



# MONTANA SECRETARY OF STATE

## Elections Complaint Form

For Alleged Violation of Title III of the Help America Vote Act or Montana State Law  
(Attach pages as necessary)

### PERSON BRINGING COMPLAINT

Name	Home Phone
Address	Work / Cell Phone
City, State, Zip Code	Email Address

### PERSON OR ENTITY AGAINST WHOM COMPLAINT IS BROUGHT

Name / Title	Home Phone
Address	Work / Cell Phone
City, State, Zip Code	Email Address

### VIOLATION

If you believe that a violation of Title III of the Help America Vote Act of 2002 or Montana Code Annotated MCA 13-13-601, 13-13-602, or 13-13-114 has occurred, is occurring, or is about to occur, please state the specific acts committed by the person or entity named in this complaint, along with a reference to the section of HAVA alleged to have been violated.

Title III of HAVA includes:

1. failure to comply with federal voting system standards, which includes standards for accessibility for individuals with disabilities and alternate language accessibility [Section 301];
2. failure to comply with provisional voting procedures [Sections 302];
3. failure to create and maintain statewide voter registration system [Section 303];
4. failure to post required voter information at the polling place [Section 302(b)].

### STATEMENT OF FACTS

Please provide description of the alleged violation of Title III of HAVA by attaching pages as necessary.

(Note: This description must be sufficiently detailed to apprise the Secretary of State)

Provide as much of the following as possible:

1. The facts of the alleged violation
2. Witness, if any, and contact information if possible
3. Date and time when the alleged violation occurred
4. Date and time when you became aware of the violation
5. Location where the alleged violation occurred
6. Other information that you think will be helpful in resolving your complaint

### SIGNATURE

By signing and filing this complaint, you are stating under penalty of law that the information you are providing is true and correct to the best of your knowledge.

\_\_\_\_\_  
Signature / Date

### NOTARY

State of Montana

County of \_\_\_\_\_

Signed and sworn to (or affirmed) before me on \_\_\_\_\_ by \_\_\_\_\_

(Seal)

\_\_\_\_\_  
Signature of the Notary

\_\_\_\_\_  
Name – typed, stamped, or printed

\_\_\_\_\_  
NOTARY PUBLIC for the State of Montana

Residing at \_\_\_\_\_

My commission expires \_\_\_\_\_

#### 44.3.2601 ADMINISTRATIVE COMPLAINT PROCEDURES

(1) The procedures in this rule shall be uniform and nondiscriminatory.

(2) Under this rule, any individual who believes that there is a violation of any provision of Title III of the Help America Vote Act of 2002 (hereinafter referred to as Title III) , or [13-13-601](#) , [13-13-602](#) , or [13-13-114](#) , MCA, including a violation which has occurred, is occurring, or is about to occur, may file a complaint.

(3) Any complaint filed under this rule shall be in writing and notarized, and signed and sworn by the individual filing the complaint, and include the full name, telephone number, and mailing address of the complainant.

(4) The Secretary of State may consolidate complaints filed under this rule.

(5) The Secretary of State shall designate a presiding officer for any complaint under this rule. The Secretary of State may, upon agreement of all the parties, resolve the complaint informally, and issue a final determination without a formal proceeding.

(6) At the request of the complaint, there shall be a hearing on the record. If a hearing shall be held at a date and time and place determined by the presiding officer and at the officer's discretion, the hearing may be conducted by telephone or upon written documentation. If the hearing is on consolidated complaints, then the complainants shall designate a single representative party to advocate for the consolidated complaint. If the presiding officer permits witnesses to testify, then they must be sworn in prior to their testimony being given. If a complainant fails to pursue a complaint, then the complaint shall be dismissed with prejudice.

(7) If, under this rule, the presiding officer determines that there is a violation of any provision of Title III or [13-13-601](#) , [13-13-602](#) , or [13-13-114](#) , MCA, the Secretary of State shall provide an informal opinion.

(8) If, under this rule, the Secretary of State determines that there is no violation, or that the complainant did not follow the above procedures in filing the complaint, or the complaint does not on its face allege a violation of Title III with regard to a federal election, or a violation of [13-13-601](#) , [13-13-602](#) , or [13-13-114](#) , MCA, with regard to a federal or state election, the Secretary of State shall dismiss the complaint and publish the results of the procedures.

(9) The Secretary of State shall make a final determination with respect to a complaint prior to the expiration of the 90-day period that begins on the date the complaint is filed, unless the complainant consents to a longer period for making such a determination.

(10) If the Secretary of State fails to meet the deadline applicable under this rule, the complaint shall be resolved within 60 days under alternative dispute resolution procedures established for purposes of this rule. The record and other materials from any proceedings conducted under the complaint procedures established under this rule shall be made available for use under the alternative dispute resolution procedures.

(11) At any time before, during or prior to this process the complainant retains the right to file an action in any court of appropriate jurisdiction or to withdraw the complaint. No exhaustion of this administrative remedy is required.

History: [13-1-202](#), MCA, Public Law 107-252; [IMP](#) , [13-1-202](#), MCA, Public Law 107-252; [NEW](#) , 2004 MAR p. 93, Eff. 1/16/04; [AMD](#) , 2006 MAR p. 2671, Eff. 10/27/06.