Mail Ballot
Election Process

Montana Secretary of State, Elections Division
State Capitol Building
1301 E. 6th Ave Room 260
PO Box 202801
Helena, MT 59620
sosmt.gov  soselections@mt.gov  406-444-9608
Mail Ballot Elections

➢ Mail Ballot Elections are conducted by mailing ballots to eligible active and provisionally registered electors
➢ Mail ballot elections do not involve the use of polling places

Overview

Mail Ballot Election Laws and Rules
Type of Elections that May Not Be Conducted by Mail Ballot
Initiating a Mail Ballot Election
Submitting the Plan, Timetable and Instructions
Preparing Ballots
Mail Ballot Absentee Voting
Eligibility for Mail Ballots
Mailing and Receiving Ballots
Replacement, Undeliverable, and Invalid Ballots
Late Registrants, Inactive, and Reactivating Electors
Places of Deposit
Mail Ballot Forms
Frequently Asked Questions and Quick Guide
Montana Code Annotated **MCA 13-19-101**
Mail Ballot Elections

http://leg.mt.gov/bills/mca/title_0130/chapter_0190/parts_index.html
Administrative Rules (ARM) 44.3.27
Mail Ballot Elections

http://www.mtrules.org/gateway/Subchapterhome.asp?scn=44.3.27
Montana Secretary of State - Mail Ballot Elections
Statutory Role

➢ The SOS is required by law to review and approve, disapprove or recommend changes to mail ballot plans and timetables.

➢ The SOS issues advisories, directives and informational memos on mail ballot election processes.
Montana Code Annotated (MCA) - Jurisdiction Specific

School Districts - MCA 20-20-301
Special Districts – MCA 7-11-1002, MCA 7-11-1003, MCA 7-11-1011

- Cemetery districts
- Museum districts
- Park districts
- Fair districts
- Solid waste districts
- Local improvement districts
- Mosquito control districts
- Multijurisdictional districts
- Road districts
- Rodent control districts
- Television districts
- Districts created for any public or governmental purpose not specifically prohibited by law.
MCA – Jurisdiction Specific Qualified Elector Laws

Special Districts - [MCA 7-11-1002(3)(c)] - Does not include:

- Business improvement districts
- Cattle protective districts
- Conservancy districts – [MCA 76-15-207] and [MCA 13-1-504(2)(b)]
- Water and sewer districts – [MCA 7-13-2212, MCA 7-13-2325]
- Planning and zoning districts
- Drainage districts – [MCA 85-8-305]
- Grazing districts
- Hospital districts
- Irrigation districts – [MCA 85-7-1710]
- Library districts
- Livestock protective committee
- Parking districts
- Resort area district
- Rural improvement districts
- Special improvement districts
- Lighting districts
- Rural fire districts
- Street maintenance districts
- Tax increment financing districts
- Urban transportation districts – [MCA 7-14-210]
- Water conservation and flood control projects
- Weed management districts

May include voting by electors who are not registered in the jurisdiction
Additional Jurisdiction-Specific Qualified Elector Laws

➢ Fire Districts – MCA 7-33-2106
➢ Hospital Districts – MCA 7-34-2113
➢ Housing Authority - MCA 7-15-4408
➢ Local Port Authority – MCA 7-14-1106

Includes voting by electors who are not registered in the jurisdiction.

Irrigation and Drainage districts have proportional voting.
Proportional voting allows each elector to cast votes based on the amount of land owned by the elector within the district.

The term “proportional voting” does not refer to voting in bond elections.
The term “political subdivision” refers to the specific jurisdiction, such as a fire district, water and sewer district, school district, etc.

Even if one election in a county is being held at a polling place, other elections may be held by mail ballot in the same county on the same day.

In cases in which the voters overlap between elections conducted on the same day, all the elections should ideally be held either by mail or at the polling place.

Please consult with your county attorney for final decisions on interpretation of local election laws.
Elections that may **NOT** be conducted by Mail Ballot

- Regularly scheduled federal, state, or county elections
- A special federal or state election, unless authorized by the legislature
- A regularly scheduled or special election when another election in the political subdivision is taking place at the polls on the same day
Mail ballot elections are never required.

The governing body can request but not require that an election administrator conduct an election by mail ballot.

Alternatively, the election administrator can initiate the decision to hold an election by mail ballot.

The governing body can object by resolution at least 55 days or more before the election; if so, the election cannot be held by mail ballot.
Steps to initiate a Mail Ballot Election

1. The governing body of the political subdivision passes a resolution and transmits it to the election administrator no later than 70 days before election day.
   - Within 5 days, the election administrator responds in writing granting or denying the request and specifying the reason(s)
   - If granted, the election administrator prepares the written plan and timetable

2. An election administrator can submit the mail ballot plan and timetable prior to the deadline even if the governing body has not made a request.
   - Prepare the written plan
   - Forward to the governing body
   - Include a statement with reasons
   - Inform the governing body of the right to object

The governing body can object to conducting the election by mail ballot if they pass a resolution or file with the election administrator no later than 55 days prior to election day.
Requirements for Submission of the Plan, Timetable and Instructions

➢ The plan, timetable and instructions must be received by the Secretary of State at least 60 days before the election.

➢ The plan, timetable and instructions may be amended up until the 35th day before the election by notifying the SOS in writing.

➢ The plan, timetable and instructions should be emailed to: soselections@mt.gov

➢ If you are not certain that the materials were received, please call or email to confirm receipt. 406-444-9608
The plan, timetable and instructions can be found on the SOS website: https://sosmt.gov/elections/resources/

- Fill out each applicable item on the plan and timetable
- List specific dates
- 55 days for the governing body to opt out of the mail ballot election (Tuesday) is always a Wednesday
- Look for holidays and weekends on the timetable
# Mail Ballot Written Plan and Timetable

**Mail Ballot Written Plan and Instructions**

**MUST BE RECEIVED BY SECRETARY OF STATE NO LATER THAN 60 DAYS BEFORE ELECTION DAY. COMPLETE, SIGNED AND EMAIL TO: mail.ballots@dor.state.co.us.**

The document must be submitted until the 60th day before the election. Election can be cancelled if plan is not received by 5:00 PM. A written plan must be submitted for each type of election.

<table>
<thead>
<tr>
<th>Written Plan</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Legal Name of Jurisdiction</td>
<td>Click here to enter text</td>
</tr>
<tr>
<td>2 Name of County or Counties involved</td>
<td>Click here to enter text</td>
</tr>
<tr>
<td>3 Estimated # of Voters</td>
<td>Include Active, Inactive, and Provisional in jurisdiction. Inactive voters are only provided because by request and should be included separately.</td>
</tr>
<tr>
<td>4 Type of Election (e.g., trustee, voter, governing body, etc.)</td>
<td>Click here to choose one from list</td>
</tr>
<tr>
<td>5 Postage to return ballot paid by</td>
<td>Click here to choose from list</td>
</tr>
<tr>
<td>6 Ballot security and transportation</td>
<td>Mailers will be deposited in locked ballot box and secured in locked area. Any transportation of mailers will be conducted by at least two officials.</td>
</tr>
<tr>
<td>7 Ballots will be printed based on precinct, ward, or district</td>
<td>Click here to choose from list</td>
</tr>
<tr>
<td>8 For school elections, specify signature verification procedures</td>
<td>Click here to choose from list</td>
</tr>
</tbody>
</table>

**Timetable**

<table>
<thead>
<tr>
<th>Date</th>
<th>Task</th>
</tr>
</thead>
<tbody>
<tr>
<td>Within 5 days of SOS receipt of plan</td>
<td>Secretary of State approves, disapproves or recommends changes to plan</td>
</tr>
<tr>
<td>Before the close of regular registration and availability of late registration</td>
<td>County election administrator publishes notices at least 3 times in the 4 weeks before the close of regular registration specifying close of voter registration and availability of late registration.</td>
</tr>
<tr>
<td>Before the close of regular registration and availability of late registration</td>
<td>Click here for calendar or enter date</td>
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<tr>
<td>Before the close of regular registration and availability of late registration</td>
<td>Click here for calendar or enter date</td>
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</tbody>
</table>

**Additional Information**

For more information about Colorado’s election law, visit [the website](http://www.sos.state.co.us/elections/index.html). For special elections, refer to applicable laws: Water/Sewer (7-12-2121, 7-12-2233), Fire (7-20-1106), Cemetery (7-12-1011), Drainage (7-8-1199), Irrigation (7-12-1101), and Special Districts (7-12-1101), defined in 7-11-900(1)(a).

**Affirmation:**

By entering my name on the line below, I affirm that I will conduct the election according to the written plan and timetable for conducting the election. I understand that any unresolved issues must be addressed as timely, resolved and available for mailers to vote and that I must attempt to contact the county election administrator without delay. I acknowledge that the mailers are undeliverable. If such mailers cannot be corrected otherwise, the election in those areas will be mailed in notice and the plan amended in Code Sec. 13-18-258.1 CCA and ARM 8-8-727(2) will be followed. (If school trustee election is failed for any reason, I understand that I may follow these deadlines and process in 20-5-333 MCA.)

Type Name(s) Here:

Name(s) of Election Administrators Conducting Election.

Complete the above plan and timetable and the instructions below, and save and email this form to mail.ballots@dor.state.co.us. Updated August 3, 2017.
Mail Ballot Instructions

INSTRUCTIONS FOR VOTING A MAIL BALLOT – PLEASE READ CAREFULLY

Read carefully and follow all directions.
Ballots must be received by election office by 8 p.m. on Election Day.
Failure to follow directions may invalidate part or all of your ballot.

1. VOTE YOUR BALLOT
   - As instructed on the ballot, mark the designated voting area for each race using only black or blue ink.
   - Vote in all columns and both sides of ballot(s) as applicable. Skipping a race will not invalidate your ballot.
   - Do not cross out, erase, or use correction fluid.
   - Do not make any identifying marks on your ballot.
   - Do not mark more choices than allowed for each race (overvote) as that will cause that race only to not be counted.

   SAMPLE OVERVOTED RACE
   FOR LOCAL COUNCIL
   [Vote for One]
   John Doe
   [Voted Overvoted]
   Thomas Jefferson
   Jane Q. Public

   If applicable, write in a candidate’s name, mark the designated voting area to the left of the line provided and print the name in the blank space.

   SAMPLE WRITE-IN VOTE (if applicable)
   FOR LOCAL COUNCIL
   [Vote for One]
   John Doe

   If you make a mistake or spoil your ballot, request a replacement ballot from the election office.

2. PREPARE BALLOT FOR SUBMITTAL
   - Place VOTED ballot in the SECRECY ENVELOPE and seal (if multiple sheets, return all sheets of the ballot).
   - SIGN YOUR signature on the voter affirmation on the back of the Signature Envelope. Failure to sign may invalidate your ballot.
   - If the signature on the affirmation does not match the signature on file, the ballot may be rejected.
   - Place the Secrecy Envelope containing your voted ballot into the Signature Envelope and Seal.

   2. RETURN BALLOT
   - Mail your ballot, or
   - Drop off ballot.

   The place(s) of deposit and the days and times when ballots may be returned to the places of deposit before election day and on election day are:

   Enter here the address locations of the place(s) of deposit, the Monday through Friday hours before election day for each such place of deposit, AND the election day hours for each such place of deposit.

   - This election is by mail ballot only—regular polling places will not be open. Ballots must be received at the election office by 8 p.m. on Election Day.

   (Note: a postmark cannot be accepted so if you mail your ballot make sure there is enough time for it to reach the election office.)

   DO NOT FORGET POSTAGE IF MAILING:
   [certified postage required]

   ASSISTANCE FOR VOTERS WITH DISABILITIES: There are options for voters with disabilities. Contact your election office for information about all options.

   MILITARY/OVERSEAS VOTERS: If you are an active-duty absent military voter or overseas citizen, electronic registration and voting options may be available. Contact your election office for information about all options.

   IF YOU MOVE QUESTIONS CONTACT THE ELECTION OFFICE AT:
   Phone: 406-
   Fax: 406-
   Email:

Please remember to fill in the opening and closing hours both before election day, and on election day.
Mail Ballot Preparation

➢ Mail ballots are **not** required to have **stubs**.

➢ The names of candidates are **rotated**, except in school elections.

➢ Ensure that each mail ballot packet contains only one each of the following:

  ➢ An individually stamped official ballot or set of ballots;
  ➢ a secrecy envelope;
  ➢ a signature envelope; and
  ➢ complete written instructions.
➢ Ensure that each packet is:

➢ addressed to a single individual elector at the most current address available in the MT Votes registration records; and

➢ deposited in the United States mail with sufficient postage for it to be delivered to the elector's address.

➢ Mark the packet pursuant to postal regulations to ensure that, if undeliverable as addressed, it is not forwarded.
Mail Ballot Absentee

- A qualified elector who will be absent from the county during the election may:
  - vote in person in the election office as soon as ballots are available and until noon the day before the ballots are scheduled to be mailed; or
  - make a written request that the ballot be mailed to an address other than the one on their registration card.

- Written requests for absentee ballots must be accepted until noon the day before the ballots are scheduled to be mailed.

- Absentee ballots that are mailed are sent the same day that all other ballots are mailed.
Mail ballots are primarily mailed to the county election office. You can save time by setting the **Source** to “Mail” in MT Votes.

MT Votes main screen, select **System Configuration**.
Select **County Configuration** and then **County Parameters**.
County Parameters window, scroll down until you get to Default Ballot Processing Source, then set the value to 6 (Mail). Then Click Save.
Select **Ballot Processing** and create a new batch, the **Source** value will now default to **Mail**.
Mail Ballots Eligibility

➢ All qualified individuals in the political subdivision

➢ To be qualified, any registered electors must be either active or provisionally registered electors:

   ➢ Inactive electors are not automatically provided with ballots; they must first reactivate.
   ➢ Provisional registrants should be sent ballots, accompanied by the provisionally registered elector instructions and elector ID form.

➢ In certain elections, individuals can vote if they own property in the political subdivision, even if they are not registered electors of the political subdivision.

   ➢ Local election statutes specify the election-specific requirements.
Mail Ballots – Mail Information

➢ All mail ballots must be sent on a single day between 20 to 15 days before the election, except:

➢ Ballots mailed to absent military and overseas electors (sent as soon as ballots are available)
➢ Ballots mailed to electors who reactivate after the date on which ballots are mailed

➢ Ballots may be given to the following, before or after the date the ballots are mailed:

➢ Late Registrants (in-person only)
➢ Reactivating Electors
➢ Individuals Requesting Replacement Ballots
Mail Ballot Handling

➢ Mail ballots are considered voted as soon as they are received in the County election office.

➢ A voted ballot is valid if:
  – it is sealed in the secrecy envelope and returned in the signature envelope (see below if it is not placed in a secrecy envelope)
  – the elector's signature on the affirmation on the signature envelope is verified
  – it is received before 8 p.m. on election day (except for UOCAVA Federal Write-In Absentee Ballots (FWABs), which can be received by the 6th day after election day, and electronically submitted ballots, which can be received by 5 p.m. the day after election day)

➢ If a voted ballot is not in a secrecy envelope, the election official places the ballot in a secrecy envelope without examining the ballot.
Replacement Ballots

- An elector may obtain a replacement ballot if the original ballot is destroyed, spoiled, lost, or not received by the elector.
- A request for a replacement ballot must be made no later than 8 p.m. on election day using a form prescribed by the Secretary of State and submitted by the elector to the election administrator:
  - in person;
  - by regular or electronic mail; or
  - by facsimile
Replacement Ballots

➢ Upon receiving the sworn statement, issue a replacement ballot to the elector.

➢ Designate the election office, or a central location in the political subdivision in which the election is conducted, as the single location for obtaining a replacement ballot.

➢ Keep a record of each replacement ballot issued, and designate the original ballot as “Void” in MT VOTES.
Undeliverable – Return to Sender Ballots

➢ If a mail ballot is returned undeliverable, the election administrator should **not** mail the ballot to a forwarding address on the undeliverable ballot envelope:

➢ unless the elector confirms the elector’s mailing address in writing or verbally.
Undeliverable – Return to Sender Ballots

➢ The election administrator should attempt to contact the elector:

➢ If the elector provides a **written** updated mailing address, change the elector’s address on file in MT VOTES and mail the ballot to the new address;

➢ If the elector **verbally** provides a new mailing address, manually print a label for that address but do not change the elector’s address in MT VOTES unless and until you receive a written confirmation.
Undeliverable – Return to Sender Ballots

➢ For UOCAVA absent active duty electors, counties should contact FVAP and see if they can get a current mailing address:

➢ Contact FVAP at Vote@fvap.gov, and provide the elector’s full name, DOB and last four of SSN;

➢ Whether or not the FVAP-supplied mailing address (if any) matches what is on USPS yellow sticker, update MT VOTES with the FVAP-supplied address and send the ballot to that address;

➢ If FVAP does not respond with an address, send the ballot to the mailing address on the USPS yellow sticker, but do not update MT VOTES unless the voter confirms the address (such as by voting and returning the ballot).
If the elector cannot be contacted otherwise to update the elector’s mailing address, mail an NVRA confirmation notice (only odd years):

- By forwardable, first-class mail to the mailing address in MT VOTES, with a postage-paid, return-addressed notice.

- If the notice is returned undeliverable, the elector must be placed on the inactive list until the elector becomes a qualified elector.
Undeliverable Ballots - Odd-Year Poll Elections & Even-Year Mail Elections

➢ If the election is an **odd-year poll election**, a county election administrator can optionally send out a notice to try to get the mailing address problem resolved, but the elector should not be inactivated through this process.

➢ Similarly, in **even-year mail ballot elections**, do not send out mail ballot inactivation notices, because this process will almost certainly violate the NVRA prohibition on systematic list maintenance within 90 days of a federal primary or federal general election.
To get to the undeliverable ballots section in MT Votes, start by clicking on **Ballot Processing**.
➢ Select your Election.
➢ Click the Undeliverable tab.
➢ Enter a Batch Date.
➢ Select New.
➢ Enter or scan in the ballot information from the label and click Add.
➢ Continue to do this until all ballots are scanned in or you reach your batch limit.
➢ Click Save and then click Close.
You can see the Batch # and the total count of ballots in the batch.
After you enter in your Undeliverable ballots, you should print off either the BP-035 (Undeliverable Ballot Labels) or the EX-BP2 (Undeliverable Ballot Labels Export).

BP-035 will provide you with labels to send out the Undeliverable Mail Ballot Notice to all the voters with undeliverable mail ballots who could not be contacted otherwise to update their mailing address.

You should do this after each batch of Undeliverable Ballots gets entered into MT Votes, and as soon as possible after receipt of an undeliverable ballot to allow time to resolve (assuming that you could not reach the elector in order to update the elector’s mailing address.)
Undeliverable Ballots

If the **odd year** Undeliverable mail ballot notices are returned as Undeliverable, track them in MT Votes

➢ To do this, open the voter record
➢ Select the Undeliverable tab
➢ Enter the date the undeliverable mail ballot notice was returned
Adding a date to the voter’s **Undeliverable Mail Ballot Notice** field, as shown in the prior slide, allows you to easily search the system for voters who had an undeliverable mail ballot notice within a date range.

To search for these voters, simply pull up **Voter Search**, select the **Undeliverable Tab**, and put in a date range in the **Undeliverable Mail Ballot Notice** field.

This will be useful as you can easily identify any voters who were sent a Mail Ballot notice that came back as undeliverable.

If you use the NVRA module for inactivation (*see second bullet on following slide*), you will be able to quickly compare the lists to ensure you are not inactivating anyone who should remain active.
If the odd year Undeliverable Mail Ballot Notice comes back as **undeliverable**, you can manually inactivate the voter with the reason of: **Undeliverable Ballot** by changing the voter’s registration status.

You can wait and use the **NVRA Module** after you have sent notices and after the election is closed, to inactivate voters whose undeliverable mail ballot notice comes back undeliverable.
Important note: If you use the NVRA Module in MT Votes for Undeliverable Mail Ballots, it will inactivate **ALL** voters who had an undeliverable ballot. It does not track or verify whether or not you sent a notice, as is required by NVRA.

- It is possible for a voter to have an undeliverable mail ballot **but** not an undeliverable notice, so these people could be inadvertently inactivated.

If you use the NVRA module for this process, it is recommended you verify each voter was sent a notice that was also returned undeliverable, by going to each voter’s Undeliverable tab and checking to verify whether or not they should have been inactivated.
If the voter asks for the ballot to be resent to a new address, follow these steps in MT Votes.

➢ Pull up the voter through Voter Search and go through Elections > Issue Ballot.
When the Issue Ballot screen comes up, select **Resent-Undeliverable** as the Ballot Type, then the Label you use and the Reason for Resending. When ready, click **Print**.
Resending Undeliverable Ballots

- Select Undeliverable batch tab and remove the ballot from the batch.
- Highlight the batch number; when you do, a popup will prompt you to click Process.
Resending Undeliverable Ballots

Find the voter in the batch and Delete.
Resending Undeliverable Ballots

➢ Confirm to remove the ballot from the batch.

➢ When you are brought back to the Undeliverable Ballot screen, select Close, twice.
Resending Undeliverable Ballots

➢ You will be brought back to the Resent screen.
➢ Enter the date and address to resend the ballot to.
➢ Print.
Reissuing A Ballot

If you have to reissue a ballot before the system sent date, the system will prompt you to change the original ballot’s sent date before you can reissue a new ballot.
Invalid Mail Ballots

A ballot is **invalid** if:

- Ballot issues have not been resolved pursuant to [MCA 13-13-245](#).
- Identifying marks are placed on the ballot by the elector; or
- Signature is missing or does not match, and the issue is not resolved by the elector.
- More than one ballot is enclosed in a single signature or secrecy envelope, unless:
  - the signature envelope contains ballots from the same household and:
    - each ballot is in its own secrecy envelope; and
    - the signature envelope contains a valid signature for each elector who has returned a ballot.
Late Registrations

➢ Late registrants who register to vote in a mail ballot election (as well as in polling place elections) are provided ballots in person, not by mail.

➢ People can late register in all elections, including school elections.
Inactive Voters

- Inactive electors are not automatically sent mail ballots, unlike active and provisionally registered voters.

- Inactive electors must reactivate in person at the County Election office to request an absentee ballot or notifying the Election Administrator in writing with a current address.
The EA selects the election office and may designate one or more places in the political subdivision in which the election is being conducted as **places of deposit** where ballots may be returned in person by the elector or the elector's agent or designee.

If the election office is not accessible, the EA must designate at least one accessible place of deposit.

EAs may designate certain locations as election day places of deposit, and any such designated location must function as a place of deposit only on election day.
Place of Deposit

➢ Before election day, ballots may be returned to any designated place of deposit:
  ➢ During the days and times set by the election administrator; and
  ➢ Within the regular business hours of the location.

➢ On election day, each location designated as a place of deposit must be open during the same hours that polling places would be open, and ballots may be returned during those hours.

➢ Each place of deposit must be staffed by at least two election officials who (except for school election judges) are selected in the same manner as election judges.
Place of Deposit

When you receive a ballot from a Place of Deposit, select Place of Deposit as the source.
Mail Ballot Forms

https://sosmt.gov/elections/official-forms/

- Mail Ballot Written Plan, Timetable, and Instructions
- Ballot Transmittal Envelope
- Ballot Signature Envelope with Affirmation
- Ballot Secrecy Envelope
- Ballot Replacement Request
- Mail Ballot Non-Registered Signature Verification Form
- Mail Ballots Voted in Person and Replacement Ballots
- Mail Ballot Place of Deposit Signature Log
- Mail Ballot Daily Log of Ballots Received
- Mail Ballot Place of Deposit Transport Box Seal Register
- Verification of Signature/Missing Signature
- Undeliverable Mail Ballot NVRA Confirmation Notice
FAQs

Q. In certain elections, is voting permitted by individuals who are not registered in the district?
A. Yes – MCA 13-19-304 lists all requirements for these individuals.

Q. How are absentee voters handled in mail ballot elections?
A. Absentee ballots are sent through the normal absentee process.

Q. What is the deadline for the SOS office to receive a mail ballot plan, timeline and instructions?
A. The SOS office is required by law to accept mail ballot plans and timetables if they are received at least 60 days before the election.