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MONTANA SECRETARY OF STATE

# Initial Implementation Guidance / Directive #01-21.1 (Revised)

Issued: October 25, 2022

**TOPIC: Revising FAQs for the implementation of the immediate effective date for HB 176 which changes the deadlines for late registration, voter registration identification, and polling place identification requirements.**

## **AUTHORITY:**

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

The following provides additional guidance to election administrators in the form of FAQs as a result of the legal proceedings so far regarding the 2021 election law changes which came into effect upon passage of [HB 176](#), [HB 530](#), and [SB 169](#) in the 2021 Legislature.

## **QUESTIONS:**

### **Q. What is the effect of the ruling on ballot collection (HB 530 Section 2)?**

**A.** Nothing. HB 530, Section 2 required the Secretary to initiate rulemaking concerning cash for ballots. Rulemaking was enjoined before it started last April.

### **Q. What is the effect of the ruling on the deadline for late registration?**

**A.** Voter registration applications received by 8:00 pm on election day will be processed. The enforcement of the noon deadline the day before the election is enjoined.

### **Q. On election day do I issue provisional ballots to late registrants?**

**A.** Yes, doing so ensures that the voted ballot is not placed into a ballot box until the potential for duplication is checked and confirmed.

**Q. Do I pause voter registrations between 12:00 and 5:00 the day before the election?**

**A.** Yes, that portion of the law was not changed. Supplemental registers are printed during that time and the system needs to not have new data added to it so that the supplemental registers are accurate.

**Q. What is the effect of the ruling on identification for voter registration?**

**A.** In the 2022 General Election, an applicant for voter registration **shall** provide the applicant's Montana driver's license number. If the applicant *does not have* a Montana driver's license, the applicant **shall** provide the last four digits of the applicant's social security number. Only if an applicant does not have a Montana driver's license or social security number, the applicant shall provide as an alternative form of identification: a current and valid photo identification, including but not limited to a school district or postsecondary education photo identification or a tribal photo identification, with the individual's name; or a current utility bill, bank statement, paycheck, government check, or other government document that shows the individual's name and current address. The alternative form of identification must be: an **original version** presented to the election administrator if the applicant is applying in person; or a copy of any of the required documents, which must be enclosed with the application, if the applicant is applying by mail.

**Q. What is the effect of the ruling on identification at the polling place?**

**A.** In the 2022 General Election, an elector is required at the polling place to present 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.

**Q. What happens with the Reasonable Impediment Form?**

**A.** The Reasonable Impediment Form was created in the implementation of SB 169 and is enjoined from being used.

**Q. I heard that the Polling Place Elector ID form is not to be used? Is that correct?**

**A.** Yes. Prior to 2021, the administrative rule authorizing the use of the Polling Place Elector ID form was not appropriately supported in statute. The administrative rule was removed because it did not comply with either statute. In MAR 44-2-250, SOS proposed changes to reintroduce and save the form based on the implementation of SB 169. Because the District Court Order enjoined SB 169 implementation, the form may not be used.

**Q.** What happens to voters that in the past would have used a Polling Place Elector ID form?

**A.** Voters need to present one of the polling place identification options as outlined above. While there are many options, note: Most people who drive to the polling place have a government document in their car – e.g., vehicle registration.