

# VOTING BASICS

Note: this document does not include specifics pertaining to voting by service members.

## VOTER QUALIFICATIONS

Per Article IV, section 2, of the Montana Constitution, a "qualified elector" is:

- a citizen of the United States; and
- 18 years of age or older.

Additionally, statute requires electors to have lived in Montana and in the county in which the person will vote for at least 30 days.<sup>1,2</sup>

Qualified electors exclude those serving a felony sentence in a penal institution and those of unsound mind, as determined by a court.<sup>3</sup>



## VOTER REGISTRATION

The primary forms of identification for voter registration are:

- the applicant's Montana driver's license number<sup>4</sup>; or
- the last four digits of the applicant's social security number.<sup>5</sup>

In lieu of those, an applicant may present an original of one of the following if applying in person or a copy if applying by mail:

- a current and valid photo ID with the individual's name, including but not limited to:
  - a school district or postsecondary education photo ID; or
  - a tribal photo ID, 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.

<sup>1</sup> 13-1-111, MCA.

<sup>2</sup> There is an exception for electors who move to a different county within 30 days of an election and update their registration information.

<sup>3</sup> Article IV, section 2, Montana Constitution.

<sup>4</sup> Pursuant to 44.3.2002, ARM, "driver's license number" means a number provided by the Montana Department of Justice's Motor Vehicle Division (MVD) on either an MVD driver's license or an MVD identification card.

<sup>5</sup> 13-2-110, MCA.



To register, an applicant shall provide a current street or rural address or, if neither is available, other specific geographic location information from which the applicant's residence may be easily determined.<sup>6</sup>

The Montana secretary of state (SOS) provides a standard registration form<sup>7</sup> (Appendix A) and requires county election administrators to work with the SOS, the Department of Justice's Motor Vehicle Division, the Social Security Administration, and other agencies, as needed, to verify the applicant's information.<sup>8</sup>

## PROVISIONAL REGISTRATION

If the application is sufficient to be accepted but fails to provide the necessary information to verify the applicant's identity or if the information is incorrect, the election administrator shall register the applicant as a provisionally registered elector, pending receipt and verification, at any time up to and including on election day, of the necessary information.<sup>9,10</sup>

## OFFICE HOURS

Statute requires election administrators' offices to be open for registration from 8 a.m. to 5 p.m. on regular working days. The office may be kept open at other times at the discretion of the election administrator.<sup>11</sup>

## AGENCY-BASED REGISTRATION

Qualified individuals must be given the opportunity to register to vote when applying for or receiving services or assistance:

- at an agency that provides public assistance;
- at or through an agency that provides state-funded programs primarily engaged in providing services to persons with disabilities; or
- at another agency designated by the secretary of state with the consent of the agency.<sup>12</sup>

## LATE REGISTRATION AND VOTING

Statute closes regular voting registration for 30 days prior to an election.<sup>13</sup> To notify the public, election administrators shall:

- publish a notice specifying the availability of late registration options in a newspaper of general circulation in the county at least three times in the 4 weeks preceding the close of regular registration; or

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<sup>6</sup> 13-2-208, MCA.

<sup>7</sup> 13-2-110, MCA.

<sup>8</sup> 44.3.2012, ARM.

<sup>9</sup> 13-2-110, MCA.

<sup>10</sup> 44.3.2005, ARM.

<sup>11</sup> 13-2-201, MCA.

<sup>12</sup> 13-2-221, MCA.

<sup>13</sup> A registration application postmarked on or before the day regular registration closes must be accepted as a regular registration for 3 days after regular registration closes.



- broadcast a notice on radio or television using the method the election administrator believes is best suited to reach the largest number of potential electors.<sup>14</sup>

An elector may register or change the elector's registration information after the close of regular registration if the county election administrator receives and verifies the elector's information prior to the close of the polls on election day. Late registration closes from noon to 5 p.m. on the day before the election.<sup>15,16</sup>

An elector who registers or changes registration information after the close of regular registration may vote in the election if the elector obtains the ballot from the location designated by the election administrator.<sup>17</sup> The elector may return that ballot:

- before election day to a location designated by the election administrator; or
- on election day to the election office or any polling place in the county where the elector is registered to vote.<sup>18</sup>

## PRECINCTS AND POLLING PLACES

The county governing body shall establish a convenient number of election precincts, equalizing the number of electors in each precinct as nearly as possible.<sup>19</sup> An election district (or ward) may be divided into two or more precincts, which may be divided into two or more polling places.<sup>20</sup>

The county governing body shall designate polling places no later than 30 days before a primary. The same polling place must be used for both the primary and general elections if at all possible. Changes may be made up to 10 days before an election.<sup>21</sup>

Between 2 and 10 days before an election, the election administrator shall publish the locations of the polling places in a newspaper of general circulation in the county and indicate which ones are accessible to disabled and elderly individuals.<sup>22,23</sup>

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<sup>14</sup> 13-2-301, MCA.

<sup>15</sup> 13-2-304, MCA.

<sup>16</sup> Secretary of State Election Directive #01-06(updated May 2010) requires new registrants registering less than 30 days before the election to do so at the county election administrator's office. They must also pick up their ballot in person at the election administrator's office.

<sup>17</sup> An elector who was already issued a ballot may change the elector's voter registration information only if the original voted ballot is not yet received at the county election office and if the original ballot is marked by the issuing county as void prior to the change.

<sup>18</sup> 13-2-304, MCA.

<sup>19</sup> 13-3-101, MCA.

<sup>20</sup> 13-3-104, MCA.

<sup>21</sup> 13-3-105, MCA.

<sup>22</sup> 13-3-105, MCA.

<sup>23</sup> Pursuant to 13-3-202, MCA, "disabled" means a temporary or permanent physical impairment, such as impaired vision, hearing, or mobility. "Elderly" means 65 years of age or older.



## VOTER IDENTIFICATION

Before an elector may receive a ballot or vote, the elector shall present a current photo ID showing the elector's name. This includes but is not limited to:

- a valid driver's license;
- a school district or postsecondary education photo ID; or
- a tribal photo ID.

In lieu of those, the elector may use a current utility bill, bank statement, paycheck, voter registration confirmation notice, government check, or other government document that shows the individual's name and current address.<sup>24</sup>

Identification is presumed to be current and valid unless proved otherwise. A driver's license or ID card is presumed to be current and valid if it is issued by any motor vehicle agency, regardless of its status. Any other photo ID is sufficient if it includes the name and photo of the individual.<sup>25</sup>

## PROVISIONAL BALLOTS

An elector may cast a provisional ballot if:

- the information provided by the elector as voter identification is insufficient to verify the elector's identity and eligibility to vote;
- the elector's name does not appear in the precinct register;
- the elector's name appears in the precinct register as provisionally registered and the provisional status cannot be resolved at the polling place;
- the elector fails or refuses to sign the precinct register book; or
- the elector is disabled and a fingerprint, an identifying mark, or a signature by a person authorized to sign by the elector is not provided.<sup>26</sup>

An elector voting provisionally by mail may enclose in the outer signature envelope a copy of a current and valid photo ID with the elector's name or a copy of a current utility bill, bank statement, paycheck, voter registration confirmation notice, government check, or other government document that shows the individual's name and current address or other information necessary to determine the elector's eligibility to vote.<sup>27</sup>

An elector voting provisionally in person shall first sign an affirmation that, to the best of the elector's knowledge, the elector is eligible to vote in the election and precinct and is aware of the penalty for false swearing. Provisional ballots voted in person

<sup>24</sup> 13-13-114, MCA.

<sup>25</sup> 44.3.2002, ARM.

<sup>26</sup> 13-13-114, MCA.

<sup>27</sup> 13-13-602, MCA.



must be returned to an election judge.<sup>28</sup> The elector has until 5 p.m. on the day after the election to provide valid ID or eligibility information either in person, by facsimile, by electronic means, or by mail postmarked no later than the day after the election.<sup>29</sup>

If a legally registered individual casts a provisional ballot because the individual failed to provide sufficient identification, the election administrator shall compare the signature of the individual on the affirmation to the signature on the individual's voter registration form. If the signatures match, the ballot must be counted.<sup>30</sup>

## ABSENTEE BALLOTS

A legally or provisionally registered elector may vote by absentee ballot in person before election day at the election administrator's office or by mailing or delivering a completed ballot to the election office, a polling place in the elector's county, the absentee election board, or an authorized election official. Regardless of the delivery method, the ballot must be received by 8 p.m. on election day to be counted.<sup>31</sup>

An application for an absentee ballot must be made before noon on the day before the election.<sup>32</sup> Applications may be mailed or delivered in person to the election administrator.<sup>33</sup>

For an election conducted on a primary or general election day, ballots must be available 30 days prior for absentee voting in person, 25 days prior for mailing ballots to absentee voters, and 20 days prior for a special purpose district or school district election.<sup>34</sup>

An elector may at any time request to be mailed an absentee ballot for each subsequent election in which the elector is eligible to vote as long as the elector remains qualified to vote and resides at the address provided in the initial application. The request may be made when the individual applies for voter registration.<sup>35</sup>

An elector may ask to be removed from the absentee ballot list by notifying the election administrator in writing. This does not prevent the elector from opting to receive absentee ballots again in the future.<sup>36</sup>

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<sup>28</sup> 13-13-601, MCA.

<sup>29</sup> 13-15-107, MCA.

<sup>30</sup> 13-15-107, MCA.

<sup>31</sup> 13-13-201, MCA.

<sup>32</sup> 13-13-211, MCA.

<sup>33</sup> 13-13-213, MCA.

<sup>34</sup> 13-13-205, MCA.

<sup>35</sup> 13-13-212, MCA.

<sup>36</sup> 13-13-212, MCA.



## MAIL BALLOT ELECTIONS

In mail ballot elections, an election packet is mailed to each qualified, active elector 15-20 days before election day.<sup>37,38</sup> An elector who completes a ballot may either return it by mail or deliver it to a designated place of deposit by 8 p.m. on election day.<sup>39,40</sup>

An elector must place a completed ballot in the secrecy envelope, free of any identifying marks, and then in the signature envelope.<sup>41</sup> The signature envelope is used by election officials to determine if the ballot is from a qualified elector who has not submitted another ballot.<sup>42</sup>

Statute requires election administrators to provide instructions on the estimated amount of postage needed to return a ballot by mail or, if the elector opts to deliver it in person, where and when the elector may do so.<sup>43</sup>

Election packets must be mailed so that undelivered packets are returned to the election administrator instead of being forwarded to another address.<sup>44</sup> If a mail ballot is returned, the election administrator shall attempt to contact the elector by the most expedient means available to determine the reason for the return and mail a confirmation notice if the elector cannot be contacted otherwise. The notice must be sent by forwardable, first-class mail with a postage-paid, return-addressed notice.<sup>45</sup>

Late registration is allowed. Those who register on election day or the day before election day must receive the ballot and vote it at the election administrator's office.<sup>46</sup>

A qualified elector who will be absent from the county during the time the election is being conducted may vote in person in the election administrator's office as soon as ballots are available and until noon the day before the ballots are scheduled to be mailed. Or, the elector may make a written request that the ballot be mailed to an address other than the address that appears on the person's registration form. Written requests must be accepted until noon the day before the ballots are scheduled to be mailed.<sup>47</sup>

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<sup>37</sup> 13-19-206, MCA.

<sup>38</sup> 13-19-207, MCA.

<sup>39</sup> 13-19-106, MCA.

<sup>40</sup> Pursuant to 13-19-307, MCA, an election administrator may designate one or more places in the political subdivision in which the election is being conducted as a place of deposit. Prior to election day, election administrators may set the dates and times that designated places of deposit are open. On election day, each location must be open during the normal hours of operation for a polling place pursuant to 13-1-106, MCA.

<sup>41</sup> 13-19-301, MCA.

<sup>42</sup> 13-19-106, MCA.

<sup>43</sup> 13-19-205, MCA.

<sup>44</sup> 13-10-206, MCA.

<sup>45</sup> 13-19-313, MCA.

<sup>46</sup> 13-19-207, MCA.

<sup>47</sup> 13-19-303, MCA.



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MT

ELECTION ADMINISTRATOR

COUNTY

MT

<u>County</u>	<u>Election Administrator Address</u>	<u>County</u>	<u>Election Administrator Address</u>
Beaverhead	2 S Pacific St No 3 Dillon MT 59725	McCone	Box 199 Circle MT 59215
Big Horn	PO Box 908 Hardin MT 59034	Meagher	Box 309 White Sulphur Springs MT 59645
Blaine	PO Box 278 Chinook MT 59523	Mineral	Box 550 Superior MT 59872
Broadwater	515 Broadway St Townsend MT 59644	Missoula	200 W Broadway Missoula MT 59802
Carbon	PO Box 887 Red Lodge MT 59068	Musselshell	506 Main Roundup MT 59072
Carter	Box 315 Ekalaka MT 59324	Park	414 E Callender St Livingston MT 59047
Cascade	Box 2305 Great Falls MT 59403	Petroleum	Box 226 Winnett MT 59087
Chouteau	Box 459 Fort Benton MT 59442	Phillips	Box 360 Malta MT 59538
Custer	1010 Main Miles City MT 59301	Pondera	20 4th Ave SW Conrad MT 59425
Daniels	Box 247 Scobey MT 59263	Powder River	Box 200 Broadus MT 59317
Dawson	207 West Bell Glendive MT 59330	Powell	409 Missouri Deer Lodge MT 59722
Deer Lodge	800 Main Anaconda MT 59711	Prairie	Box 125 Terry MT 59349
Fallon	Box 846 Baker MT 59313	Ravalli	215 S 4th St Ste C Hamilton MT 59840
Fergus	712 W Main Lewistown MT 59457	Richland	201 W Main Sidney MT 59270
Flathead	40 11th St W Ste 230 Kalispell MT 59901	Roosevelt	400 2nd Ave S Wolf Point MT 59201
Gallatin	311 W Main Rm 210 Bozeman MT 59715	Rosebud	Box 47 Forsyth MT 59327
Garfield	Box 7 Jordan MT 59337	Sanders	Box 519 Thompson Falls MT 59873
Glacier	512 E Main Cut Bank MT 59427	Sheridan	100 W Laurel Ave Plentywood MT 59254
Golden Valley	PO Box 10 Ryegate MT 59074	Silver Bow	155 W Granite Rm 208 Butte MT 59701
Granite	Box 925 Phillipsburg MT 59858	Stillwater	Box 149 Columbus MT 59019
Hill	315 4th St Havre MT 59501	Sweet Grass	Box 888 Big Timber MT 59011
Jefferson	Box H Boulder MT 59632	Teton	Box 610 Choteau MT 59422
Judith Basin	Box 427 Stanford MT 59479	Toole	226 1st St S Shelby MT 59474
Lake	106 4th Ave E Polson MT 59860	Treasure	Box 392 Hysham MT 59038
Lewis & Clark	316 N Park Ave Rm 168 Helena MT 59623	Valley	501 Court Sq Box 2 Glasgow MT 59230
Liberty	Box 459 Chester MT 59522	Wheatland	Box 1903 Harlowton MT 59036
Lincoln	512 California Libby MT 59923	Wibaux	PO Box 199 Wibaux MT 59353
Madison	Box 366 Virginia City MT 59755	Yellowstone	Box 35002 Billings MT 59107