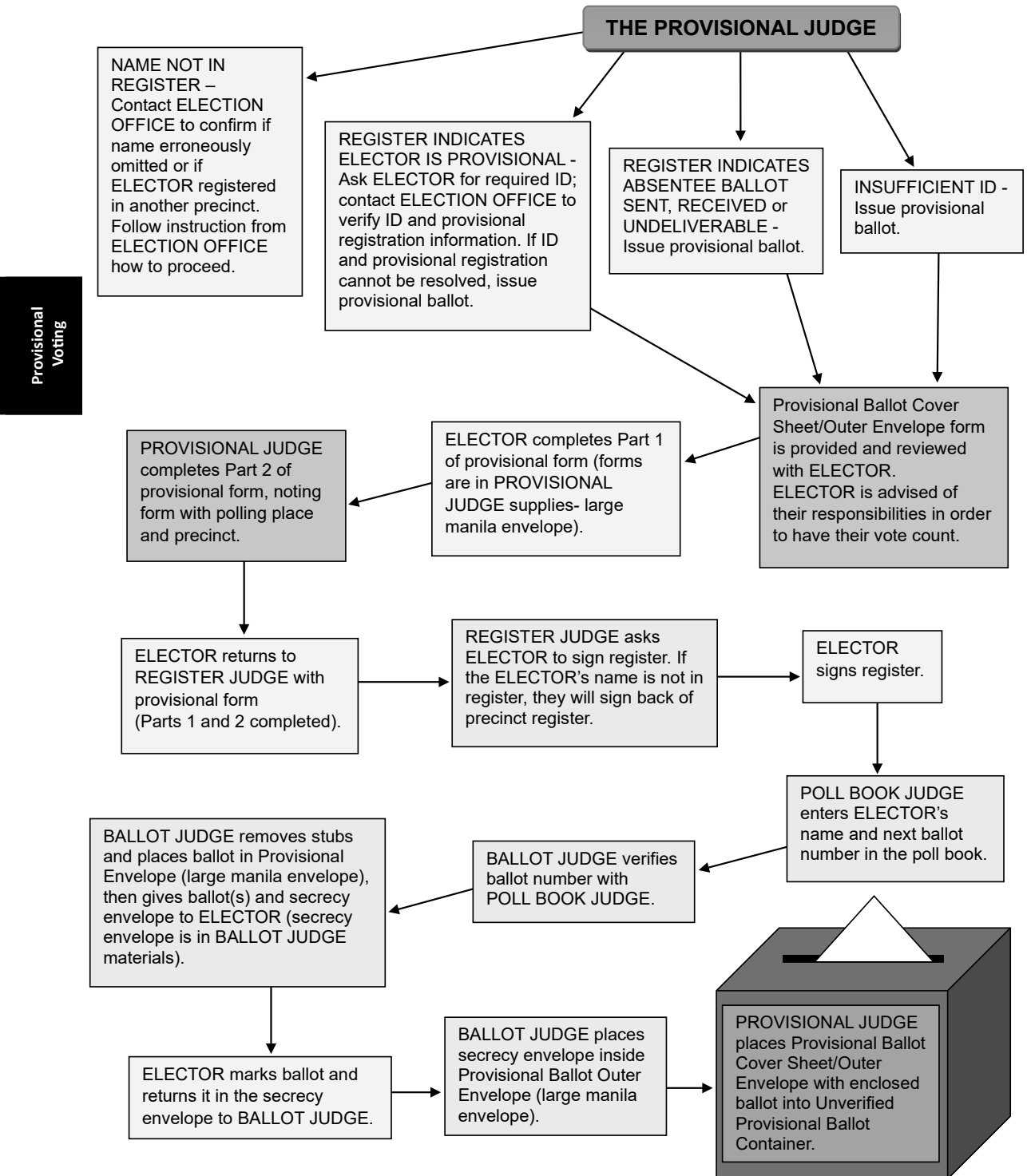
The Provisional Judge assists the elector in completing the top section of this form, making sure the elector signs where indicated.

The Provisional Judge completes Section 2, signs and gives the form to the elector to take back to the Register Judge.

Section 3 is completed by the election official when resolved.

Provisional  
Voting

## PROVISIONAL VOTING FLOW CHART



# Assisting Electors with Disabilities

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## Assistance from Election Judges

(13-13-119, MCA)

When an elector asks for assistance, the election judge should ask what type of assistance is needed. Avoid making assumptions about ability. Listen to understand which part of the voting process an elector may need help with.

An elector who needs assistance in marking their ballot because of disability or inability to read or write may choose a person to assist, including an election judge, persons under the voting age, persons not registered to vote, **or an agent as designated on a form prescribed by the Secretary of State.** (13-1-116, MCA)

**Exception!** *The elector **MAY NOT** be assisted by the elector's employer, an agent of the elector's employer, or an officer or agent of the elector's union. Ask whether the person helping is the elector's employer, employer's agent, or officer or agent of the elector's union. If the person offering to assist is one of those individuals, the elector must choose someone else to assist.*

If the elector asks for assistance with voting from election judges, it is preferable that two judges from different political parties assist. If the elector objects to two judges, assistance may be given by one judge. The election judges and the elector will complete the “*Oath of Elector Needing Assistance within Polling Place*”.

**See *Oath of Elector Unable to Enter Polling Place & Oath of Elector Needing Assistance at Polling Place* form in the supplies provided by the Election Administrator.**

**Note:** *Indicate next to the elector's name in the precinct register that the ballot was marked with assistance. The person assisting the elector must also sign next to the name of the elector in the precinct register. No one assisting the elector may reveal information about the elector's ballot.*

### Elector Unable to Sign the Precinct Register

(13-1-116, MCA)

An elector unable to sign their name **CANNOT** be denied the right to vote because of an inability to sign the precinct register.

A notation must be made in the precinct register on the signature line for an elector who is unable to sign.



- Ask the elector to make a mark of some sort on the signature line by their name. Unless the elector objects, the best mark would be a thumbprint or fingerprint from the elector. The judges should enter a notation next to the fingerprint that the elector was unable to sign the register.

**Note:** *At a minimum, judges must enter on the signature line by the elector's name the words "Elector unable to sign register" and the time of day this individual voted.*

## Elector Unable to Enter the Polling Place

(13-13-118, MCA)

The Chief Election Judge may appoint two election judges who represent different political parties (if available) to take a ballot to an elector who is able to come to the premises where a polling place is located but is unable to enter because of a disability.

1. An elector who is unable to enter the polling place will sign the *Oath of Elector Unable to Enter Polling Place*.
2. The judges will bring the ballot to the elector and ask for identification.
3. The elector will mark and fold the ballot or place the ballot in a secrecy sleeve.
4. The judges will immediately take the ballot into the polling place and give it to the Ballot Judge who will remove the stub and place the ballot and stub in the proper boxes.
5. The elector's identification information will be compared to the information printed in the precinct register and the standard procedure for a poll voter will be followed.
6. In the precinct register next to the elector's name, note: *"Voted on the premises by oath."* The judges will sign their names on the form and in the precinct register. The signed oath will be taped near the elector's name in the precinct register. These actions eliminate the need to take the precinct register out to the elector.

## Using ExpressVote® Voter Assist Terminals

(Note: Information below is from Election Systems & Software)

Each absentee voting location and polling place must have accessible voting equipment available. The equipment approved for use in Montana is the ExpressVote®, specialized voting machine that allow any elector to mark their ballot **privately** and **independently**.

The ExpressVote® features include:

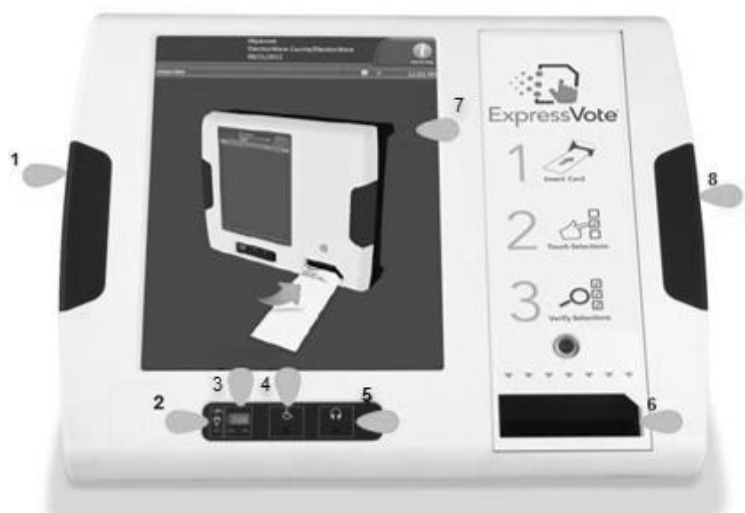
- ✓ touchscreen,
- ✓ large-print display,
- ✓ Braille keypad,
- ✓ earphones for audio reading of the ballot, **and**
- ✓ capability for connection to personal ADA devices such as a “Sip and Puff” device.

The ExpressVote® records votes on a separate ballot card that can be verified by the voter and tabulated.

### ExpressVote® Universal System Setup, Use, and Troubleshooting

Ballot Marking Configuration Poll Worker Quick Start Guide:

1. Access Compartment
2. Power source indicator
3. Battery status indicator
4. Accessibility device port
5. Headphone jack
6. Paper ballot feed
7. Touch screen
8. Paper path access door



## Preparing the ExpressVote® for Voting

1. Unlock and open the Access Compartment door. Turn the power switch to the ON position. Allow the ExpressVote® to complete its power-up process. Ensure the mode switch is set to VOTER to prepare the machine for voting. Close and lock the Access Compartment.
  - a. Follow your jurisdiction requirements for securing the Access Compartment with seals.
  - b. Ensure the Security Seals have not been tampered with and that the numbers on the seals match the numbers on Chain of Custody and Security Seal Log.
2. ExpressVote® HARDWARE 2.1 LOCK AND SEAL RECOMMENDATIONS –  
The Access Compartment door can be locked and sealed with tamper-evident devices. Access to this compartment should be controlled, monitored, and logged at all times.
  - a. A protective slide inside the Access Compartment helps to secure any installed USB flash drives, such as the election definition flash drive. Use a T10 star-shaped screwdriver to loosen and tighten the retaining Torx screw on the slide.
  - b. Insert the necessary USB flash drive(s) into either of the two USB ports in the Access Compartment on the left side of the ExpressVote® unit. Once inserted, position the protective slide over the USB flash drive(s) and tighten the retaining screw.
3. On Election Day, secure slide with a seal.

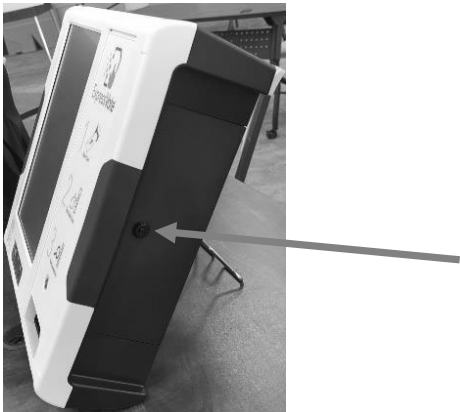


Torx Screw and Protective Slide

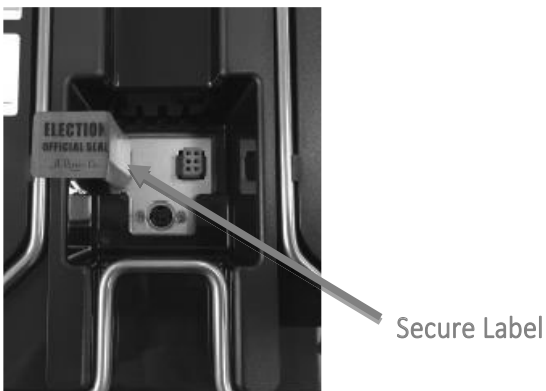
4. Close the Access Compartment door. Use the medium barrel key to lock it.



5. Use the medium barrel key to lock the right-side paper path access door.



6. When the ExpressVote® is configured on a standard table, secure the rear USB port by affixing a tamper-evident label seal as noted below in the photo.



7. Ensure that the access door to the printer transport (on the front of the unit) is closed and locked with the medium barrel key to prevent access to the printing path.



8. Power and Mode switches: ES&S provides additional protection in the form of a protective slide to cover the USB flash drive ports. This device prevents unauthorized removal of the election definition flash drive while the compartment door is open.
9. When you receive a new ExpressVote® Hardware 2.1, a metal protective slide is already installed. The protective slide may be constructed of metal or plastic.
10. Ensure the Security Seals have not been tampered with and the numbers on the seals match the numbers on Chain of Custody and Security Seal Log.
11. If the Election Administrator has indicated this machine was randomly selected as part of the required election day testing, follow the instructions provided by the Election Administrator and refer to the appropriate testing checklist and certification form in the Uniform Voting Systems Guide.

# Voting on the ExpressVote



## Vote Card Using Touch Screen

On the voting screens, touch the candidate or other contest choice to select. If there are more candidates than will fit on the screen, a yellow **More** bar appears at the bottom of the screen. Touch this to see remaining candidates.

To navigate between contests, touch the **Next** or **Previous** buttons in the Navigation Bar.

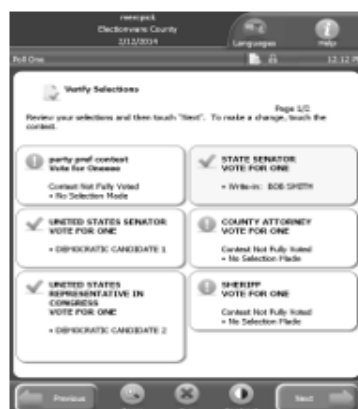
If you want to do a write-in vote, touch the **Write-in** option and use the on-screen keyboard to enter your write-in name. Touch **Accept**.

## Vote Card Using Audio-Tactile Keypad

If you are using the ExpressVote for an accessible voting session, make sure the headphones are plugged into the Headphone Jack.

Use the controls on the Audio-Tactile Keypad to navigate the ballot, as instructed on page 16.

For contests allowing write-in votes, the letters will be read in alphabetical order on the ballot audio as you select letters for your write-in.



## Editing Vote Selections & Casting a Ballot

Once all selections have been entered, the Verify Selections screen will display a summary of your ballot selections.

If needed, touch the contest for which you wish to make changes. Make the desired changes, and return to the Verify Selections screen.

When done verifying selections, the Print Card screen displays. Touch **Print Card** to print the completed ballot onto the activation card.

## Powering Down the ExpressVote



### Powering Down & Storing the ExpressVote

Using the barrel key, open the Access Compartment and set the Power Switch to **Off**. Remove the Election Definition media. Lock the Access Compartment door and remove the key.

Ensure all doors on the machine are locked.

Unplug the headphones and power cord from the ExpressVote system. Store according to the jurisdictional instructions.

*More information: ExpressVote Operator's Guide, p. 33*

### Troubleshooting the ExpressVote®

(A copy of the Troubleshooting Guide must be kept with each Election Systems and Software (ES&S) ExpressVote®. )

The system manufacturer and Secretary of State election office are available to help with ExpressVote® troubleshooting.

## Appendix A: Troubleshooting the ExpressVote



### Jammed Ballot Card

**PROBLEM:** The card is jammed inside the ExpressVote equipment.

**CAUSE:** Although causes vary, the more typical reasons for card jams are:

- The card was inserted incorrectly, or
- The ExpressVote rollers are not functioning properly.

**SOLUTION:** Open the security compartment on the left side of the machine. Change the Mode Switch to **OFFICIAL**. Once the Main Menu appears, press the **EJECT CARD** button.

If the card does not eject, open the security panel on the right side of the machine. Locate the card and gently pull the card out of the machine. Remove the card jam being careful to not rip the paper. Close and re-lock the security panel. Follow your jurisdiction's procedures for spoiling and issuing a new card if necessary.

### Screen Calibration Issues

**PROBLEM:** The voter pushes the oval for one candidate and another candidate is selected.

**CAUSE:** This could be caused by a dirty touch screen, or the alignment of the touch screen is not adjusted correctly.

**SOLUTION:** Put isopropyl alcohol on a soft cloth and wipe clean.

**WARNING:** Do not use products containing ammonia, such as Windex. This can cause the screen to become deteriorated over time. Use only isopropyl alcohol for cleaning the touch screen and scanner.

If the screen calibration issue is not due to a dirty screen, please contact your Election Administrator.

### Idle Error Message

**PROBLEM:** After several minutes, the following message appears on the ExpressVote screen:

*"Continue Voting? There has been no activity for five minutes.*

*Next Step: To continue voting, touch 'Previous'. To receive your card without printed selections, touch 'Exit'."*

**CAUSE:** This error message appears after the ExpressVote has been idle, with a card inserted for 5 minutes.

**SOLUTION:** If a voter is still using the ExpressVote, the poll worker will need to open the left security compartment and switch the Mode to **Official**. The card can be returned to the voter and be reinserted. Reinsert the card or follow your jurisdiction's spoiling procedures and issue a new card. If the voter has left the polling place, follow the steps above to retrieve the card and follow the spoil procedures.

**NOTE:** The option to go back to previous screen in Voter mode only exists after 5 minutes of inactivity. If the terminal is inactive for another 5 minutes, you will need to go to Official mode and eject the card from the Main Menu.



## Appendix A: Troubleshooting *(continued)*

### Protecting Privacy While Assisting Voters

**PROBLEM:** As a poll worker I don't want to invade the voters privacy when answering their questions.

**SOLUTION:** The ExpressVote Keypad is equipped with a privacy key which will turn the screen black when viewing. The diamond shaped key at the top-right of the keypad allows the screen to be not viewable.

If the Keypad is connected, this will preserve the privacy for the voters who are using only the audio feature to select their votes or for voters who request assistance from a poll worker. Poll workers can easily access the button when approaching the ExpressVote™ from behind as long as the keypad is connected.

Make sure you tell the voter who is using a visual card to press the button again to resume the card on the screen.

### Report Printer Runs Out of Paper

**PROBLEM:** The Report Printer in the front of the kiosk has run out of paper.

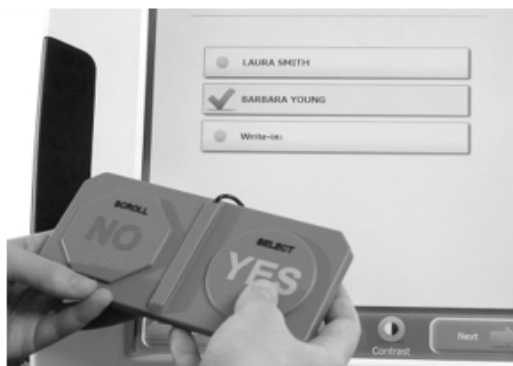
**SOLUTION:** Open the Report Printer Door by pushing down on the green lever to the right of the printer door. Remove the empty paper spool from the Report Printer compartment.

Insert a new paper roll with the thermal treated side facing up. You can test which side of the paper is treated for thermal printing by scratching it with your fingernail. The treated side will leave a grey mark on the paper.

Feed the paper over the roller on the printer door and hold it as you close the door. You can test the printer function by touching Test Options under the Main Menu. Touch **Report Printer** and touch **Reset Printer**. You can then print a test report to verify the paper roll was installed correctly.

## Appendix B: Additional Accessible Voting Options

### Voting with the Rocker Switch Device



The rocker switch is a large-button, two-position switch assistive technology that can assist voter's who are unable to use the ExpressVote touch screen or the audio-tactile keypad. The rocker switch device can be hand-held, placed on a table, or placed on the floor for foot operation.

Voters can use **Scroll/NO** and **Select/YES** buttons to navigate on-screen ballot contests and select their voting choices. The rocker switch buttons feature both visible text and embossed Braille identification labels. The voter can use the following rocker switch controls to conduct the voting session.

To vote using the rocker switch, press the **NO** switch to sequentially scroll through the on-screen elements in a clockwise direction. If the voter scrolls past the desired selection, press **NO** to scroll through all subsequent clockwise selections to return to the desired voting choice.

Press the **YES** switch to highlight the desired on-screen element.

When the desired element is highlighted, press **YES** again to select the choice.

### Voting with the Sip & Puff Device

Sip-and-puff refers to the assistive technology device commonly used by individuals with motor disabilities or limited dexterity. Voters use a mouthpiece to navigate on-screen ballot contests with inhalations (sips) and make their selections with exhalations (puffs).

The air tube is attached to a small switch box connected to the ExpressVote's auxiliary panel. The switch box converts sips and puffs into electrical signals that correspond to selection and navigation commands.

The voter should **sip** to sequentially scroll through the on-screen elements in a clockwise direction. Each sip highlights the next on-screen element. If the voter scrolls past the desired selection, the voter should **sip** through all subsequent clockwise selections to return to the desired voting choice.

The voter should **puff** to select the desired on-screen element.

# Special Situations

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## Special Situations

This section provides additional information and instruction for required election processes when certain polling place situations occur.

### Resolving Challenges

An elector's right to vote may be challenged at any time by any registered elector. The challenger must complete and sign an affidavit stating the grounds of the challenge and provide any evidence supporting the challenge to the Election Administrator or, on election day, to an election judge. (13-13-301, MCA)

If the challenge at issue is resolved in the challenged elector's favor before the time the elector is issued a ballot, the elector is no longer a challenged elector and may vote a **regular ballot**.

If a challenge is not resolved, "*...after the close of registration, the Election Administrator, or on election day, either the Election Administrator or an election judge shall allow the challenged elector to cast a **provisional paper ballot**, which must be handled as provided in 13-15-107, MCA."* (13-13-301(3)(b), MCA)

**A change of address itself is not sufficient grounds to successfully challenge an elector's right to vote.** An elector may confirm their address before receiving a ballot. When an elector goes to the polls and their name appears on the precinct register, the challenge is resolved in favor of the elector and the elector votes a **regular ballot**.

Late registrants indicate their voting address at the time of registration and are placed in the correct precinct. The challenge is resolved in favor of the elector, and they vote a **regular ballot**.

### Process for Handling Challenges at the Polling Place

A challenge at the polling place **must be**:

- in the form of an affidavit (see the Affidavit of Individual Challenging an Elector, 13-13-301(1), MCA); **and**
- made by a registered Montana elector. (13-13-301(4)(a), MCA)

Once a challenge is made at the polling place, the challenged elector must complete the "Affidavit of Challenged Elector." If the challenged elector

provides a current address that conforms to the registration address on record, the elector should sign the register and be issued a **regular ballot**. Otherwise, the elector may vote a **provisional ballot**.

A challenge must fail if the only basis of the challenge is a change of address unless the elector confirms the change of address in writing.

**Reminder!** *The elector may vote one last time based on their former address.*

## Spoiled Ballots

(13-13-117, MCA)

An elector who spoils their ballot must return the spoiled ballot and be given another ballot in its place. There is no limit to the number of ballots an elector can receive to replace spoiled ballots. (13-13-117(1)(b), MCA)

1. The elector must return the spoiled ballot enclosed in the secrecy sleeve, or folded with the stub showing, to the Ballot Judge.
2. The Ballot Judge must instruct the elector to write “spoiled” on the ballot, and without violating the secrecy of the ballot, the Ballot Judge must mark "spoiled" on the stub of the original ballot, remove the stub, and place it in the stub box.
3. The elector shall place the spoiled ballot in an envelope marked “spoiled.” Election judges should not place the ballot in the spoiled ballot envelope due to the possibility of the loss of secrecy of the ballot.

**Note:** *In a **partisan primary election** – The Ballot Judge will write "spoiled" on the stubs of each party ballot for the election, remove them, and place them in stub box. Voted spoiled ballots are deposited in the “spoiled” envelope in the ballot box or stub box as directed by the Election Administrator. Unvoted spoiled ballot(s) are deposited in the box for unvoted ballots. A new set of party ballots are then issued.*

4. The Ballot Judge will instruct the Poll Book Judge to mark the poll book accordingly for the spoiled ballot number and will give the elector a new ballot and announce the new ballot number to the Poll Book Judge to record.
5. The word "spoiled" must be marked beside the elector's name for that ballot number in the poll book.

**Reminder!** *Stickers or labels to cover up and correct errors on ballots are prohibited and may not be provided to an elector by an election judge or applied to ballots by election officials.*

## Erroneous Omission from Precinct Register

(ARM 44.3.2111)

An individual whose name is erroneously omitted from a precinct register or other election register may secure from the Election Administrator a certificate of the error stating the precinct in which the individual is entitled to vote and present the certificate, entitling the individual to vote a **regular ballot**, to the election judges.

- The election judges must mark “voted” on the certificate and return it to the Election Administrator with the precinct register.
- The individual will sign the back of the precinct register or a location specified by the Election Administrator.

If the individual is unable to secure a certificate of erroneous omission from the Election Administrator, but the Chief Election Judge is able to confirm the erroneous omission by contacting the election office, the individual may vote a **regular ballot** by signing the elector’s oath attesting their name was erroneously omitted.

If the Election Administrator cannot confirm the individual’s name was mistakenly omitted, the individual may vote a provisional ballot. The individual must complete the Provisional Ballot Outer Envelope and be provided the written instructions on their responsibilities in order to have the ballot counted.

Alternatively, the individual may go to the county election office to resolve the issue and may be able to vote at the same time.

## Summary of Process for Submitting, Accepting or Rejecting an ID

Pursuant to a September 30, 2022, District Court Order, acceptable identification for an elector at the polling place is a **current** photo identification showing the elector's name **OR** a **current** utility bill, bank statement, paycheck, notice of confirmation of voter registration, government check, or other government document that shows the elector's name and **current** address.

### 13-13-114, MCA (2017)

**13-13-114. Voter identification and marking precinct register book before elector votes -- provisional voting.** (1) (a) Before an elector is permitted to receive a ballot or vote, the elector shall present to an election judge a current photo identification showing the elector's name. If the elector does not present photo identification, including but not limited to a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification, the elector shall present a current utility bill, bank statement, paycheck, notice of confirmation of voter registration issued pursuant to **13-2-207**, government check, or other government document that shows the elector's name and current address.

(b) An elector who provides the information listed in subsection (1)(a) may sign the precinct register and must be provided with a regular ballot to vote.

(c) If the information provided in subsection (1)(a) differs from information in the precinct register but an election judge determines that the information provided is sufficient to verify the voter's identity and eligibility to vote pursuant to **13-2-512**, the elector may sign the precinct register, complete a new registration form to correct the elector's voter registration information, and vote.

(d) An election judge shall write "registration form" beside the name of any elector submitting a form.

(2) If the information presented under subsection (1) is insufficient to verify the elector's identity and eligibility to vote or if the elector's name does not appear in the precinct register or appears in the register as provisionally registered and this provisional registration status cannot be resolved at the polling place, the elector may sign the precinct register and cast a provisional ballot as provided in **13-13-601**.

(3) If the elector fails or refuses to sign the elector's name or if the elector is disabled and a fingerprint, an identifying mark, or a signature by a person authorized to sign for the elector pursuant to **13-1-116** is not provided, the elector may cast a provisional ballot as provided in **13-13-601**.

## Polling Place Identification

Before an elector is permitted to receive a ballot and vote, they must present to the election judge an acceptable form of ID. **"Identification"** for the purpose of voting at the polling place means:

**Current Photo Identification** which can be:

1. Montana driver's license,
2. Montana state identification card issued pursuant to 61-12-501, MCA,
3. Military identification card,
4. Tribal photo identification card,
5. United States passport, **or**
6. Montana concealed carry permit;
7. A school district or postsecondary education photo identification; **or**
8. Other photo identification that shows the elector's name;

### **OR**

9. Other forms of **current** identification: a utility bill, bank statement, paycheck, notice of confirmation of voter registration, government check, or other government document that shows the elector's name and current address.

## **Important Information on Identification Requirements**

If the name or address on a **non-photo identification** provided differs from information in the precinct register, but an election judge determines the information provided is sufficient to verify the elector's identity to vote pursuant to 13-2-512, MCA, the elector may sign the precinct register, complete a new registration form to correct or update the elector's registration information, and vote a **regular ballot**.



## Late Registration

*The provision in current statute to end registration on noon the day before the election is not enforced based on the court order issued September 30, 2022. Registrations before the close of polls on Election Day will be processed.*

Late Registration does not occur at the polling place and closes at **8:00 pm** the day of the election. An elector appearing at the polling place to late register must be sent to the Election Office or a location designated by the Election Administrator.

1. An elector may register or change any registration information after the close of regular registration until 8:00 pm the day of the election and vote in the election provided that the Election Administrator in the county where the elector resides receives and verifies the elector's voter registration information prior to 8:00 pm the day of the election.
2. Except as provided below, an elector who changes residence to a different county within the state shall register in the new county of residence to vote in any election. An elector who changes residence to a different county **prior to the close of late registration** before an election may:
  - a. Vote in person or by absentee ballot in the precinct and county where previously registered; or
  - b. Update the elector's registration information and vote in the elector's new county of residence by appearing at the election office or location designated by the Election Administrator.
3. After the **close of late registration** for the current election, an elector may:
  - a. Update their residence to a different county within Montana but may only vote in their previous county of residence pursuant to 13-2-514, MCA.
  - b. Update their residence to a different precinct within the county and may vote a ballot from the former precinct or new precinct. The elector may obtain the former precinct ballot at their former precinct or obtain a ballot for their new precinct at a central location designated by the county Election Administrator.
  - c. Change their name and may vote under the elector's former name unless the registration was cancelled.

- d. Reactivate their registration pursuant to 13-2-222, MCA, but may only vote on election day at the county election administrator's office or a central location designated by the county Election Administrator.
4. An elector who registers or changes their information under these procedures may vote a regular ballot in the election only if the elector receives the ballot from the county election office (or the location designated by the Election Administrator), and only if the elector has either **not been** issued an absentee ballot for the election in the elector's former precinct or county, or the absentee ballot issued is voided by the county of issuance.
5. If an elector has already been sent an absentee ballot for the election, the elector may vote a regular ballot only if the original absentee ballot is voided in the statewide voter registration system by the issuing county.
6. Late registration applies with respect to an elector's registration to vote in any election, including school elections and special purpose district elections.

# Closing the Polls

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## Close of Polls

Shortly before 8:00 p.m. (or earlier if all registered electors have voted), the Chief Election Judge (or Polling Place Manager) proclaim the polls will soon close. Then, they will proclaim the closing of the polls at closing time. (13-13-101(2), MCA)

**No person shall be allowed to vote after the polls are closed, unless it is certain the elector was inside the polling place before closing time or in line outside if the polling place is not large enough to accommodate the electors waiting to vote. A procedure must be in place for determining the last person in line at 8:00 p.m.**

### Procedures for Close of Polls for ExpressVote®

*The following procedures must be carried out by an election judge trained to operate each type of equipment and at the direction of the Election Administrator. Follow all security procedures as directed by the Election Administrator.*

1. Verify the security seal information against the Chain of Custody and Security Seal Log. Enter the information into the log, sign, and date it.
2. At the end of voting, unlock and open the Access Compartment.
3. Turn the power switch to the OFF position.
4. Close and lock the Access Compartment.
5. Allow the ExpressVote® to completely power down.
6. Remove the headphones and unplug the terminal from AC power.
7. Store the ExpressVote® according to your jurisdictional instructions from the Chief Election Judge or Election Administrator.
8. Ensure any unvoted ExpressVote® Ballot Cards are secured and stored with the other unvoted ballots.
9. Store the ExpressVote® in a secure location for pick up.

## Procedures for Close of Polls for Model DS200®/DS300® Ballot Tabulators

*The following procedures must be carried out by an election judge trained to operate each type of equipment and at the direction of the Election Administrator.*

*Follow all security procedures as directed by the Election Administrator.*

1. Before closing the polls, make sure all ballots from any eligible voters have been inserted into the DS200® or DS300® ballot tabulators.
2. Check the Uncounted Ballot Storage Bins (also known as the auxiliary or emergency bin) of both ballot boxes for uncounted ballots. Follow established procedures for processing uncounted ballots.
3. Remove the security seal, open the Key Access Panel, and press and hold the “Close Polls” button for five seconds.
4. Once you release the “Close Polls” button, the tabulator will close the polls and automatically print a Voting Results Report and any other reports set up to print.

### **Removing the USB Flash Drive and Ballots from the Tabulator**

1. Turn off the tabulator. **This step is extremely important.**
2. Remove the security seal and open the access door.
3. **Do not remove the flash drive until the machine is powered off!**
4. Remove the flash drive by pulling it out of the USB port.
5. Attach or place flash drive in a sealed envelope with corresponding DS200® or DS300® printer report to be returned to the Election Administrator in sealed envelope #11 or in a container specified by the Election Administrator.  
**See *List of Envelopes for Ballots and Supplies*, page 104.**
6. Open the ballot compartments of both boxes and remove the ballots. Be sure to follow the specific ballot handling procedures as directed by the Election Administrator.

## Disassembling the Tabulator

1. Ensure the machine is off. Lock and seal the access panel and store the key as prescribed in your established election procedures.
2. Ensure the Key Access Panel and Printer Access Panel are closed and sealed.
3. Unplug the tabulator from the outlet.
4. Pull the tabulator forward about 4 to 5 inches and disconnect the power cord from the tabulator.
5. Pull the cord out of the ballot box and place it inside the tabulator carrying case.
6. Slide the tabulator forward until it is free of the ballot box mounting rails. Place the tabulator inside the carrying case.
7. Make sure no ballots remain in the ballot box.
8. Lock all ballot box doors.
9. Return all tabulator keys and ballot box keys to the Chief Election Judge to be secured and returned to the Election Administrator.

# Ballot Counting and Tabulating

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## General Counting/Tabulating Procedures

In general, counting of ballots may not begin before election day. However, counting of absentee ballots via automatic tabulation is allowed one day prior to election day. (13-15-104, MCA)

On election day, tabulation must begin and continue without adjournment until all available ballots that can be legally counted have been tabulated except pending unresolved resolution board ballots, provisional ballots, or military overseas ballots. (13-15-101, MCA)

The vote count must be open to public observation. No one may interfere with the count and anyone observing the count may not discuss the results at any time prior to the close of the polls on election day. (13-15-101 and 13-15-207, MCA)

The election judges, ideally one from each political party having ballot access, will take the ballots out of the ballot box to determine whether each ballot is single (13-15-201, MCA).

**Note:** *If two or more ballots are folded together to look like a single ballot, lay them aside until the count is complete. Compare the count with the poll books and if a majority believes the ballots folded together were voted by one elector, they must be rejected; otherwise, they must be counted. (13-15-201(5), MCA)*

The election judges will count the number of ballots to ensure the number of ballots corresponds with the number of names in the poll book and with the number on the ballot reconciliation report.

**Note:** *If the total number of ballots does not reconcile with poll book, the judges must include on the ballot reconciliation report form a written statement stating how many ballots were missing or in excess and any reason of which they are aware for the discrepancy. All judges must sign the report. (13-15-201(3), MCA)*

- Ballots not endorsed by the official stamp are void and may not be counted unless the judges agree the stamp is missing because of election judge error. Such ballot shall be marked "unstamped by error" on the back and must be initialed by all judges. (13-15-201(4), MCA)
- If an elector does not mark a candidate or a judicial retention or issue choice, the valid votes for other candidates or issues on the same ballot shall be counted.



- Total the write-in votes and tally as follows (**see also *Determining a Valid Write-In Vote (Write-In Votes)* section in *Technical References*, page 89**):
  - Count and tally write-in votes only for candidates who have filed a declaration of intent,
    - Count and tally write-in votes only if the intent of the elector is clear, subject to applicable administrative rules;
    - Count only write-in votes by one of the variations on the write-in candidate's declaration of intent; and
    - Count only write-in votes where the oval or designated voting area has been filled in.

**Exception! See *Determining a Valid Vote on a Federal Write-In Absentee Ballot* in *Technical References*, page 93.**

- If an absentee ballot counting board has been appointed, the absentee ballots must be delivered to the absentee ballot counting board and counted as provided in law. (13-15-104, MCA) **See also the *Absentee Ballot Counting Board*, page 39.**
  - If an absentee ballot counting board has **not** been appointed, and if early preparation of absentee ballots was not conducted and/or if absentee ballots were received after early preparation was conducted, the election judges open each absentee ballot secrecy envelope and remove the ballot. A ballot must be rejected if, in the envelope, there are more **marked** ballots than the number of ballots allowed to be voted for each election.  
**See also the *Handling Unvoted Primary Ballots or Multiple Ballots* section, page 94. (13-15-201(2), MCA)**

Once tabulation has been completed, the results must be immediately publicly declared. **If** the election has at least one statewide race or statewide ballot issue, the election administrator's public reporting of the results must first be provided to the Secretary of State's election night reporting system.

After results are finalized, the election results return form (signed by all election judges completing the count) must be displayed at the place of counting and a copy returned to the Election Administrator. (13-15-101(3), MCA and ARM 44.3.1801)

## Handling Voting Machine Error During Count

(ADMINISTRATIVE RULES OF MONTANA ARM 44.3.1714)

Pursuant to administrative rules, during tabulation, if an Election Administrator or counting board believes the voting machine is not operating correctly, the count must be paused, and the machine retested.

To retest the machine, a ballot test deck and ballot key are necessary. If feasible, use the test deck and key from the public/election day test. If your county has a backup machine to use in place of the machine in question, you may use the backup machine after that machine has been tested. Do not use the machine with a potential problem until it has been tested and verified it is working as required.

### To Retest the Machine:

1. Ensure all potentially impacted ballots are set aside by themselves.
2. Print off results and include with the ballots.
3. Zero out results of the machine and print a zero report.
4. Run test ballots through the machine and verify results against the ballot key.
5. If a discrepancy is noticed, and the discrepancy cannot be corrected, or if a majority of the counting board agrees the machine may not be functioning correctly, officially remove the machine from use and recount all ballots that ran through the machine. The system involved in the discrepancy may not be used in another election until it has been examined and tested by a computer software expert in consultation with a voting machine vendor and approved by the Secretary of State.
6. If no discrepancy is noticed, the machine may be put back into use.

**Be sure to zero out results and print a zero report before resuming the count.**

Appropriate procedures for verifying pre-test ballots are counted in addition to post-test ballots must be followed.

## Counting Ballots by Hand

When counting ballots by hand, the procedure outlined in 13-15-206, MCA will be followed.

**Note:** *In a **primary election**, ballots shall be separated and stacked by party prior to the beginning of the count. (13-10-311, MCA)*

If the elector's choice in a race cannot be determined, that race shall not be counted. If part of a ballot is sufficiently plain to determine the elector's intention, count that part. **See also *Determining a Valid Vote*, page 86.** (13-15-206, MCA)

Do not include a rejected ballot or vote in the count. (13-15-206, MCA)

Place the ballots in the ballot container and seal as required: Seal all unvoted ballots and other books and supplies as directed by the Election Administrator.

Complete seal logs as necessary.

1. Enter in the tally book (13-15-206, MCA):

- the names of all individuals who received votes (if the names are not pre-printed);
- the offices for which they received votes (if the offices are not pre-printed);
- the total votes received by each individual; **and**
- the total votes cast on each ballot issue.

2. Compare the tally sheets to ascertain their correctness. (13-15-206, MCA)

3. Enter in the poll book the total number of ballots cast and complete the poll book reconciliation form.

4. Sign certificates in poll book/tally book immediately after the votes are counted and the ballots are sealed in proper envelopes. (13-15-204, MCA)

5. Return the sealed ballot box, and/or envelopes, Chain of Custody and Security Seal Log forms, and all records and supplies to the Election Administrator. (13-15-205, MCA).

## DS200®/DS300® Voting System Setup, Use, and Troubleshooting

### Setup for Models DS200® and DS300® Ballot Tabulators

1. Ensure the tabulator was programmed for the polling location by examining the report the tabulator will print out when the election is opened.
  2. If the Election Administrator has indicated that this machine was randomly selected as part of the required election day testing, follow the instructions provided by the Election Administrator and refer to the appropriate testing checklist and certification form in the Uniform Voting Systems Guide.
  3. Take the tabulator from the transportation case and place the machine on the system ballot box. Thread the power cord in through the back of the ballot box and insert the female end into the tabulator.
  4. Counties may have M100® ballot boxes retrofitted to accommodate the new machines. These changes include a metal “plunger” that secures the DS200® and DS300® into place.
  5. Using the brass ballot box key, unlock and lift the metal tab which covers the ballot box’s ballot entrance slot (located in the back of the box’s recessed area and marked with “LIFT TO OPERATE”) so that the slot is exposed.
  6. Slide the tabulator until it is against the back of the ballot box, ensuring that the diverter connector at the back of the tabulator slides into its mate on the ballot box. Ensure the metal plunger is up and the tabulator can’t move forward or backward. You can access the bottom of the plunger from the Auxiliary Bin.
  7. Plug the male end of the cord into a wall outlet.
- Warning!** *Only plug the tabulator into a grounded, three-pronged electrical outlet. Plug only one tabulator into an outlet, if possible.*
8. Open the lid of the tabulator and it will automatically power on.
  9. Ensure that the Security Seals have not been tampered with and that the numbers on the seals match the numbers on Chain of Custody and Security Seal Log.
  10. Open the access door, located above the printer, and insert the USB drive into the USB port. Place removed security seal on the Security Seal log and record required information. If the tabulator has not powered on, press the Power button located next to the USB drive. Secure the door with a tamper-resistant security seal.



11. The system will initialize and a screen with the following options will appear, “Open Polls” and “Shutdown.”
12. Press “Open Polls.” Depending on options set for your election definition, the tabulator can automatically print a status report, a zero totals report or a zero certification report.
13. On the reports selection screen, choose either “Totals” only or “All precincts” to generate the Zero Report. Once the start-up reports are complete, close, lock and seal the switch door.
14. Check both Ballot Compartment side doors and verify that the ballot compartments are empty. Close, lock and use a security tie to secure both doors. Register security tie numbers in poll book and every replacement tie # as necessary.


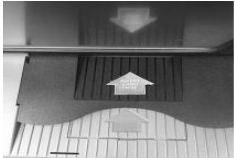
## DS200®/DS300® Ballot Tabulator Use

Electors will place the marked ballot into the DS200® or DS300® ballot tabulator. After the elector has done so, the Ballot Judge should be available in case there are questions or in case there is a problem. Ensure the elector does not leave until the ballot has been accepted.

**Note:** *Once the ballot is deposited into the ballot tabulator, it cannot be retrieved.*

For problems you cannot resolve, request help from the Chief Election Judge or the Polling Place Manager. Have the serial number of the precinct counter available and provide that information to the person resolving the problem. If this is the only precinct counter in the polling place and it is malfunctioning, remove the security seal, open, and use the emergency bin until a precinct counter replacement has arrived. Once a replacement unit arrives, make sure the emergency bin is empty of all ballots and reseal the bin. Ensure you log the removed and the replaced security seal in the Chain of Custody and Security Seal Log.

## DS200®/300® Troubleshooting Chart

Problem	Probable Causes	Possible Solution
“Election Definition Not Found”	The USB memory drive is missing, blank or not installed correctly.	<ul style="list-style-type: none"> <li>✓ Ensure the USB memory drive is installed correctly in one of the slots available.</li> <li>✓ If the tabulator is still unable to detect the card, contact ES&amp;S for another USB memory drive.</li> </ul>
Upper right hand corner display shows a red X through the power icon.	The tabulator is not plugged into the AC power cord or the wall outlet is defective.	<ul style="list-style-type: none"> <li>✓ Check power cord is plugged in securely to the outlet and to the machine.</li> <li>✓ Test all outlets.</li> <li>✓ Check the tabulator power cord for damage. Replace the cord if damaged.</li> </ul>
The reports are generating, but no printing is visible on the paper.	The tabulator printer uses thermal paper and heat transfer to print the information. No visible print means the paper roll is inserted incorrectly.	<ul style="list-style-type: none"> <li>✓ Reinsert the paper roll. Reprint report(s) as necessary.</li> </ul>
What do I use to clean the exterior of the tabulator including the touch screen?	Dirt, grime, fingerprints, etc.	<ul style="list-style-type: none"> <li>✓ The tabulator touch screen can be cleaned with isopropyl alcohol wipes or isopropyl alcohol on soft cloth.</li> </ul>
Where do I insert the ExpressVote® ballot card into the tabulator?	<p>The paper guide mounts into the input tray on the front cover. The paper guide is a solid unit that accommodates the 8.5” ballots below the guide and 4.26” vote summary cards in the slot above.</p> 	<ul style="list-style-type: none"> <li>✓ The touch screen animation shows election judges where to insert the paper ballot or ExpressVote® ballot card into the tabulator.</li> <li>✓ The animation alternates between the paper ballot and ExpressVote® ballot card screens.</li> </ul> 

## Tabulating with Model DS450®/DS850®/DS950® Central Tabulators

*Judges working with voting equipment must be trained on the operation of the specific equipment.*

1. Ensure the operator of the tabulator has been trained for the specific equipment and has the proper access information to conduct tabulation.
2. Zero totals on the tabulators before proceeding – print zero report.
3. Ensure the correct ballot output trays are set to receive write-ins, overvotes, and blank ballots.
4. You will receive ballots from the Inspection Board, if used, or from the Election Administrator or designee.
5. Enter the appropriate precinct number and time on the Tabulating Log.

**Note:** *Once you start scanning the batch, the tabulator **will not** stop until it has scanned every ballot in the batch.*

6. When the batch is complete, refer to the monitor to ensure it has successfully run.
  - If the ballots have been counted and processed, move the ballots in the bottom tray to your counted ballot area.
  - The middle tray will include your write-in ballots and will need to be moved to the write-in area.
  - The top tray will include all ballots that were not processed. Ballots in this tray either need to be rescanned or moved to their respective places (blank ballots basket, overvote basket, etc.).

**Refer to the DS450®/DS850®/DS950® monitor for more information why ballots in the top tray were not processed.**

7. When the precinct is complete, ensure the ballots are sealed and the Chain of Custody and Security Seal Log are properly completed, signed, and returned with the ballots.
8. When all ballots for a precinct are run, feed into the tabulator, one by one, any ballots the tabulator did not read.
9. At the end of the night, run resolution and/or resolved and duplicated ballots through the tabulator to ensure all resolved ballots are counted. Follow instructions provided by the Election Administrator on these procedures.

## Tabulation Boards

At the discretion of the Election Administrator, any of the following boards, **if used**, may be combined and members given other duties. If a county does not have all or some of the boards described below, they will assign the duties, when needed, to their election judges who must be trained on those duties.

***The following Boards require specialized training and forms as provided by the Election Administrator. Suggested procedures for the Boards are outlined.***

### Observation Board

An Observation Board will assist with pre-election testing of tabulators to verify the accuracy of the programming. The test shall be repeated immediately before the start of the official count of the ballots and repeated after the official ballot count is completed.

This Board should be familiar with the correct procedures for processing ballots, as well as general operating procedures.

### Receiving Board

A Receiving Board is responsible for ballot transfer cases that will be delivered to this board by two judges from each precinct during the early count period and/or at the close of polls.

1. Track receipt on the log provided noting the following:
  - precinct number;
  - time received;
  - number on seal; **and**
  - condition of seal (intact or broken). If the seal is broken or there appears to be any other irregularities, note on log and notify the Election Administrator.
2. Break the seal and compare the seal number with the number on the ballot report that is inside the transfer case. If the numbers are different, notify the Election Administrator.
3. Each precinct judge must sign the log in the space provided.
4. The Receiving Board members must initial in the space provided.
5. When the tasks as described are complete, the transfer case is passed to the Inspection Board.



## Inspection Board

The Inspection Board is responsible for inspecting ballots before tabulation. Ballots from only one precinct at a time are inspected.

1. Fill in the Inspection Board log, noting the following:
  - precinct number; **and**
  - time received.
2. Open the transfer case and remove ballots and ballot log.
3. Inspect the ballots for damage and for ragged edges. Check for official ballot stamp on the ballots. Notify the supervisor if the stamp information is missing. If you decide a ballot needs duplicating, transfer that ballot to the duplication table.
4. Fill in the log, noting the number of ballots to be duplicated.
5. All board members must initial the log in the space provided.
6. Ballots will be prepared for insertion into tabulating equipment.

## Duplication Board

The Duplication Board is charged with duplicating ballots damaged due to tears, folds, or other reasons that prevent the ballot from going through the machine. If a county using tabulators does not have a designated Duplication Board or Resolution Board, the county must have judges trained to perform the duties described below, including at least three judges assigned to duplicate ballots.

Ballots will be delivered to the Duplication Board by either the tabulator operator or Inspection Board Judge.

1. Fill in the log provided, noting the following:
  - precinct number;
  - time received; **and**
  - number of ballots to be duplicated.
2. Duplicate the damaged ballots using the following procedures:
  - Retrieve the ballot from the precinct, duplicate the elector's choices on the new ballot.
  - Place the damaged ballot in a basket to be sealed later that evening.
  - One board member duplicates while the other two judges observe closely.

- With a red pen or stamp, mark both damaged and duplicated ballot with:
  - precinct number; **and**
  - judges' initials.

## Write-in Board

Ballots will come from tabulator operator or designee.

1. Review only the write-ins you are instructed by the Election Administrator to review.
2. Tally votes for the write-ins on tally sheets provided to you by the Election Administrator.
3. All judges must initial the tally sheets.
4. For additional instructions on counting write-in votes, *see Determining a Valid Write-In Vote in Technical References, page 89.*

## Resolution Board

The Resolution Board is charged with duplicating ballots or in limited cases fixing ballots that cannot be read by the tabulator. If a county using tabulators does not have a designated Resolution Board, the county must have judges trained to perform the required duties, including at least three judges assigned to resolve ballots not able to be counted by the tabulator.

The Board will consist of three election judges. If possible, at least two judges shall be members of different qualified political parties.

1. Ballots rejected by the machine will be received from the tabulator operator. If the tabulator is unable to read the ballot, the ballot will be duplicated as necessary so the tabulator will read the ballot according to the elector's wishes.

*See also the Determining a Valid Vote in Technical References, page 86.*

2. Enter the precinct number and the reason the ballot was rejected by the machine into the log. Enter the decision reached by the board as to whether the elector's intent could be determined. All judges will initial the ballot and log in red ink.
3. Blank ballots could indicate the elector used a writing tool that was not detected by the tabulator. The Resolution Board will use a writing tool provided

by the Election Administrator to mark the elector’s original ballot so it can be counted by the tabulator. One judge will mark as the other two observe. Judges will initial the ballot with red ink pen. A log will be kept of the precinct number and status of the ballot.

4. After all ballots that have been processed by the Resolution Board, the resolution ballots will be presented to the tabulator operator or designated official to be counted.

## Election Results Board

It is the responsibility of the Election Results Board to prepare the final, unofficial election results for votes counted at the counting center.

The duties are as follows:

1. When a report having precinct totals for each candidate and each ballot issue comes from the tabulator operator or designated official, tape it to the appropriate precinct Election Results.
2. Copy, distribute, and post the Election Results sheet in the counting center.

## Absentee Ballot Counting Board

See *Absentee Voting and Absentee Ballots* section, page 35, for detailed information pertaining to counties with an appointed absentee counting board.

## Close of Tabulating Center

It will be the duty of the Election Administrator or designee to collect all ballots, logs, and materials used for the counting center and place them in secure storage upon completion of the tabulation of ballots and certification of the results of the election.

- Before adjournment, enclose the items specified in the envelopes provided. See *List of Envelopes for Ballots and Supplies* in the *Appendix*, page 104.
- If instructed, each election judge will sign their name across all seals affixed to the official envelopes. These envelopes, with the rest of the supplies provided for the election, are returned to the Election Administrator. (13-15-205, MCA)



# Technical References

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## Determining a Valid Vote

(ADMINISTRATIVE RULES OF MONTANA ARM 44.3.2402)

Before being counted, each questionable vote on a paper ballot set aside under 13-15-206, MCA must be reviewed by the designated board.

### Manually Counting and Recounting Paper Ballots

If an elector does not mark a candidate, judicial retention choice, or issue choice, the valid votes for other candidates or issues on the same ballot shall be counted. The following general rules shall apply in a count or recount of paper ballots:

(a) More than one designated voting area has been marked and at least one mark has been erased, but residue is or is not left. The election officials shall cause a vote to be counted for the designated voting area that has been marked:

✓ valid vote



Yes



No

(Erasure has been attempted.)

(b) One designated voting area is marked and at least one other designated voting area is marked with a heavy mark and no erasure has been attempted. The election officials shall cause this to be designated as an overvote [for write-in vote determinations, refer to “Determining a Valid Write-In Vote”, page 89]:



Yes



No

(No erasure has been attempted.)

X overvote

(c) The designated voting area has been marked for one candidate or ballot issue choice and a partially completed mark is made in at least one other designated voting area. The mark may or may not have some erasure, although for the purpose of this rule, erasure is not required. If the intent of the elector is not clear, the election officials shall cause this to be designated as an overvote:



Yes



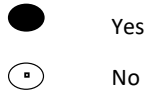
No

(Erasure may or may not have been attempted.)

X overvote

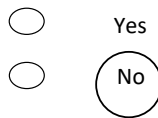
(d) The designated voting area has been marked for one candidate or ballot issue choice and a hesitation mark is present within at least one other designated voting area. The election officials shall cause a vote to be counted for the designated voting area that has been marked:

✓ valid vote



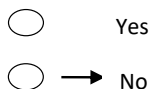
(e) The designated voting area has not been marked according to instructions, but the designated voting area, candidate, or ballot issue choice is circled, underlined, checked, or otherwise clearly marked. The election officials shall cause a vote to be counted for the marked choice:

✓ valid vote



(f) The designated voting area has not been marked according to instructions, but there is a connective line or arrow between the candidate or ballot issue choice and the designated voting area to indicate the vote. The election officials shall cause a vote to be counted for the marked designated voting area:

✓ valid vote



(g) More than one designated voting area has been marked, but no clear mark is used to indicate the intended candidate or ballot issue choice. This includes, but is not necessarily limited to, instances in which more than the allowable choices are marked, and an "X" has been marked in either or both designated voting areas. The election officials shall cause this to be designated as an overvote:



Yes  
No



Yes  
No

X overvote

(h) More than one designated voting area has been marked, but a clear word, mark, or statement is used to indicate the intended vote. The election officials shall cause a vote to be counted for the designated voting area indicated as the intended vote:

✓ valid vote



Yes

No

I wish to vote no.

(i) A word or statement has been used to indicate the intended vote instead of marking the designated voting area according to instructions. The election officials shall cause a vote to be counted for the designated voting area indicated as the intended vote:

✓ valid vote

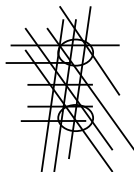


Yes

No

I wish to vote no.

(j) All of the designated voting areas are crossed out. The election officials shall cause this to be designated as an undervote:



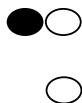
Yes

No

X undervote

(k) A mark is made outside the designated voting area but close enough to the designated voting area to determine voter intent, and the designated voting area is not marked. The election officials shall cause a vote to be counted for the designated voting area determined as the intended vote:

✓ valid vote



Yes

No

(l) A ballot is marked with different colors or types of marking instruments. The election officials shall cause votes to be counted as marked by the voter unless it is determined that the ballot is otherwise not valid:

✓ valid vote



Yes

No



## Determining a Valid Write-In Vote

(13-10-211, 13-15-206, and 13-21-206, MCA and ARM 44.3.2403)

A write-in vote for a declared write-in candidate may be counted **only**:

- If the oval, box, or other designated voting area on the ballot is marked, **and**
- If the write-in vote identifies an individual by a designation the declared write-in candidate listed on the candidate's filing form (*except as noted for absent military or overseas electors voting a Federal Write-In Absentee Ballot*).

Write-in votes for candidates who **have not filed** a declaration of intent as a write-in **may not** be counted.

Any elector may write in the name of a candidate, regardless of whether the candidate has filed a declaration of intent. The ballot should be accepted, even if the write-in vote for that candidate will not be counted.

The Election Administrator will provide copies of filing forms listing name variations to ballot tabulating judges.

## Manually Counting and Recounting Paper Ballots with Write-In Votes:

If an elector does not mark a candidate, judicial retention choice, or issue choice, the valid votes for other candidates or issues on the same ballot shall be counted. The following rules will apply to determining a valid write-in vote in a count or recount of paper ballots (*and must be read in conjunction with the “Determining a Valid Write-In Vote” section, page 89*):

(a) A name is written in, but the designated write-in voting area is not marked, and no other candidate is selected. The election officials shall cause this to be designated as an undervote:



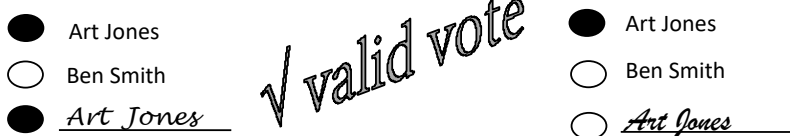
(b) No candidate name or office is written in, but the designated write-in voting area is marked and no other candidate is selected. The election officials shall cause this to be designated as an undervote:



(c) A printed candidate is selected by marking of the designated voting area, and no name is written in, but the designated write-in voting area is marked. The election officials shall cause a vote to be counted for the printed candidate:



(d.1) A printed candidate is selected by marking of the designated voting area, any individual's name is written in, and the designated write-in voting area is marked. If the name written in is the same as the name of the printed candidate selected, the election officials shall cause a vote to be counted for the printed candidate selected. If the designated voting area for a printed candidate is marked and the same name is written in, but the designated write-in voting area is not marked. The election officials shall cause a vote to be counted as a vote for the marked designated voting area:



(d.2) If the name written in is different from the name of the printed candidate selected, the election officials shall cause this to be designated as an overvote:

- ☒ Art Jones
- ☐ Ben Smith
- ☒ Bob Miller

*X overvote*

(e) Comments are written in which do not indicate a clear vote and no candidate is marked. The election officials shall cause this to be designated as an undervote:

- ☐ Art Jones
- ☐ Ben Smith
- ☐ I'm not sure.

*X undervote*

(f) The designated voting area for a printed candidate is marked, a comment is written in, and the corresponding designated write-in voting area is or is not marked. The election officials shall cause this to be counted as a vote for the printed candidate unless the comment creates uncertainty about who the choice is or directs the election official not to count the vote for the printed candidate selected. In the latter case, the election officials shall cause this to be designated as an undervote:

- ☒ Art Jones
- ☐ Ben Smith
- ☐ Art is who I choose

OR

- ☒ Art Jones
- ☐ Ben Smith
- ☒ I'm not sure.

*✓ valid vote*

*X undervote*

(g) At least one printed candidate appears as a candidate for the office and the designated voting area is not marked for any printed candidates, but a name is written in that is not the name of a declared write-in candidate and the corresponding designated write-in voting area is or is not marked. The election officials shall cause this to be designated as an undervote:

- ☐ Art Jones
- ☐ Ben Smith
- ☒ Art Jones

*X undervote*

## Determining a Valid Vote on an ExpressVote®

A vote on an ExpressVote® voter assist terminal consists of an elector's selection of candidates or choices on ballot questions appearing on the voting surface of the device (and via audio), followed by the elector causing a special ballot card to be marked by following the written or verbal instructions. The ballot card will show special bar codes to be used by a tabulation device and the candidates, questions, and issues voted in plain text. The card will not show all the possible choices on the ballot and will only show the voted candidate, question, and issue.

The ExpressVote® system also provides for the elector to be able to enter the name of a write-in candidate where applicable.

**See also *Determining a Valid Write-In Vote*, page 89.**

Even if an elector does not mark a candidate, judicial retention choice, or ballot issue choice, the valid votes for other candidates or issues on the same ballot shall be counted. The ExpressVote® will warn the voter about missing votes (undervotes), but will process and print the ballot card if the voter confirms their choices.

If an Election Administrator or counting board has reason to believe an ExpressVote® voting system is not functioning correctly, the Election Administrator or counting board must test the system in accordance with 13-15-209, MCA and ARM 44.3.1714.

## Determining a Valid Vote on a Voting System

(13-15-206, MCA)

When a ballot is processed in a tabulator and the voting system recognizes and counts the vote, it is a valid vote.

If the voting system cannot process the ballot because of the ballot's condition or if the voting system registers an unvoted ballot or an overvote, which must be considered a questionable vote, the entire ballot must be set aside and the votes on the ballot must be counted as provided under ***Determining a Valid Vote*** and ***Determining a Valid Write-In Vote***, pages 86 and 89.

Before being counted, each questionable vote on a paper ballot set aside as noted above must be reviewed by the resolution or counting board. Questionable votes are to be evaluated according to the rules under *Determining a Valid Vote* and *Determining a Valid Write-In Vote* and 13-15-206(3) and (4), MCA.

- If a majority of the resolution or counting board members agree the elector's intent can be clearly determined **under the rules**, the vote is valid and must be

counted according to the elector's intent.

- If a majority of the resolution or counting board members do not agree the elector's intent can be clearly determined under the rules, the vote is not valid and may not be counted.

If an Election Administrator or counting board has reason to believe a voting system is not functioning correctly, the Election Administrator or counting board must test the system in accordance with 13-15-209, MCA and ARM 44.3.1714.

## Determining a Valid Vote on a Federal Write-In Absentee Ballot (ARM 44.3.2405)

A Federal Write-in Absentee Ballot (FWAB), or other ballot, cast electronically by a United States elector may be counted if it is transmitted by the elector to the Election Administrator before the close of polls on election day and is received by the Election Administrator before 5 p.m. on the day after the election. Such FWABs and other Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) ballots transmitted electronically by 8 p.m. on election day that are received after the close of polls are counted at the same time as provisional ballots are counted.

A mailed FWAB must be accepted until the sixth day after the election if it is sent by 8:00 p.m. on election night.

- A UOCAVA elector voting a FWAB for any election may designate a candidate by writing in the name of the candidate or by writing in the name of the political party for which the elector is voting. For a partisan election, a written designation of the political party must be counted as a vote for the candidate of that party.
- If the elector is voting in a **primary election**, the elector shall identify the elector's political party affiliation as provided for in the appropriate section of the ballot. A vote cast by writing in the name of a candidate who is not affiliated with the elector's selected party is void and may not be counted.
- A vote by a covered voter on a FWAB may not be voided for reasons of misspellings, abbreviations, or other minor variations of the candidate's name.
- If the elector receives the regular absentee ballot after the elector has marked and mailed a FWAB, the elector may mark and return the regular absentee ballot, and the regular absentee ballot is the ballot that will be counted.

## Handling Unvoted Primary Ballots or Multiple Ballots

In a partisan primary election, electors are provided with a ballot for all eligible parties holding a primary nominating election. Electors choose one party ballot to vote and enclose the voted ballot in the secrecy envelope provided. Unvoted party absentee ballots in a primary election may be disposed in accordance with instructions and no longer need to be returned to the Election Administrator.

**Q. How do you handle a situation where an elector returned a marked ballot in the secrecy envelope, but did not return the unvoted ballot(s)?**

**A.** Process the marked ballot as you normally would. Voters are no longer required to return the unvoted ballots in a primary election.

**Q. An elector enclosed all party ballots in the secrecy envelope; do you reject all ballots?**

**A.** If the judges can determine only one-party ballot is marked, then that ballot may be counted. Place the unmarked ballot in an unvoted ballot envelope or area designated by your Election Administrator.

**Q. An elector enclosed all party ballots in the secrecy envelope and made marks on more than one party ballot. What do you do with those ballots?**

**A.** Because there is no way for an election judge to determine which party ballot the voter intended to have counted if multiple ballots have been marked, all ballots must be rejected.

**Q. Individuals with the same mailing address enclosed all their voted party ballots in one signature envelope, and the ballots are either in their own secrecy envelopes, OR are not in a secrecy envelope – what do you do?**

**A.** If each individual signed the signature envelope, and each individual's ballot was placed in its own secrecy envelope, you may accept those ballots. However, if each ballot is not in its own secrecy envelope or each individual didn't sign the secrecy envelope, the ballots must be rejected.

**Q. Upon opening the signature envelope, you found that a single, marked ballot was enclosed, but not in a secrecy envelope.**

**A.** Without looking at the marked ballot, place it in a secrecy envelope and process as usual.

**Q. Upon opening the signature envelope, you found that more than one ballot was enclosed, but neither ballot is in a secrecy envelope.**

**A.** Place both ballots in a single secrecy envelope for later processing by election judges (see next questions).

**Q. Upon opening the signature envelope, you found that more than one ballot was enclosed, each ballot in its own secrecy envelope.**

**A.** If the signature envelope contains a valid signature for each elector, the secrecy envelopes can be removed from the signature envelope and processed. If the signature envelope contains the signature of only one elector, the ballots must be rejected.

**Q. What if you receive a secrecy envelope with two separate ballots in it?**

**A.** A ballot must be rejected if in the secrecy envelope there is more than the number of ballots allowed to be marked for each election. However, this does not apply if:

- 1) There are multiple elections being held at the same time and the envelope contains only one ballot for each election: or
- 2) Only one of the ballots in the secrecy envelope is marked.

**Q. What if voters in the same household return two 1<sup>st</sup> sheet ballots in one secrecy envelope, and two 2<sup>nd</sup> sheet ballots in another secrecy envelope?**

**A.** By the time an error like this would be discovered (when secrecy envelopes are opened) you will not know if they came from the same household. The ballots must be rejected. This rejection is based on the premise there are more than the number of ballots allowed to be marked for the election.

## Guidance to Election Officials Regarding Official Poll Watchers and Election Observers

Poll watchers and election observers are an important part of Montana’s open and transparent election process. These guidelines are intended to provide guidance to election officials regarding their roles and responsibilities with poll watchers and election observers.

### General Guidelines

**Election day is for the elector.** As a rule, no person may obstruct the polling place or engage in solicitation of an elector in any manner that interferes with the election process or obstructs the access of electors to or from the polling place. Unlawful polling place conduct can be punishable as a misdemeanor under Montana law.

Election officials are allowed some discretion in terms of how to handle observers on election day. Guidelines for observers must be **reasonable, fairly applied, and documented** for election day.

**Note:** *Montana law prohibits a candidate from serving as a poll watcher at a polling place where the candidate’s name is on the ballot (13-13-120, MCA).*

How observers are handled on election day may vary from jurisdiction to jurisdiction for reasons including but not limited to:

- The size and configuration of the polling place, election office or tabulation center.
- The resources available to the county on election day, including staffing levels.
- The number of observers requesting access to a location.

Before election day, election officials should evaluate each election day location to make decisions about how to handle non-electors on election day.

Election officials must permit one poll watcher from each political party to be stationed close to the poll lists in a location that does not interfere with the election procedures (13-13-120(1), MCA). For a mail ballot election, at least one poll watcher



from each political party must be permitted at each place of deposit designated under 13-13-120(3), MCA and 13-19-307, MCA.

The Election Administrator, where applicable, or election officials working at the polls may **uniformly** (13-1-301 and 13-35-203, MCA and ARM 44.3.2904:

- Use discretion in determining a sufficiently close distance for observers to be stationed from the process they want to observe.
- Establish security protocol for observers including using sign-in sheets and identification badges and prohibiting the use of cell phones, pagers, cameras, and other audio or video equipment or electronic devices.
- Require order and quiet inside any observation area.
- Use discretion in determining how and to whom observers may pose questions and challenges during the observation process.
- Restrict the number of observers permitted in a polling place, election office or tabulation center to prevent interference with the election process, if the restriction is **reasonable and fairly applied**.
- Restrict the items observers may bring into the polling place, election office or tabulation center such as cell phones, large bags, or backpacks, etc.
- Request assistance from law enforcement when necessary to ensure orderly and unrestricted access to the polling place and election office by electors.
- Restrict any activity they determine undermines the **security, integrity, or accuracy** of the election process at the polls, tabulation center and election office.

The Election Administrator, or other election officials where appropriate, may provide uniform guidance to official poll watchers and election observers as follows:

- Individuals will notify the appropriate election official(s) as soon as possible **before** election day of their interest in being poll watchers or election observers.
- Poll watchers and election observers should familiarize themselves with Title 13 Election Laws of Montana and county-specific election guidance.
- Poll watchers and election observers will check-in with the Chief Election Judge at the polling place, election office, or tabulation center to find out where their designated observation area is located.

- A name tag provided by the Chief Election Judge clearly identifying an individual as a poll watcher or election observer is required to be worn at all times in the polling place, election office, or tabulation center where they are observing.
- Any questions, concerns, or suggestions from poll watchers and election observers are to be directed to the Chief Election Judge for the location, unless otherwise instructed.
- Poll watchers and election observers must observe the proceedings at the polling place, election office, or tabulation center **without** interfering with electors or election officials. The entire vote counting procedures and all entries of the results of the elections may be observed. No person may make public the results of a vote tally from a precinct **until after** the polls have closed (13-35-241, MCA).
- Observers of early counts before polls are closed must also complete and sign the following affirmation:

*“I, \_\_\_\_\_, will not discuss the results of the early counting of votes any time prior to the closing of the polls on election day.” (13-15-207, MCA)*

To protect the security and integrity of the election, official poll watchers and election observers at the polling place on election day may not:

(13-35-203, MCA and ARM 44.11-606)

- Interfere with the conduct of the election.
- Physically handle any voting materials or equipment without the express permission of the Election Administrator or chief polling place election official.
- Move or rearrange tables, chairs, or other election day equipment without the express permission of the Election Administrator or chief polling place election official.
- Sit at an official worktable or view confidential voter information on any equipment or paper document.
- Assist in any way with the official election process operations at a polling place, election office, or tabulation center.
- Communicate with voters regarding voting for or against any candidate or issue on the ballot unless they are at least 100 feet from any entrance to a polling place.
- Display or wear any campaign material.

- Distribute alcohol, tobacco, food, drink, or anything of value to a voter within 100 feet of a polling place ([13-35-211, MCA](#) and [ARM 44.11.606](#)).
- Discuss or disclose the results of the early counting of votes at any time prior to the closing of the polls on election day ([13-15-207, MCA](#) and [13-35-241, MCA](#)).

## Electioneering and Signature Gathering

Electioneering *generally* falls under the jurisdiction of the [Commissioner of Political Practices](#). Call 406-444-2942 or email [cpphelp@mt.gov](mailto:cpphelp@mt.gov) or [cppcompliance@mt.gov](mailto:cppcompliance@mt.gov) for specific questions or additional guidance.

**What is Electioneering?** Electioneering is the solicitation of support or opposition to a candidate or issue to be voted upon at the election.

- A person may not do any electioneering on election day within any polling place or building in which an election is being held or within 100 feet of any entrance to the building in which the polling place is located, that aids or promotes the success or defeat of any candidate or ballot issue to be voted upon at the election.
- On election day, a candidate, a family member of a candidate, or a worker or volunteer for the 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 the building in which the polling place is located ([13-35-211, MCA](#) and [ARM 44.11.606](#)).
- A person may not buy, sell, give, wear, or display at or about the polls on an election day any badge, button, or other insignia that is designed or tends to aid or promote the success or defeat of any candidate or ballot issue to be voted upon at the election. A person within a polling place or any building in which an election is being held may not solicit from an elector, before or after the elector has marked a ballot and returned it to an election judge, information as to whether the elector intends to vote or has voted for or against a candidate or ballot issue ([13-35-211, MCA](#)).

## Frequently Asked Questions

**Q.** What is the “**100 FOOT RULE?**”

**A.** Montana law restricts campaigning, or “electioneering **on election day** within any polling place . . . or within 100 feet of any entrance to the building in which the polling place is located . . .” (13-35-211, MCA)

**Q.** How do I measure 100 FEET – is it 100 FEET from any polling place?

**A.** The law states “within 100 feet of **any entrance** to the building in which the polling place is located. . .” (13-35-211, MCA)

**Q.** Can electioneering occur in an area **BEYOND 100 FEET** from the polling place?

**A.** Generally, speech beyond 100 feet from an entrance to a polling place is not restricted.

**Q.** Can I wear a badge, button, or campaign shirt to the polls? What about bumper stickers?

**A.** Per 13-35-211, MCA, “*A person may not buy, sell, give, wear, or display at or about the polls on an election day any badge, button, or other insignia that is designed or tends to aid or promote the success or defeat of any candidate or ballot issue to be voted upon at the election.*”

ARM 44.11.606 provides that “*Electioneering does not include the display of ordinary bumper stickers on automobiles.*”

**Q.** Can **CAMPAIGN MATERIALS** be brought into a polling place?

**A.** No, soliciting support for or opposition to a candidate/issue at a polling place is prohibited when that candidate/issue is on the ballot.

**Q.** Can people **GATHER SIGNATURES ON PETITIONS** at the polling place?

**A.** Yes. Orderly signature gathering that does not interfere with the election process or obstruct elector access to the polls is not prohibited as long as the petition does not concern an issue being voted on at the polling place. Additionally, opponents to an issue for which signatures are being gathered have the same rights and responsibilities as signature gatherers at the polling place.

**Q.** Can **CANDIDATES BE PRESENT** in the polling place? Can they **WORK** at the polls?

**A.** Statute does not prohibit candidates in the polling place—it prohibits electioneering (which includes campaigning) in or about the polling place.

Candidates and certain family members are prohibited by law from working as election judges. See [13-4-107\(2\), MCA](#) and the chart on page 8 for reference.

**Q.** Can **FOOD, DRINKS, AND OTHER ITEMS** be provided to people waiting in line to vote at a polling place?

**A.** On election day, a candidate, a family member of a candidate, or a worker or volunteer for the candidate’s campaign **may not** distribute anything of value to a voter in a polling place or within 100 feet of a polling place entrance. ([13-35-211, MCA](#) and [ARM 44.11.606](#))

**Q. WHAT DO I DO IF I SEE A VIOLATION?**

**A.** If a violation is witnessed, inform the Chief Election Judge. If the official is not able to correct the problem, the official should call law enforcement.

*“An election officer, sheriff, constable, or other peace officer may clear the passageway, prevent any obstruction, or arrest any individual obstructing the passageway to a polling place.” ([13-13-122, MCA](#))*

*“A person on election day may not obstruct the doors or entries of any polling place or engage in any solicitation of a voter within the room where votes are being cast or elsewhere in any manner that in any way interferes with the election process or obstructs the access of voters to or from the polling place.” ([13-35-218\(4\), MCA](#))*



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## List of Envelopes for Ballots and Supplies

(If not all envelopes are used by your jurisdiction, follow the instructions provided by your Election Administrator.)

**Envelope No. 1** Poll Books, tally books, precinct register. SEAL this envelope.

**Envelope No. 2** Ballots not issued with numbered stubs attached. SEAL this envelope.

**Envelope No. 3** All hand-counted voted ballots, including those not counted or rejected (and all detached stubs, unless in Envelope 4.)  
SEAL this envelope.

**Envelope No. 4** Primary election – unvoted party ballots and all detached stubs, and all detached stubs from voted ballots. SEAL this envelope.  
General election – at your option, if detached stubs are not put in Envelope 3, place them in Envelope 4. SEAL this envelope.

**Envelope No. 5 - 6** (Unassigned – County custom use)

**Envelope No. 7** Unofficial election return sheet, for hand-count ballots or precinct-tabulated ballots. Keys and time sheets. DO NOT SEAL.

**Envelope No. 8** Unopened and unexamined absentee ballots (if applicable).

**Envelope No. 9** Absentee ballots sent from the Election Administrator to the Chief Election Judge, to be opened on election day.

**Envelope No. 10** Empty absentee ballot envelopes and written requests for absentee ballots, if applicable. SEAL this envelope.

**Envelope No. 11** DS200®/DS300® flash drive with corresponding printer report attached to card. SEAL this envelope.

**Envelope No. 12** Supply envelope sent from the Election Administrator to the election judges.



## Polling Place Contingency Plan

*In cases involving extreme emergencies, it may be necessary for the Secretary of State to provide special directives regarding election day. If directives are necessary, the Election Administrator will relay and distribute all information to the election judges.*

### Emergency Relocation of Polling Place Checklist

The Chief Election Judge or Polling Place Manager will use the following checklist in the event an emergency requires relocation of the polling place.

**Modify checklist as necessary for county-specific procedures.**

**1. Is there an immediate threat to the safety of electors or election judges?**

If **yes**, evacuate electors and judges, and **call 911!**

**2. If there is no immediate safety threat:**

- ☐ Call the Election Administrator at: \_\_\_\_\_.
- ☐ Evacuate electors in a calm manner. Let electors who have a ballot finish voting unless a threat is imminent.
- ☐ Seal and secure all ballots for transport.
- ☐ Before voting machines are turned off, note the number of ballots on each machine so the number can be verified at the new location.
- ☐ Secure the voting equipment and prepare for transport.
- ☐ Transport equipment and supplies to the designated relocation area using bipartisan teams of judges. Make sure at least two judges are present when handling ballots or voting equipment.
- ☐ Post Polling Place Relocation Signs where they are easily visible at the evacuated polling place location.
- ☐ Set up election machines, ballots, and other supplies at the new polling place.
- ☐ Verify seals on the equipment and ballot boxes are intact.
- ☐ After the voting machines are turned on, verify the number of ballots on each machine is the same. New “zero” tapes are not required.
- ☐ Resume voting as quickly as possible.
- ☐ Contact the Election Administrator when relocation is complete.

## Additional Resources for Election Judges

Voters' Frequently Asked Questions on the Secretary of State's website:  
[sosmt.gov/elections/FAQ](https://sosmt.gov/elections/FAQ)

Vote Ready (voter registration information, polling place locator, sample ballot, tracking absentee ballot status): [votemt.gov/](https://votemt.gov/)

Election Laws of Montana, Title 13 Montana Code Annotated (MCA):  
[leg.mt.gov/bills/mca/title\\_0130/chapters\\_index.html](https://leg.mt.gov/bills/mca/title_0130/chapters_index.html)

Federal Voting Assistance Program (FVAP) for Military or American Overseas voters (UOCAVA): <https://www.fvap.gov>

Election questions: Call the [local county election office](#) or Secretary of State – Elections Division, at (406) 444-9608 or (888) 884-8683.

Polling Place electioneering questions: Call the Commissioner of Political Practices at (406) 444-2942 or see the website at <https://politicalpractices.mt.gov/>.



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