MONTANA ELECTION JUDGE HANDBOOK 2012

Published by
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Updated: December 2011

MONTANA SECRETARY OF STATE
LINDA McCULLOCH

Dear Montana Election Judges,

Across the nation, more than 1.4 million citizens are being trained to serve as election judges. The job of election judge is critical to our democracy, as voters depend on election judges to run polling places and counting centers on Election Day.

As Chief Election Official for the State of Montana, I take my election duties seriously. We at the Secretary of State's office spent a great deal of time putting together this Election Judge Handbook, and I hope you find it to be a comprehensive resource that guides you through all aspects of election management on Election Day.

As an election judge in Montana, you will help ensure the state's elections remain secure, fair, accurate and accessible to all voters. Your responsibilities are vast and include supervising the conduct inside polling places and helping Montanans cast their ballot both privately and independently.

As you attend your trainings this year, I hope you take time to reflect on the vital and important job that you, and county election officials, do for the State of Montana. I appreciate the time and effort you have committed to making Montana's elections some of the best in the nation.

Thank you for volunteering to be part of the dedicated team that makes fair and accurate elections possible in Montana. I welcome your comments and suggestions.

Thank you for your important service to our State!

Best regards,

Linda McCulloch
Secretary of State

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POLLING PLACE SITUATIONS

Accepted forms of Polling Place ID:

- Driver's license or any form of photo I.D. with the elector's name on it, including but not limited to state issued I.D., federal government issued I.D., tribal I.D., student I.D. and military I.D.
- Utility bill, bank statement, or any government issued document with elector's name and address.

Elector did not bring ID:

- Have elector fill out the "Polling Place Elector ID" form; call Election Office to verify ID information on card.
- If information verifies, allow elector to cast Regular Ballot.
- If information does not verify, allow Elector to cast Provisional Ballot.

Elector's name not in Register:

- Call Election Office to verify the elector's name should be on the register
- Have Elector fill out "Erroneous Omission from Precinct Register" form
- Elector casts regular ballot in above scenarios
- If Election Office cannot confirm that elector was erroneously omitted from the Register, inform the elector that if the elector votes provisionally the ballot will not be counted unless there was administrative error in omitting the elector from the Register. If elector chooses not to vote provisionally, send the elector to the Election Office to late register and vote.

Elector's address in Register is incorrect:

- Have the elector fill out a new Registration Card with updated information
- Elector casts Regular Ballot

Register says Elector was issued an Absentee Ballot:

- If elector says ballot was not received, or was lost, spoiled or destroyed, elector must vote a Provisional Ballot. Inform elector that ballot will be counted so long as no absentee ballot is turned in.

A Provisionally Registered Elector appears to vote:

- If the provisionally registered elector provides required ID and an ID number that is verified by a call to the Election Office, the elector votes a Regular Ballot.
- If the provisionally registered elector does not provide required ID and/or verified ID number, the elector votes a Provisional Ballot.

An Inactive Elector appears to vote:

- An inactive elector is someone who has not exercised their right to vote in a Federal General Election (which is held every even numbered year), and who did not

respond to several confirmation mailings from the Election Office. The election office mails cards out to these individuals asking them to confirm their registration information. They have not responded to those mailings and therefore were placed on the inactive list.

- An individual can also be placed on the inactive list because a ballot in a mail ballot election is returned to the election office as undeliverable, and the individual does not respond to a subsequent notice mailed by the election office.
- An inactive elector can cast a regular ballot in any election by appearing to vote or by requesting an absentee ballot. An inactive elector should fill out a new voter registration form if information in their voter registration record has changed.

Elector is challenged:

- If challenge can be resolved (*see "Resolving Challenges" on page 73*) elector casts a regular ballot.
- If challenge cannot be resolved, elector casts a provisional ballot.

Elector cannot sign the Register:

- Have elector mark the spot with a finger print or another identifying mark like an X. Note in the register that you witnessed the elector marking the register.

Elector requires assistance to Vote:

- The elector may use the AutoMARK.
- Any person of their choice may aid them, except for an employer or union official.
- Two election judges may help; make sure that they are affiliated with different parties, if possible.

Elector makes a mistake on his/her Ballot:

- Ballot judge will remove stubs and elector places spoiled or voided ballot in the envelopes provided that say "Spoiled".
- Inform poll book judge to mark poll book accordingly for the spoiled ballot.
- Give elector a new ballot informing poll book judge what the new number is.

A Ballot is missing or blank:

- If the ballot is missing have the Poll Book Judge indicate this by writing "missing" next to the number in the poll book.
- If the ballot has no number due to a misprint, fold it up and place it in a spoiled ballot envelope and place it in the ballot box.

Elector brings in voted Absentee Ballot for drop-off:

- Electors must be allowed to drop off absentee ballots at any polling place in their home county. This does not apply to late registrants, who must return ballots to the county election office.

- If absentee ballots are counted in a central count system, it does not matter where an elector drops off the ballot. Election judges must return all absentee ballots along with all other ballots at the end of the night to be processed as they normally would.
- For counties in which ballots are counted at the polling place, a ballot dropped off by an elector at the **wrong** polling place must be handled as a provisional ballot and will only be counted after Election Day if it can be determined that the elector did not vote in person at their home precinct.

An Elector asks about Write-In Candidates:

- Only offer write-in information if the elector requests it.
- Instruct elector if they have a pre-printed label to make sure they are placing the label over the write-in spot for that race, and that they fill in the oval for the candidate whose name they are writing in.
- The Election Office will provide the chief election judge with a copy of each write-in declaration, which may be provided to an elector upon request to write in the candidate's name.

Elector requests Ballot be hand-counted:

- When the elector returns with the voted ballot, remove the stub and place it in the stub container. Return the ballot to the elector and have the elector place it in the "Hand Count" envelope and place it in the ballot box.

Poll Watchers:

- Have any poll watchers identify themselves when they arrive.
- Make sure that they are not wearing any campaign buttons, political t-shirts or any other political materials. Electioneering is not allowed within 100 feet of any entrance to a polling place (*see "Electioneering" on page 14*).
- The election judges shall 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. Additional poll watchers may be permitted to participate provided that the number will not interfere with election procedures. Permission should come from the election administrator or from the chief election judge or polling place manager.
- At the time when each elector signs his 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 can be permitted to view the Register only if it can be done during a time that does not interfere with any voting, and with permission of the Chief Election Judge.

- Poll watchers shall also be permitted to observe all of the vote counting procedures after the closing of the polls (or before close of polls if they remain sequestered with counting judges) and all entries of the results of the elections.
- Poll watchers may challenge any elector, using the prescribed form properly completed.
- Poll watchers may speak to an Election Judge within a polling place to discuss application/interpretation of Election procedures/laws, so long as it does not interfere with the election procedures as determined by the Chief Election Judge
- Make sure that the poll watchers are not soliciting information or promoting an issue or candidate to electors in the polling place.
- When poll watchers are using cell phones ask them to go to a secluded spot or outside the polling place, where the Electors will not hear them and where the call will not be distracting to those voting.
- If you are having problems with a poll watcher, call the Elections Office.

POLLING PLACE SIGNATURE GATHERING

Election Day is for the elector. As a general rule, no person can 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. Most unlawful polling place conduct can be punishable as a misdemeanor under Montana law.

In the initiative process, "**orderly** gathering of initiative petition signatures **at** the polling place **that does not interfere** with the election process **or obstruct elector access to the polls** may not be prohibited." 39 A.G. Op. 62 (1982). Since this is an issue of free speech, the opponents of signature gathering have the same rights and responsibilities as signature gatherers.

Therefore, in addition to the general rules against interfering with or obstructing the election process, certain activities may take place around polling places:

> **In the polling place** (room where voting takes place): electors, election judges, and poll watchers.
> **At the polling place** (building where voting takes place): petition signature gatherers and opponents.
> **Outside the building** (entrance to the building): exit pollsters.
> **At least 100 feet from any entrance to the building**: individuals advocating the success or defeat of a candidate or issue <u>on the ballot that day</u>.

<u>What you should do</u>:
Election administrators should take a look at each polling place and make some decisions about how to deal with non-electors at the polling place on Election Day. Set guidelines that are **reasonable, fairly applied, and documented before Election Day.**

1. Evaluate the polling place **beforehand** to determine the nearest open space where petition signature gatherers and opponents can gather without obstructing electors or interfering with the election process. The placement of the signature gatherers and opponents MUST allow open passage. This may be a hallway or outside of a building.

2. Request that signature gatherers approach the elector **only after the elector has voted.**

3. Alert law enforcement that you may need their assistance on Election Day.

4. The Chief Election Judge or his/her designee must control the behavior of the non-electors at the polling place to prevent obstructions. The Chief Election Judge should call the election office at the first sign of trouble and the election administrator should call law enforcement if necessary.

5. The Chief Election Judge should distribute the "*Electioneering*" guide, *see page 14*, to non-electors along with the message that conduct must be **orderly, and that it cannot interfere with the election process or obstruct access to the polls.**

ELECTIONEERING

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, emphasis added)

Q What is **"ELECTIONEERING?"**
A Electioneering in this instance means soliciting support or opposition to a candidate or issue to be voted on at the polling place in question. Electioneering includes personal persuasion and the display or distribution of campaign materials. Offering or distributing food, drink, or any other material benefit in order to encourage recognition, support, or opposition to a candidate or issue is also prohibited. (44.10.311, ARM)

Q HOW DO I MEASURE—is it **100 FEET** beyond the parking lot, or beyond the building entrance? Which entrance?
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 WHAT DO I DO IF I SEE A VIOLATION?
A Inform the polling place official. If the official is not able to correct the problem, he or she 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)

"No person on election day may obstruct the doors or entries of any polling place or engage in any solicitation of an elector within the room where votes are being cast or elsewhere in any manner which in any way interferes with the election process or obstructs the access of electors to or from the polling place." (13-35-218(5), MCA)

Q How about campaigning/electioneering in the 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 OR BUTTON TO THE POLLS**? How about a shirt promoting my candidate? And what about bumper stickers?
A A person "may not buy, sell, give, wear, or display at or about the polls on election day any badge, button or other insignia which is designed or tends to aid or promote the success or defeat of any candidate or ballot issue to be voted upon." (13-35-211, MCA) "At or about the polls" is construed to include the 100 foot zone. The law does not specifically require that you remove political bumper stickers before parking at the polls, however.

Q Can **ELECTION MATERIALS** be brought into a **POLLING PLACE**?
A Soliciting support or opposition to a candidate or issue at a polling place is prohibited when

that candidate or issue is on the ballot.

Q Can people **GATHER SIGNATURES ON PETITIONS IN THE POLLING PLACE**?
A Orderly signature gathering that does not interfere with the election process or obstruct elector access to the polls is not prohibited by these statutes (as long as the petition does not concern an issue being voted on at the polling place).

Q Can **CANDIDATES BE PRESENT IN THE POLLING PLACE**? Can they work the polls?
Statutes do not prohibit candidates in the polling place—they prohibit electioneering (which includes campaigning) in or about the polling place. Candidates and certain family members are prohibited by law from working as election judges.

Q What **OTHER STATUTES, RULES, OR DECISIONS** do you suggest I read?
A "**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, which aids or promotes the success or defeat of any candidate or ballot issue to be voted upon at the election.
(**2**) 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 which 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.
(**3**) 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, emphasis added)

ELECTIONEERING—interpretive rule (**1**) As used in 13-35-211, MCA, "electioneering" means the "solicitation of support or opposition to a candidate or issue to be voted upon at the election or polling place in question, by means of:
(**a**) Personal persuasion, electronic amplification of the human voice, or the display or distribution of campaign materials.
(**b**) Offering or distribution of food, drink, or any other material benefit in a manner calculated to encourage recognition, support, or opposition to a candidate or issue.
(**c**) "Electioneering" does not include the display of ordinary bumper stickers on automobiles."
(44.10.311, ARM, emphasis added)"

For more information regarding this issue, you may read the Commissioner of Political Practices decisions referenced below (found at www.politicalpractices.mt.gov)

Gee v. Childers (2/17/00): politicalpractices.mt.gov/2recentdecisions/campaignfinance.mcpx
Butorovich v. Walsh (11/02/00): politicalpractices.mt.gov/2recentdecisions/campaignfinance.mcpx

Important—This informal guidance is necessarily general and may not be applicable to a

specific factual situation or scenario. It may be superseded, amended, or overruled by subsequent opinions or decisions of the Commissioner of Political Practices or changes in applicable statutes or rules. This communication does not waive any power or authority the Commissioner has to investigate and prosecute alleged violations of Montana laws and rules over which the Commissioner has jurisdiction.

The statutes governing electioneering *generally* fall under the jurisdiction of the Commissioner of Political Practices, 406-444-2942.

More Questions?

Call the Office of the Commissioner of Political Practices at 406-444-2942

Or

The Office of the Secretary of State toll free at 1-888-884-8683 or at 406-444-5376

POLLING PLACE SUPPLIES CHECKLIST

Paper:

- ☐ Absentee Elector Lists
- ☐ Absentee Secrecy and Affirmation Envelopes
- ☐ Annual Absentee Cards
- ☐ AutoMARK Tally Sheets (for Tracking # of Electors)
- ☐ Ballots
- ☐ Challenge Forms
- ☐ Checklist for Opening of Polls
- ☐ Checklist for Closing Polls
- ☐ Curbside Voting Materials
- ☐ Election Judge Handbooks
- ☐ Election Judge Time Sheets
- ☐ Emergency Contact Lists
- ☐ Envelopes for Close of Polls
- ☐ Envelopes for Hand-Count Ballots (if any)
- ☐ Envelopes for Spoiled and Unvoted Ballots
- ☐ Erroneous Omission Forms
- ☐ List of All Registered Electors
- ☐ List of Challenges
- ☐ List of Election Judges
- ☐ List of Model 100 Ballot Tabulator Messages
- ☐ List of Registered Electors at the Polling Place
- ☐ Maps -- Precinct Maps, Road Maps, etc.
- ☐ Model 100 Reconciliation Forms
- ☐ Official Seals (for Voting Material Containers)
- ☐ Poll Location List
- ☐ Pollbook and Reconciliation Worksheets
- ☐ Polling Place Emergency Relocation Checklist
- ☐ Polling Place Elector ID Forms (Required)
- ☐ Precinct Register
- ☐ Provisional Ballot Envelopes
- ☐ Registration Cards
- ☐ Sample Ballots
- ☐ Security Seals and Seal Log
- ☐ Signs for Electors with Disabilities
- ☐ Sticky Notes
- ☐ Tissues
- ☐ Title 13 Election Law Books
- ☐ Toilet Paper
- ☐ Voter Information Pamphlets
- ☐ Voting Instructions Posters

Items:

- ☐ 100-Foot String to Avoid Electioneering
- ☐ AutoMARK Secrecy Sleeves
- ☐ Badges and Name Tags
- ☐ Black Medium-Point Pens
- ☐ Calculators
- ☐ Candy
- ☐ Cell Phones/Phone Cards/Quarters for Phone Booths
- ☐ Clean Cotton Cloth
- ☐ Clipboards
- ☐ Coffee
- ☐ Duct Tape
- ☐ Envelope Dampeners
- ☐ Extension Cord
- ☐ Extra AutoMARK Ink Cartridge
- ☐ Eye Drops
- ☐ Feather Duster
- ☐ Finger Adhesive
- ☐ First Aid Kit
- ☐ Flashlight and Extra Batteries
- ☐ Food for Election Judges
- ☐ Games
- ☐ Hand Sanitizer and Lotion
- ☐ Highlighters
- ☐ "I Voted" Stickers
- ☐ Ink Pads
- ☐ Isopropyl Rubbing Alcohol Cleaning Pads
- ☐ Keys
- ☐ Lanyards
- ☐ Large Pens with Rubber Grips
- ☐ Letter Openers
- ☐ Light Bulbs
- ☐ Magnifying Glass and Magnifying Sheet
- ☐ Numbered Security Ties
- ☐ "Official Ballot" Stamps
- ☐ Ovals for M-100 Ballots
- ☐ Paper Clips
- ☐ Pencil Sharpeners
- ☐ Pens and Pencils
- ☐ Permanent Marker
- ☐ Plastic and Wire Cutters
- ☐ Plastic Electrical Cord Adapters
- ☐ Poll Booths
- ☐ Poster Tack
- ☐ Pressurized Can of Air
- ☐ Reading Glasses
- ☐ Red Felt-Tip Pen
- ☐ Rubber Bands
- ☐ Rubber Thumbs
- ☐ Rulers
- ☐ Scissors
- ☐ Scotch Tape
- ☐ Signature Line Rectangle (for Blind/Low-Vision)
- ☐ Slim Jim for Vehicle Door Locks
- ☐ Spindles
- ☐ Staple Remover
- ☐ Thumb Tacks
- ☐ Tool Kits
- ☐ Voting Systems

POLLING PLACE CONTINGENCY PLANS

In certain cases involving extreme widespread illnesses or emergencies, it may be necessary for the Secretary of State to provide special directives regarding election day. If such directives are necessary, the election administrator will be provided with all applicable information and will distribute it to election judges.

Emergency Relocation of Polling Place Checklist

The chief election judge or polling place manager will use this checklist in the event of an emergency that requires relocation of the polling place. Please modify as necessary for county-specific procedures.

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

   If so, evacuate electors and judges, and call 911 immediately.

2. **If there is not an immediate safety threat:**

☐ Contact the election administrator at the following number: _____.

☐ Evacuate electors in a calm manner. Let electors who have a ballot finish voting, unless threat is imminent.

☐ Seal and secure ballots for transport.

☐ Before you turn off voting machines, note the number of ballots on each machine so that the number can be verified at the new location.

☐ Secure voting equipment and prepare for transport.

☐ Transport equipment and supplies to your designated relocation area using bi-partisan teams of judges. Make sure at least 2 judges are present when handling ballots and/or voting equipment.

☐ Post Polling Place Relocation Signs where they are easily visible at evacuated polling place.

☐ Set up machines, ballots and other supplies at the new polling place.

☐ Verify that seals on equipment and ballot boxes are intact.

☐ After voting machines are turned on, verify that the number of ballots on each machine is the same. New "zero" tapes are not required.

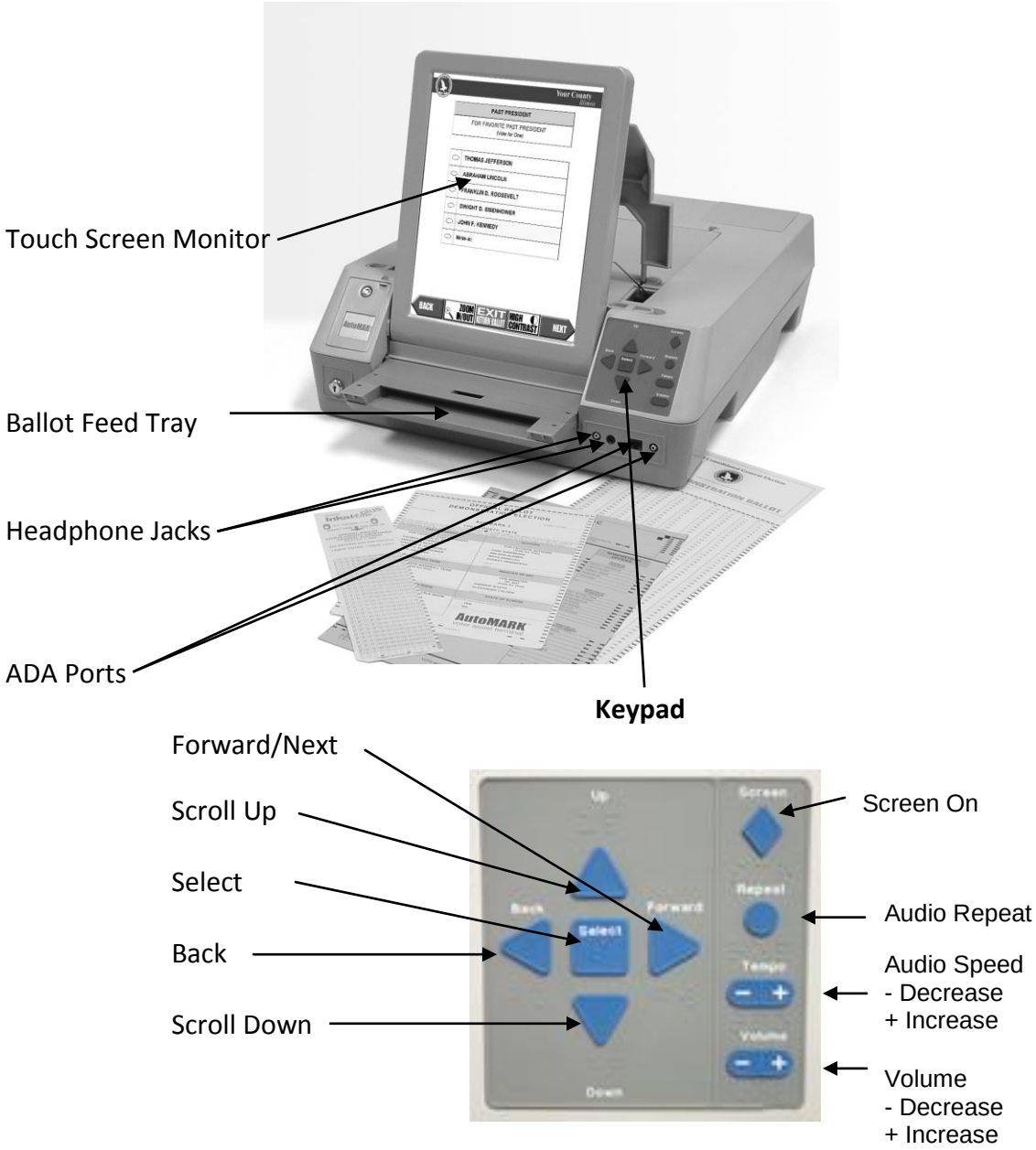
☐ Resume voting as quickly as possible.

☐ Contact the election administrator when relocation is complete.

AUTOMARK VOTING SYSTEM SETUP, USE AND TROUBLESHOOTING

The information on the following pages is intended to provide basic guidelines regarding the AutoMARK. If you have additional questions not covered by the information below, follow the procedures specified in the instruction manuals, user guides, and technical manuals as provided by the manufacturer, as well as training guides provided by the manufacturer and/or the election administrator.

The AutoMARK Voter Assist Terminal consists of the labeled components shown in the picture below.



Setup for AutoMARK Voter Assist Terminal

1. Place the AutoMARK on wheelchair accessible table (36" from tabletop to floor). Position the AutoMARK screen to face away from the center of the polling place. Ensure that the table is at least three feet (3') from any walls or obstacles that may obstruct wheelchair access and maneuverability.

2. Plug the appropriate end of the power cord into the slot on the back of the AutoMARK and the other end of the cord into the wall outlet making sure not to obstruct walkways.

3. Move latches securing top of lid to the outermost position.

4. Lift the lid flap up and rotate it back until it rests on top of the lid.

5. Lift the entire lid away from you into a vertical position. The touch screen under the lid is now visible.

6. Using two hands, lift the top of the touch screen towards you into a vertical position.

7. Close lid, leaving touch screen in upright position.

8. Adjust the angle of the touch screen for viewing comfort.

9. Open the ballot feed tray by pulling upward before pulling it away from the machine and lowering the tray until if comes to rest.

10. Plug the headphones into the appropriate headphone jack in front of terminal and set near AutoMARK to be used for audio assistance.

11. Remove cardboard secrecy sleeves, to be used with the AutoMARK, from the transport case and place with polling place secrecy sleeves.

12. Turn the AutoMARK on by inserting the brass terminal access key into the mode switch on the front of the terminal.

13. Turn mode key to the middle or "ON" position. NOTE: Screen will remain blank for 60 seconds during warm-up.

14. Once the "Insert Your Ballot" screen appears, the AutoMARK is now ready for use.

Conducting the Ballot Print Test for AutoMARKs

1. Using brass mode switch key, turn mode switch to "TEST" mode.

2. Select "TEST BALLOT PRINT" on screen.

3. Select the "Enable Calibration Suggestions" box.

4. Insert an unmarked sample ballot into the ballot feed tray.

5. Once the AutoMARK prints and ejects the ballot, confirm that the AutoMARK filled all ovals and printed the name of each candidate in the correct ballot location. If the machine detects no problems with the printer calibration, you will receive the following message, "No calibration suggestions are available." NOTE: The test printed candidate names may appear just below the names printed on the ballot. Some variation is normal and to be expected.

6. Repeat steps 1 through 4 inserting the ballot in all possible orientations (right side up, upside down, inserted front-wards, inserted backwards).

7. Confirm that the AutoMARK filled all ovals and printed the name of each candidate in the correct ballot location. NOTE: The test printed candidate names may appear just below the names printed on the ballot. Some variation is normal and to be expected.

8. Press "DONE" and return terminal to "ON" mode by turning mode switch key left or to the middle position.

9. Remove the key from the mode switch and secure it in a safe place.

Instructions for Using the AutoMARK

1. The AutoMARK is used to mark a ballot, check a marked ballot for errors, and allow persons with disabilities to vote independently and secretly.

2. The elector's independence and secrecy <u>must</u> be maintained throughout the process. However, the elector may be provided with assistance at the request of the elector. *See also "Aid to Electors with Disabilities" on page 75.*

3. Below are the steps to follow when an elector wishes to use an AutoMARK:

   a. Inform the elector of methods to mark the elector's choices on the AutoMARK:

      (1) The touch screen may be used by touching candidate and ballot issue selections on the screen and by touching the function and navigation buttons located at the bottom of the screen.
      (2) The Braille keypad to the right of the screen is equipped with shaped buttons that may be used to make selections, navigate, and change functions of the AutoMARK.

(3) The audio assistance headphones may be used in addition to the touch screen, keypad, and other personal devices.

(4) Other personal ADA devices, such as sip and puff devices, supplied by the elector, may be used with the AutoMARK through the access port on the front of the terminal.

b. Remove the elector's ballot stub(s) carefully so that the ballot itself is not torn. Ideally, remove the ballot stub(s) with scissors.

c. The AutoMARKs come equipped with specialized secrecy sleeves. The sleeves and the AutoMARKs may each have adhesive tabs on them so that you will be able to attach the sleeves to the AutoMARK in a way that maintains the elector's ballot secrecy.

d. In a **partisan Primary** Election, put each party ballot in a separate special secrecy sleeve and give them to the elector, indicating which ballot is which. Instruct the elector to choose (in secrecy) the ballot which the elector wishes to vote, and to place the ballot of the elector's choice on top of the other ballots. Do not watch the elector make the choice of party ballots, in order to maintain the privacy of the elector's choice.

Instruct the elector to signal you when the elector has made the choice of party ballots. Retain the unvoted party ballots until the elector has voted and printed the party ballot of the elector's choice.

After the elector has made the elector's choice of party ballots, ask the elector if the elector wants to have the screen blanked, and if so, let the elector blank the screen by pushing the diamond-shaped "Screen" button in the upper right hand corner of the keypad, or blank the screen for the elector if the elector asks for you to do so.

Place the specialized secrecy sleeve containing the ballot to be voted on the AutoMARK so that the sleeve's adhesive tabs line up with the adhesive tabs on the AutoMARK, if tabs are provided. Without viewing the ballot, slide the ballot into the AutoMARK so that it accepts the ballot. Place the sleeve containing the ballot that is not being marked near the AutoMARK, in case the elector changes his or her mind.

Turn away from the screen, and ask the elector to confirm that the correct party ballot was inserted into the AutoMARK.

Once the elector confirms the correct choice of party ballots and has voted the desired ballot, ask the elector if the elector wants to fold the unvoted ballots and to place them in an unvoted party ballot envelope (if folding the ballots and placing them in an unvoted party ballot envelope is necessary according to election administrator instructions).

After the elector has voted the party ballots of the elector's choice, if the elector chooses not to personally fold the unvoted party ballots (assuming that folding the unvoted ballots is necessary) and place them in an unvoted party ballot envelope, do the following:

1) Hold the unvoted party ballot secrecy sleeve underneath the voted party ballot secrecy sleeve in such a way that you cannot view the unvoted ballots;
2) Remove the unvoted ballots without looking at them, fold them, and place them in the envelope for unvoted party ballots (if necessary according to election administrator instructions); and
3) Place the unvoted party ballots in the container provided for them. Return to the AutoMARK after depositing the unvoted ballots.

In a **General** Election, place the ballot in the specialized secrecy sleeve on the AutoMARK so that the adhesive tabs on the sleeve line up with the adhesive tabs on the AutoMARK, if tabs are provided. Without viewing the ballot, slide the ballot into the AutoMARK so that it accepts the ballot. Ask the elector if the elector wants to have the screen blanked, and if so, let the elector blank the screen by pushing the diamond-shaped "Screen" button in the upper right hand corner of the keypad, or blank the screen for the elector if the elector asks for you to do so.

e. As noted above, the specialized secrecy sleeve is placed in the AutoMARK so that the ballot will print into the secrecy sleeve, maintaining the elector's privacy. If it is not possible or feasible to use the secrecy sleeve for this purpose, cover the output tray of the AutoMARK so that when the ballot prints, the ballot is concealed to the greatest extent possible.

   After the ballot prints, ask the elector if the elector would like to have you reinsert the ballot in order to confirm that the elector's choices have been correctly marked. If the elector's ballot is reinserted, ask the elector if the elector is satisfied that the elector's choices have been marked. If the elector indicates that the AutoMARK has not marked the choices correctly, issue a new ballot.

f. If there is an error with the AutoMARK accepting the ballot, try inserting the ballot again. If necessary, turn the AutoMARK off and on. If the error is not resolved, contact the chief election judge or the election administrator for assistance.

g. Always remain attentive to the elector, in case the elector requests assistance.

h. After the ballot prints into the specialized secrecy envelope, inform the elector that the elector may ask for assistance with taking the ballot, inside the secrecy sleeve, from the AutoMARK to deposit it in the ballot box.

NOTE: Only when asked by the elector may an election judge assist the elector when transporting the elector's ballot from the AutoMARK to the ballot box. *See also "Aid to Electors with Disabilities" on page 75.*

Troubleshooting the AutoMARK Voter Assist Terminal (VAT)

Please keep a copy of this Troubleshooting Guide with each ES&S AutoMARK. Additional information is provided in your election day supplies.

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

Please call if you have problems or questions: ES&S: 1(800)247-8683 / Secretary of State Elections Office: (406) 444-7911.

In addition to ballot voting instructions give the elector the following guidance:

- An election judge will assist inserting your ballot. If you believe that you have encountered a problem while using the AutoMARK voter assist terminal please signal an election judge to assist in resolving the error and **ensure that the ballot stub has been removed** from your ballot.
- After marking and printing your ballot, return ballot to election judge in the secrecy sleeve provided.

If the AutoMARK fails during an election: Use additional AutoMARK if present and:

- Notify elector that the secrecy of their ballot may be compromised when removing ballot from voting system, although every effort will be made to ensure secrecy.
- Reference common troubleshooting problems below for possible problem and solution.
- Document machine number, date and time, problem and actions taken to remedy problem.
- If problem persists, notify the Election Administrator (possibly request replacement AutoMARK).

If a regular ballot gets jammed in the AutoMARK unit, try to remove it using the following steps:

- Notify the elector that an election official must remove their ballot and that every effort will be made to ensure secrecy.
- Lift the lid behind the screen. Once lifted, you can see inside the AutoMARK.
- Inside the AutoMARK at the rear of the visible tray are two tabs.
- Push in on the tabs and lift up on the tray to remove tray. Remove the ballot.
- Put the front of the tray back into the AutoMARK machine and push back until it snaps into place.
- Close the cover and turn the key to the 'Test' position, select 'Eject Ballot' and turn the key to 'On.'

Problem (Error Message)	Probable Causes	Solution
AutoMARK 'Locks' up	▪ Unknown	▪ Shut down and restart system.
Ballot Inserted and <u>Rejected</u> (Ballot Not Recognized) (Paper misfed. Please contact an election official)	▪ Ballot was inserted incorrectly. ▪ Ballot stub is attached to ballot. ▪ Ballot style not stored on VAT. ▪ Ballot was inserted incorrectly. ▪ Ballot may be damaged. ▪ Ballot feed tray is misaligned. ▪ PV scanner is smeared or dusty.	▪ Re-insert ballot. ▪ Remove ballot stub and re-insert. ▪ Verify correct election definition is used. ▪ Re-insert ballot. ▪ Replace ballot if damaged. ▪ Check ballot feed tray orientation. ▪ Clean scanner with compressed air.
Ballot Inserted and <u>Jammed</u> (Paper misfed. Please contact an election official)	▪ Ballot was inserted incorrectly. ▪ Rear AutoMARK door is ajar. ▪ Battery power is insufficient to return ballot.	▪ Remove ballot (instructions below). ▪ Remove ballot and close rear door. ▪ Ensure AutoMARK is plugged in and mode switch light is green (AC power).
AutoMARK will not turn on (Startup Failed)	▪ Initial setup procedures failed. ▪ Battery low or running on battery.	▪ Turn unit off and then back on. ▪ Try another outlet (green light=AC Power).
Ballot Returned Unmarked	▪ Ballot was ejected before printing. ▪ Elector may have accidently touched the "EXIT Return Ballot" button. ▪ Ballot may have been misfed.	▪ Re-insert ballot.
Battery Low or Running on Battery	▪ Battery power is low and a yellow rather than a green light appears above the Mode Switch.	▪ Check to be sure the unit is plugged in correctly. Try another outlet.
Audio is not present	▪ Volume may be set too low. ▪ Headphones are not connected. ▪ Election information may be wrong.	▪ Turn volume level up. ▪ Reconnect headphones. ▪ Contact Election Administrator.
Ballot selection is not marked	▪ Ink supply is low.	▪ Replace ink cartridge.
No response when key is pressed	▪ Unknown.	▪ Shut down and restart system.
No response when a Sip-N-Puff or personal device is used.	▪ Device cable is not properly attached to access port.	▪ Check all connections, then shut down and restart system if necessary.

MODEL 100 VOTING SYSTEM SETUP, USE AND TROUBLESHOOTING

Setup for Model 100 Ballot Tabulators

1. Inspect the power cord for damage. If the cord is damaged, discard it and contact the Elections Office for a new power cord.

2. Insert the female end of the cord through the opening on the left side of the ballot box.

3. Thread the cord through the opening on the back of the ballot box until it appears through the slot at the back of the top recessed area.

4. Pull the cord until it extends a few inches into the recessed opening.

5. Place the scanner about 1/3 of the way into the recessed area and slide it on the mounting rails until it is four to five inches from the back of the recessed area.

6. Plug the female end of the power cord into the Power Entry Module on the back of the scanner.

   WARNING: Only plug the scanner into a grounded, three-pronged electrical outlet. Plug only one scanner into an outlet, if at all possible.

7. 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.

8. Slide the scanner until it is against the back of the ballot box ensuring that the diverter connector at the back of the scanner slides into its mate on the ballot box. Leave the Counter Access Panel in the down position.

9. Plug the male end of the cord into a wall outlet. (If the cord is plugged in incorrectly, the message, "NO-AC" will appear when you turn on the scanner.)

10. Open the door on the front of the scanner to access the two PCMCIA card slots.

11. Insert the card containing the desired election definition in the top slot. An arrow on the card indicates the proper horizontal orientation for inserting the card. The eject button next to the slot will stick out when the card is properly installed.

12. Secure the PCMCIA card slots by using a security tie on the metal door covering the two slots and record the # in the poll book.

13. Close and lock the Counter Access Panel in the UP position.

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.

15. Insert the scanner key and turn it to the OPEN/CLOSE POLL position. It will take approximately two minutes for the scanner to load the election definition from the card into its operating system. The scanner will display "S-MODE" in the upper left corner of the LCD screen and the message "ELECTION CARD INSERTED OPEN POLLS NOW?"

16. Press YES. The message, "PLEASE TURN KEY/SWITCH TO VOTE" appears.

17. Turn the scanner key to the VOTE position. After initializing, the scanner automatically prints an Initial State Report plus any other reports it was programmed to print. This may include a report showing no votes on the scanner for each of the races and/or questions as well as a certification message.

18. Review the Initial State Report for accuracy. Ensure the date and time are set correctly (this is the current date and time). Ensure the election information is correct (jurisdiction name, polling place, number of precincts, etc.). If any information is incorrect, call your election headquarters.

19. With the scanner in the VOTE mode, remove the scanner key and secure it in a safe place. Close the Key Access Panel.

Model 100 Ballot Tabulator Use

Electors will place the ballot into the Model 100 ballot tabulator. After the elector has done so, allow him or her to ask you questions. Ensure that the elector does not leave until you are sure the ballot has been accepted.

Once the ballot is deposited into the Model 100 ballot tabulator it cannot be retrieved.

For problems you cannot resolve, request help from the Chief Election Judge or the Polling Place Manager. She/He will call the election office if they cannot resolve the problem. Have the serial # 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, open the emergency bin until a precinct counter replacement has arrived.

"BALLOT ACCEPTED"

- Ballot was accepted and counted. Vote count goes up by one.

"NO VOTES DETECTED ON BALLOT"

- Wait for elector to ask what the error message means. (Note: Especially in cases in which the elector has cast a blank ballot, the elector may just choose to have the machine accept the ballot rather than asking what the error message means.)

- If electors ask what to do:

  Ask them if they marked the ballot with the pencil provided in the booth:

  - If they answer "yes", ask if they marked with X's or a check mark. If yes, tell them they need to press the **RETURN** button and go back into the booth to darken the ovals or request a new ballot.

  - If they answer "no", instruct them to press the **RETURN** button and go back into the booth and use the pencil provided.

- If elector states that they want to leave their ballot blank, instruct them to push the **ACCEPT** button.

"ONE CONTEST HAS TOO MANY VOTES" (screen will indicate the race)

- Wait for elector to ask what the error message means.
- Inform the elector they have marked more candidates than are allowed to be marked for that race.
- Instruct the elector that they can push the **RETURN** button to correct their ballot. Consistent with any additional specific procedures provided by the election administrator, such as spoiling the ballot and issuing a new ballot, you will allow them to go to the booth to correct their ballot.
- If elector indicates they do not want to correct their ballot, inform the elector that every other race will be counted if there are no more over votes cast. Elector will push the **ACCEPT** button to submit ballot.

"SKEWED BALLOT", "MISSED ORIENTATION MARKS", "BLACK CHECK ERROR", "DIDN'T READ ENOUGH LINES"

- Instruct elector to reinsert their ballot in a different direction. Have elector try to reinsert ballot 3 times. If it will not scan, you will need to spoil his/her ballot and have the person re-vote.

"MARGINAL MARK DETECTED"

- This means the elector made a marginal mark that the scanner is unsure whether to count or not.
- Wait for elector to ask what the error message means.
- Inform the elector that the scanner detected an oval that is not completely marked.
- Instruct the elector to clearly review all ovals and make sure they are completely filled in. Then they can reinsert the ballot.

Troubleshooting the Model 100 Optical Scan Tabulator

Please keep a copy of this Troubleshooting guide with each ES&S Model 100.

Additional information is provided in your election day supplies.

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

Please call if you have problems or questions: ES&S: 1(800)247-8683 / Secretary of State Elections Office: (406) 444-7911.

In addition to ballot voting instructions give the elector the following guidance:

- Once you have finished voting your ballot, please use the secrecy sleeve provided to deposit your ballot in the tabulator.
- Please wait as the tabulator scans your ballot. If accepted the number on the screen will increase by one per ballot sheet scanned.
- An error message will appear if there is a potential tabulation error with your ballot. Please read the message and either press accept to tabulate your ballot or press reject to have your ballot returned for possible changes. You may review your ballot for any errors or signal an election judge to assist you if you believe the tabulator has made an error.

If the tabulator fails during an election:

- Open and store ballots in the emergency ballot storage bin until the tabulator can be repaired or replaced.
- Reference most common troubleshooting problems below.
  - Additional resources are provided in your election day supplies.
- When available, deposit ballots in another tabulator (ensure tabulator will accept multiple precinct ballots).
- Document machine number, date and time, problem and actions taken to remedy problem.
- If problem persists, contact the Election Administrator (possibly request replacement Model 100).

Security procedures:

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

Problem (Error Message)	Probable Causes	Solution
No votes detected on ballot	▪ Elector left ballot blank. ▪ Ballot was not marked dark enough. ▪ Marks are not inside the ovals.	▪ Have the elector look at the ballot, to see if not marked dark enough or not marked inside of oval. ▪ Elector may vote replacement ballot or accept ballot as unmarked.
(No AC)	▪ Ballot Scanner is running on battery and is not plugged into AC power. ▪ Wall power outlet is defective.	▪ Check power cord at both ends to ensure connection is good. ▪ Try another outlet.
(Diverter Not Found)	▪ The scanner is not fully seated. ▪ Connection not made from diverter to ballot box.	▪ Unlock Access Panel door and ensure the ballot scanner is properly seated against the ballot box.
(No Election Card)	▪ Memory Card is not properly seated.	▪ Remove security seal and ensure memory card is properly seated. ▪ Reseal with new security seal and record removal and reason.
Ballot Jam	▪ Ballot Box diverter door is not open. ▪ Ballot is torn or folded and stuck in scanner.	▪ There may be a ballot jam in the back, pull out the unit and check for ballot and open diverter door.
Multiple Ballots Detected	▪ More than one ballot was put through the scanner.	▪ Put ballots one at a time through the scanner.
Ballot Too Long	▪ Ballot stub was not removed.	▪ Remove ballot stub and insert ballot.
Printer does not print (Printer Time Out Abort Printing)	▪ Out of printing paper. ▪ Paper jam. ▪ Paper release lever is in the up position.	▪ Use Auxiliary Bin until the problem is resolved. ▪ Remove security seal, replace paper, and record security seal replacement. ▪ Ensure paper comes off from bottom of roll and feeds 'up' through printer.
Does not automatically print close of polls report	▪ Media card is removed. ▪ Paper ran out. ▪ Paper is incorrectly oriented. ▪ Paper release lever is in the up position.	▪ Replace media card and manually print report. ▪ Replace paper supply. ▪ Correctly feed paper in printer. ▪ Depress paper release lever.

SERVING AS AN ELECTION JUDGE

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QUALIFICATIONS OF ELECTION JUDGES

- An election judge must be a registered elector of the county and precinct where serving. (13-4-107)
    - **Exception:** If the list the judges are chosen from is insufficient, or a vacancy is being filled, any qualified registered elector from the county may be appointed to serve as an election judge. (13-4-102)
- In the precinct where a candidate's name appears on the ballot, an election judge may not be a candidate, spouse of a candidate, ascendent, descendent, brother, sister or spouse of any of those listed above. (13-4-107)
    - **Exception:** Candidates for precinct offices may serve as election judges.
- An election judge may not serve without a current certificate of completion of training from the election administrator, unless the judge is filling an emergency vacancy. (13-4-203)
    - **Additional Requirement:** In a precinct with a voting system, the certificate must state that the judge has received instruction and is fully qualified to conduct an election with the system. A chief election judge may not serve in a precinct where a voting system is used unless the individual has received instruction, is fully qualified to perform duties in connection with the system, and has received a certificate to that effect from the election administrator. (13-17-201)

CONDUCT OF ELECTION JUDGES
(13-35-202)

Election judges should **not**:

1. deposit a ballot in the ballot box which does not contain the official stamp;
2. open or examine the folded ballot of an elector prior to putting the ballot in the ballot box;
3. look at any mark made upon the ballot by the elector;
4. make or place any mark or device on any folded ballot with the intent of ascertaining how the elector has voted;

5. allow an individual other than the elector to be present at the marking of the ballot, unless the elector has a disability and chooses someone to provide assistance pursuant to law, or

6. make a false statement in a certificate regarding affirmation.

RESPONSIBILITIES OF THE CHIEF ELECTION JUDGE (13-4-201)

- The chief election judge is in authority on election day and must:
    - pick up supplies and materials before polls open if the supplies are not delivered by the election administrator;
    - assign duties to other election judges and alternate judges' duties during the day, to insure all judges are competent in all procedures and are capable to cover if another election judge becomes ill or has an emergency, and
    - return ballots and election supplies to the election administrator.

POLLING PLACE STAFFING REQUIREMENTS

- Election judges may not leave the premises where the polling place is located during the hours they are assigned to work.
    - **Exception:** The chief election judge may grant permission to leave, but only for illness or an emergency.
- The chief election judge must obtain the permission of the election administrator to leave the polling place premises because of illness or an emergency. If the chief judge is excused, the election administrator shall appoint one of the other judges to act as chief election judge.
- Time of departure and reason for leaving shall be entered near the oath taken by the election judge, or on a form provided by the election administrator, and attested to by the chief election judge.
- The election administrator may appoint a judge to replace an excused judge or one who fails to appear.
- Election judges serving in a different precinct from the one in which they are registered may vote by absentee ballot. (13-13-201)

COMPENSATION OF ELECTION JUDGES
(13-4-106)

- Election judges are:
    - Paid at least the prevailing state or federal minimum wage, whichever is greater, for the number of hours worked during the election. They are also paid for the number of hours spent at the instruction session, but only if they are assigned to work at the polls.
    - Eligible for payment for mileage for attending instruction sessions.
    - Exempt from unemployment insurance coverage if their compensation is less than $1000 in the calendar year.

- The chief election judge (or a substitute judge) may be paid a higher rate than the other election judges and reimbursed for the actual expenses of transporting election materials.

ELECTION DAY AT THE POLLING PLACE

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SETUP FOR ALL ELECTIONS

(See also "AutoMARK Voting System Setup, Use and Troubleshooting" on page 19 and "Model 100 Voting System Setup, Use and Troubleshooting" on page 26)

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)

2. take and subscribe to the judges' official oath in the pollbook. The judges may administer the oath to each other. (13-4-105 and 13-13-101)

3. check supplies provided by the election administrator. (13-13-101)

4. verify the number of ballots delivered on ballot certification report.

5. verify all seal numbers.

6. mark the signature lines in the precinct register for absentee electors, if the register is not already marked (*see also "Absentee Voting and Absentee Ballots" starting on page 65 for proper absentee procedures.*)

7. not write absentee electors' names in the pollbook, unless the pollbook permits this option.

8. set up the official table or tables with:

   a) ballots in numerical order and according to instructions received from the Election Administrator
   b) official stamp and pad
   c) secrecy sleeves/envelopes
   d) precinct register
   e) pollbook
   f) voter information pamphlets (when applicable)
   g) one copy of the registered elector list
   h) one copy of the list of absentee electors
   i) ballot box
   j) box for ballot stubs and unvoted ballots
   k) supply of registration forms, provisional ballot supplies (envelopes, provisional ballot instructions etc.), polling place elector identification forms and all other miscellaneous supplies received from the election administrator.

9. post or display at polling place:

   a) a list of registered electors (13-2-115(3))
   b) "sample" ballots at each poll booth and in conspicuous locations (13-13-112(4))

c) "Montana Voter Information" notices in each poll booth and elsewhere in the polling place; (13-13-112)
d) "Warning" notices in conspicuous locations (13-13-113)
e) list of absentee electors in a conspicuous location (13-13-233)

10. Open the ballot box and stub boxes and ascertain that they are empty, then replace the lock and security seal and give the key to chief election judge. If using a disposable wire lock, register the number from the lock in the pollbook. Record the security seal number on the seal log.

11. Prepare supplies (secrecy sleeves, unvoted envelopes and proper writing tools to be used by elector to mark ballot).

OPENING THE POLLS

Proclaim the opening of the polls aloud at the time set for opening. (13-13-101(2) and 13-1-106)

GENERAL PROCEDURES BEFORE ELECTORS ENTER VOTING BOOTH

1. Have the elector state her/his name and current address.

2. Locate the name in the precinct register and check to see if the name and current address match. The elector must complete a new registration form if the name or address is not as listed in the register. *If the elector's name is not in the register but the elector claims to be registered, see "Erroneous Omission from Precinct Register" on page 77.*

3. Ask the elector to show proper ID if they have it with them or to go get it if it is nearby. If they do not have ID, ask them to fill out a Polling Place Elector Identification Form. *See "Polling Place Elector Identification Form" on page 81.* (13-13-114)

   a) If the information presented 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, the elector may sign the precinct register and cast a provisional ballot as provided in 13-13-601. *See "Provisional Voting" on page 82*.

   b) If the individual 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, he/she may cast a provisional ballot as provided in 13-13-601. (13-13-114(3)) *See "Provisional Voting" on page 82*.

   c) Inactive electors are allowed to reactivate and vote in any election. *If an individual is marked as inactive, see "Inactive Electors" on page 78.*

4. Write "registration form" in the precinct register beside the name of any elector submitting such a form. (13-13-114(1)(d))

5. Have the elector sign the register by his/her name. One election judge shall pronounce the name loud enough to be heard by the pollbook judge and all poll watchers present. (13-13-114(1) and 13-13-120)

GENERAL PROCEDURES WHILE VOTING IS PROCEEDING

1. Voting stations must be arranged in a manner that will not permit any other individual to see how the elector votes or has voted. 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 elector shall not remain within the voting booth longer than is reasonably necessary to vote. If the individual refuses to leave, remove him/her. (13-13-111)

2. Check from time to time to see that there are no stickers or campaign materials stuck on or in the voting booth or device. (13-35-211)

3. Check to see that sample ballots are not marked. If machines or other devices are used, periodically check to see that everything is in good working order. (13-35-206)

4. During election day, any elector's right to vote may be challenged by any registered elector by stating to you in writing the grounds of the challenge. *If a challenge is made, see "Resolving Challenges" on page 73*. (13-13-301)

Follow the procedures for the system you are using (see below).

VOTING PROCEDURES FOR HAND-COUNT BALLOTS

1. Enter the name of the elector alongside the corresponding ballot number in the pollbook. The number in the pollbook must correspond with the number on the stub of the ballot given to the elector. (13-13-115)

2. The words "Official Ballot" shall be stamped on the ballot. They must not appear on the stub. (13-13-116)

3. The elector shall receive one of each type of ballot they are qualified for. An elector who spoils the elector's ballot must be provided with another ballot in place of the spoiled ballot. There is no limit to the number of ballots that an elector can receive to replace spoiled ballots. *If an individual spoils his or her ballot, see "Spoiled Ballots" on page 77.* (13-13-116(2)), 13-13-117(1)(b))

4. Hand each elector the appropriate ballot(s), demonstrating to the elector the proper insertion of the ballot(s) into the secrecy sleeve/envelope.

5. Before the elector takes his/her ballot(s) to the voting booth, make sure the elector understands the instructions and procedure, and remind the elector to use the marking device provided in the voting booth.

6. After voting, the elector must hand the ballot to the election judge. A secrecy sleeve should be used in all elections in order to maintain uniformity and privacy. If no secrecy sleeve is used, the elector must hand the ballot to the election judge, folded so the ballot will be concealed and the official stamp is visible.

7. Remove stubs in sight of the elector. Deposit each ballot in the ballot box, and the stubs in the detached stub box. (13-13-117)

   Note: Primary election - Each elector shall hand the marked and unmarked ballots separately to the election judge, identifying them as marked and unmarked ballots. The election judge shall, in the presence of the elector:

   a) remove the stubs from all the ballots;
   b) deposit unmarked ballot(s) and the stubs in the appropriate container;
   c) deposit the marked ballots in the voted ballot container.

8. The secrecy of the elector's ballot must be protected throughout the voting process.

AN ELECTION JUDGE OR VOTING SYSTEM (IN CASES IN WHICH A MODEL 100 BALLOT TABULATOR IS IN USE 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))

VOTING PROCEDURES FOR MODEL 100 BALLOT TABULATORS

1. Enter the name of the elector alongside the corresponding ballot number in the pollbook . The number in the pollbook must correspond with the number on the stub of the ballot given to the elector. (13-13-115)

2. The words "Official Ballot" shall be stamped on the ballot. They must not appear on the stub. (13-13-116)

3. The elector shall receive one of each type of ballot they are qualified for. An elector who spoils the elector's ballot must be provided with another ballot in place of the spoiled

ballot. There is no limit to the number of ballots that an elector can receive to replace spoiled ballots. *If an individual spoils his or her ballot, see "Spoiled Ballots" on page 77.* (13-13-116(2), 13-13-117(1)(b))

4. Hand each elector the appropriate ballot(s), demonstrating to the elector the proper insertion of the ballot(s) into the secrecy sleeve/envelope.

5. Before the elector takes his/her ballot(s) to the voting booth, make sure the elector understands the instructions and procedure, and remind the elector to use the marking device provided in the voting booth.

6. An elector may request that his/her ballot be hand-counted. If so, receive the ballot from the elector in the secrecy sleeve/envelope, tear off the stub(s), and proceed as specified in the procedures required for hand counting.

7. 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 scanned by the elector inserting them into the M-100 ballot 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 "Model 100 Ballot Tabulator Use" on page 28.*
   c) The ballot count on the display increases whenever the scanner successfully scans a ballot.

   Note: Primary election - Each elector shall 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) and
   b) deposit the unmarked ballot(s) and stubs in the appropriate container.

8. 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 (IN CASES IN WHICH A MODEL 100 BALLOT TABULATOR IS IN USE 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))

EARLY PICK-UP OF BALLOTS

1. Counting of the votes cast may begin before the polls close, if directed by the election administrator. Election judges, ideally one from at least two parties having ballot access shall meet at a place designated by the election administrator.

2. Judges doing the tabulating shall be sequestered in a separate room from where ballots are being cast until after the polls close.

3. Observers must be sequestered with the board until after polls close and observers shall be warned that they may not use any electronic communication devices while sequestered.

4. Sign the two oaths provided by the election administrator. 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 while the polls are open." (13-15-207(4)(a))

5. Duplicate boxes and pollbooks will be provided. **Note:** Make sure all ballots issued and marked in the pollbook prior to the early pick-up are deposited in the (early) ballot box before the box is removed.

6. After verifying the security seal number, open the ballot box, remove and count the ballots to compare the total with the number issued as recorded in the pollbook, and record the numbers on a ballot reconciliation form provided. The form must be given to the chief election judge, or designee.

7. Check the ballots to be sure the official ballot stamp appears on them.

8. Judges for hand-count ballots will count all ballots in the first box. That box and the pollbook should then be exchanged for subsequent boxes and poll books as necessary.

9. Election Judges using a central tabulation center shall:
   a) place the ballots and pollbook in the "Early Tally Pick-up" container, marking the precinct # and the total number of ballots enclosed on the outside of the container;
   b) officially seal the container as required; and
   c) relinquish the "Early Tally Pick-up" container to authorized personnel for delivery to the counting center and obtain a receipt.

10. Counting continues until the votes for all candidates and ballot issues are counted. Counting may not be discontinued on election day/night, and restarted the next day under any circumstances.

11. Election judges and any other individuals having access to information **may not** disclose any results of early counting while the polls are open.

12. The election administrator may appoint extra election judges to act as marshal to be responsible for exchanging ballot boxes and pollbooks and enforcing sequestering of the board and observers.

CLOSING THE POLLS

PAGE 49: CLOSE OF POLLS

PAGE 49: PROCEDURES FOR CLOSE OF POLLS FOR AUTOMARKS

PAGE 50: PROCEDURES FOR CLOSE OF POLLS FOR MODEL 100 BALLOT TABULATORS

CLOSE OF POLLS

1. Shortly before 8:00 p.m. (or earlier if all registered electors have voted), proclaim that the polls will soon close, and proclaim the closing of the polls at closing time. (13-13-101(2))

2. No person shall be allowed to vote after the polls are closed, unless it is certain that 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 AUTOMARKS

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.

1. Insert the brass mode switch key into the mode switch and turn to the "Off" position.

2. Remove security seal and compact flash card with silver barrel key and place flash card in envelope #11. *See "Envelopes" on page 63.* Return brass mode switch key and silver barrel key to Chief Election Judge to be securely stored and returned to the election administrator.

3. Disconnect headphones and power cord from the AutoMARK.

4. Store headphones, power cord, and cardboard secrecy sleeves in transport case.

5. Lift up under ballot feed tray, fold inwards, and tray will drop into place.

6. Open the lid and fold the touch screen back into the recessed area.

7. Lower the lid over the touch screen.

8. Lower the lid flap over the ballot feed tray.

9. Move the lid latches into the innermost position to secure the lid.

10. Place AutoMARK in transport case and store in a secure location for pick up.

PROCEDURES FOR CLOSE OF POLLS FOR MODEL 100 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.

1. Make sure ballots from any eligible voters have been inserted into M-100 before closing the polls.

2. Check both of the ballot boxes' Uncounted Ballot Storage Bins (also known as the auxiliary or emergency bin) for uncounted ballots. Follow your procedures for processing uncounted ballots.

3. Remove the security seal, open the Key Access Panel, insert the scanner key, and turn it to the OPEN/CLOSE POLL position.

4. Press CLOSE POLLS to officially close the polls. The scanner will automatically print a series of reports that may include a Status report, Poll or Precinct report, and Certification report. The POLLS CLOSED menu appears after the scanner prints all the pre-programmed reports.

Removing the PCMCIA Card and Ballots from the Scanner

1. Turn off the scanner. This is extremely important.

2. Unlock and open the door on the front top of the ballot box to access the PCMCIA card.

3. Remove the security seal and open the door.

4. Remove the PCMCIA card by pushing the eject button located to the right of the card.

5. Attach or place PCMCIA card in a single envelope with corresponding M-100 printer report to be returned to the election administrator in sealed envelope #11. *See "Envelopes" on page 63.*

6. Open both of the ballot boxes' Ballot Compartments and remove the ballots. Be sure to follow your specific ballot handling procedures.

Disassembling the Scanner

1. Turn the key to the OFF position. Remove the key and store it as prescribed by your election procedures.

2. Ensure the Key Access Panel and Printer Access Panel are closed.

3. Unplug the scanner from the outlet.

4. Pull the scanner forward about 4-5 inches and disconnect the power cord from the scanner.

5. Pull the cord out of the ballot box and set it inside the scanner's carrying case.

6. Slide the scanner forward until it is free of the ballot box's mounting rails. Place the scanner inside its carrying case.

7. Make sure there are no ballots in the ballot box.

8. Lock all ballot box doors.

9. Return all scanner keys and ballot box keys to the chief election judge to be secured and returned to the election administrator.

COUNTING PROCEDURES

PAGE 55: COUNTING PROCEDURES

PAGE 55: TABULATING HAND-COUNT BALLOTS

PAGE 57: TABULATING WITH A MODEL 100 PRECINCT TABULATOR

PAGE 58: TABULATING WITH A MODEL 650 CENTRAL TABULATOR

PAGE 59: TABULATION BOARDS

PAGE 62: CLOSING OF TABULATING CENTER

PAGE 63: ENVELOPES

COUNTING PROCEDURES

- The count of votes must begin immediately and continue without adjournment until it is completed. The count must be public. Anyone wishing to observe the count may do so; no one may interfere with the count. (13-15-101)

- 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.

- Counting of ballots may not begin before election day.

- Display election results return form signed by all election judges completing the count at the place of counting and return a copy to the election administrator. (13-15-101(3))

Follow the procedures for the system you are using (see below).

TABULATING HAND-COUNT BALLOTS

1. Election judges, ideally one from each political party having ballot access, shall participate in taking the ballots out of the box to determine whether each ballot is single.

2. 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). *See also "Absentee Ballot Counting Board" on page 69.* 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 shall remove each absentee ballot secrecy envelope and open it. 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. (13-15-201(2))

3. One election judge from each political party having ballot access shall participate in counting ballots to ensure that the number of ballots corresponds with the number of names in the pollbook, and with the number on the ballot reconciliation report.

   a) If the total number of ballots does not reconcile with pollbook, 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))

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

4. 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(1)(e))

5. 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 pollbooks and if a majority believes that the ballots folded together were voted by one elector, they must be rejected; otherwise they must be counted. (13-15-201(2)(f))

6. Ballots shall be opened singly by one of the election judges and contents read aloud. (13-15-206)

7. If the elector's choice cannot be determined, a ballot or part of a ballot is void and 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" on page 89*). (13-15-206)

8. As ballots are read, two judges must keep tallies of the number of votes for each individual or ballot issue. If the tally sheet is not already filled out with the names and offices, and ballot issues on the ballot, the judges must write each name and office in. (13-15-206)

9. Total the write-in votes and tally as follows (*see also "Write-In Votes" on page 85 and "Determining a Valid Write-In Vote" on page 92*):

   a) Count and tally write-in votes for candidates who have filed a declaration of intent, and count the votes of those who have not filed a declaration of intent if no other candidate's name appears on the ballot for that office, and no other candidate has filed a declaration of intent for that office;
   b) Count and tally write-in votes only if the intent of the elector is clear according to Rules;
   c) Count only write-in votes by one of the variations on the write-in candidate's declaration for nomination; and
   d) Count only write-in votes that have the oval or designated area filled in.

   EXCEPTION: Count and tally all write-in votes on a Federal Write-in Absentee Ballot (*see also "Determining a Valid Vote on a Federal Write-In Absentee Ballot" on page 95*).

10. The tally sheets shall be compared and their correctness ascertained. (13-15-206)

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

12. Enter in the tally book (if not pre-printed): (13-15-206)

    a) the names of all individuals who received votes;
    b) the offices for which they received votes;
    c) the total votes received by each individual as shown by the tally sheets; and
    d) the total votes cast on each ballot issue.

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

14. Sign certificates in pollbook/tally book immediately after the votes are counted and the ballots are enclosed and sealed in proper envelopes. (13-15-204)

15. Copy on the return forms, provided by election administrator, the total votes cast for each candidate and ballot issue. Each judge shall sign the forms. (13-15-101(2))

16. Post one return form at the place of counting and return a copy to the election administrator. (13-15-101(3))

17. Place the ballots in the ballot container and seal as required:

    a) Seal all unvoted ballots and other books and supplies as indicated by the election administrator.
    b) Return the sealed ballot box, and/or envelopes and all records and supplies to the election administrator. (13-15-205)

18. Judges must enter hours worked on the "time sheet" provided by the election administrator. Return it to the election administrator with the other supplies.

TABULATING WITH A MODEL 100 PRECINCT TABULATOR

1. Election judges, ideally one from each political party having ballot access, shall:

    a) participate in taking the ballots out of the box to determine whether each ballot is single.

    b) 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). *See also "Absentee Ballot Counting Board" on page 69.* 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, the election judges shall remove each absentee ballot secrecy envelope and open it. 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. (13-15-201(2))

    c) determine the number of ballots and compare it with the total number of voters shown in pollbook, complete the pollbook reconciliation form, and

    d) If the total number of ballots does not match the pollbook, include a written statement on the ballot reconciliation report from 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(4))

2. 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(5))

3. If two or more ballots are folded together to look like a single ballot, lay them aside until the comparison is complete. Compare the count with the pollbooks and if a majority believes that the ballots that were together were voted by one elector, they must be rejected; otherwise they must be counted. (13-15-201(6))

4. If local procedures require, tally the "hand-counted" ballots, recording votes for each candidate in each office on tally sheets and seal hand counted ballots in the envelope marked for that purpose to be returned to election administrator.

5. Place the ballots in the ballot container and seal as required:

   a) Seal all unvoted ballots and other books and supplies as indicated by the election administrator.
   b) Return the sealed ballot box, transport case or envelope and all records and supplies to the election administrator or to an authorized transport deputy for delivery to the counting center, or follow directions given by the election administrator.

6. Before adjournment, enclose the items specified in the envelopes provided; *see "Envelopes" on page 63*. Each election judge will sign her/his name across all seals affixed to the official envelopes if instructed to do so on the envelope. These envelopes, with the rest of the supplies provided for the election, are returned to the election administrator. (13-15-205)

7. Judges must enter hours worked on the "time sheet" provided by the election administrator. Return it to the election administrator with the other supplies.

TABULATING WITH A MODEL 650 CENTRAL TABULATOR

Judges should be trained on the operation of the optical scan equipment.

Follow steps #1 through #7 above as applicable. Before any ballots are counted on election night, the Board should repeat the ballot count test performed prior to the election. Test results on election night must match the test results from the pre-election test.

1. Zero totals on scanners before proceeding – print zero report.

2. Make sure overvote and write-in switches are turned on.

3. You will receive ballots from Inspection Board (if used, or from election administrator or designee).

4. Note the appropriate precinct number and time on the Tabulating Log.

5. Start scanning ballots for tabulation. If scanner stops for an overvote, blank ballot, or write-in vote or if it did not read the ballot, put ballots in proper baskets and deliver to appropriate stations: the Resolution Table and/or Write-in Table. For ballots that the scanner did not read, hold until all ballots for that precinct are run and then feed one by one into scanner.

6. When precinct is complete, ensure that ballots are sealed.

7. At the end of the night, run resolution and/or resolved and duplicated ballots through the scanner so that all resolved ballots will be counted. Follow instructions provided by hardware vendor.

TABULATION BOARDS

At the discretion of the election administrator, any of the following boards, if used, may be combined and members given other duties.

Boards described below will require specialized training and forms as provided by the Election Administrator. Suggested procedures for Boards are detailed below.

Observation Board Instructions

1. It shall be the responsibility of the Observation Board to verify the accuracy of the tabulator program and attest to the procedures during processing of the ballots. This Board should be familiar with the correct procedures for processing ballots, as well as general operating procedures.

2. The Observation Board shall assist with the pre-election test of the tabulator and program to verify that the equipment will correctly count the votes cast for all offices and ballot issues. The test will be open to representatives of the political parties, candidates, and the press and general public.

3. Conduct the test by processing a pre-audited group of ballots so marked as to record a pre-determined number of valid votes for each candidate and on each ballot issue. Include, for each office, one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the system to reject such votes.

4. If an error is detected in the test, correct it. An error-free test must be conducted before the program and system are approved.

5. 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.

6. Each political party and the public may observe the proceedings at the tabulation center. No person, unless specifically authorized for the purpose, shall touch a ballot or return.

Receiving Board Instructions

1. Transfer cases will be brought to you by two judges from each precinct during the early count period and/or at the close of polls.

2. Fill in the Receiving Board log, noting the following:
   a) precinct number
   b) time received
   c) number on seal
   d) condition of seal (intact or broken). If the seal is broken or there appear to be any other irregularities, note on log and notify the Election Administrator.

3. 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.

4. Have both judges sign the log in the space provided.

5. Both receiving board members must initial in the space provided.

6. When the tasks as described are complete, pass the transfer case to the Inspection Board.

Inspection Board Instructions

1. Ballots from only one precinct at a time are inspected.

2. Fill in the Inspection Board log, noting the following:

   a) precinct number
   b) time received

3. Open the transfer case and remove ballots and ballot log.

4. Inspect the ballots for damage and 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.

5. Fill in the log, noting the number of ballots to be duplicated.

6. All board members must initial the log in space provided.

7. Ballots will be prepared for insertion into optical scan tabulating equipment.

Duplication Board Instructions

1. Ballots will be delivered to Duplication Board by either the Scanner Operator or Inspection Board Judge.

2. Fill in the log provided noting the following:

   a. precinct number
   b. time received
   c. number of ballots to be duplicated

3. Duplicate those ballots requiring duplication using the following procedures:

   a. Retrieve ballot from that precinct, duplicate the elector's choices on the new ballot.
   b. Place the damaged ballot in a basket to be sealed later that evening.
   c. One board member duplicates while the other two judges observe closely.
   d. With a red pen or stamp, mark both damaged and duplicated ballot with:

      1. precinct number
      2. judges' initials

Write-in Board Instructions

1. Ballots will come from Scanner Operator or designee.

2. Review only the write-ins that you are instructed by the Election Administrator to review.

3. Tally votes for the write-ins on tally sheets provided to you by the Election Administrator.

4. All judges must initial the tally sheets.

5. For additional instructions on counting write-in votes, *see "Write-In Votes" on page 85 and "Determining a Valid Write-In Vote" on page 92*.

Resolution Board Instructions

1. Board will consist of three election judges. At least 2 judges shall be members of different qualified political parties, if possible.

2. Ballots rejected by the machine will be received from Scanner Operators. The scanner located a blank ballot or an overvote on the ballot provided. Try to correct the ballot so that scanner will read the ballot according to the elector's wishes. S*ee "Appendix" starting on page 87*.

3. Enter into the log the precinct # and the reason that the ballot was rejected by the machine. Enter decision reached by board as to whether or not elector's intent could be decided. All judges will initial the ballot and the log in red ink.

4. Blank ballots more than likely mean the elector used a writing tool that was not detected by the scanner. The Resolution Board will use a writing tool that is provided by the Election Administrator to mark the elector's original ballot so that it can be counted by the tabulator. One judge will mark as the other two observe. Judges will initial ballot with red ink pen. Keep log of precinct # and status of ballot.

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

Election Results Board Instructions

It shall be 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 computer tape having precinct totals for each candidate and each ballot issue comes from the scanner 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.

CLOSING OF TABULATING CENTER

It shall 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.

1. Before adjournment, enclose the items specified in the envelopes provided; *see "Envelopes" on page 63*. Each election judge will sign her/his name across all seals affixed to the official

envelopes if instructed to do so on the envelope. These envelopes, with the rest of the supplies provided for the election, are returned to the election administrator. (13-15-205)

2. Judges must enter hours worked on the "time sheet" provided by the election administrator. Turn it in to the election administrator with the other supplies.

ENVELOPES

(If not all envelopes are used by your jurisdiction, follow the instructions provided by the 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	Not in 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.
Envelope No. 11	AutoMARK flash cards, and if applicable, Model 100 PCMCIA cards with corresponding printer report attached to card. SEAL.
Envelope No. 12	Supply envelope sent from the election administrator to election judges.

ABSENTEE VOTING AND ABSENTEE BALLOTS

PAGE 67: ABSENTEE VOTERS AT THE POLLS

PAGE 68: DELIVERY AND RECORDING OF ABSENTEE BALLOTS

PAGE 68: PROCESSING ABSENTEE BALLOTS DELIVERED TO THE POLLS

PAGE 69: ABSENTEE BALLOT COUNTING BOARD

PAGE 70: REJECTED ABSENTEE BALLOTS

PAGE 70: UNOPENED ABSENTEE BALLOT IN BALLOT BOX

PAGE 70: ABSENTEE ELECTORS: IDENTIFICATION AND PROVISIONAL BALLOTS

ABSENTEE VOTERS AT THE POLLS

1. Electors must be allowed to drop off absentee ballots at any polling place in the county in which the ballot was issued, except late registrants, who must return their ballots to the county election office.

2. If absentee ballots are counted in a central count system, it does not matter at which precinct or polling place an elector drops off the ballot. Election judges must return all absentee ballots along with all other ballots at the end of the night to be processed as they normally would.

3. For counties in which ballots are counted at the polling place, an absentee ballot dropped off by an elector at the wrong precinct/polling place must be handled as a provisional ballot and only counted after Election Day if it can be determined that the elector did not vote a regular ballot at their precinct/polling place.

4. How to handle electors listed as absentee who show up at the polls:

   a) If they have their absentee ballot, instruct them to give the ballot to the election judge to be handled as specified in either 2 or 3 above.
   b) If they do not have their absentee ballot, they must be handled as a provisional elector after they have affirmed that they did not receive their ballot or that the ballot was spoiled, lost or destroyed. The election administrator will need to determine if their absentee ballot was received, and if so, the provisional ballot must be rejected.

5. How to handle electors who come in with an absentee ballot and request to vote it in the poll booth:

   a) give the elector a secrecy envelope and absentee affirmation envelope instead of a secrecy sleeve;
   b) when the elector returns with the ballot, have the elector seal the ballot secrecy envelope, place it in the affirmation envelope, sign and date the affirmation envelope, and return to the judges to handle it as any other absentee ballot brought to the polling place; and
   c) if you do not have an absentee secrecy envelope and absentee affirmation envelope, handle the ballot as a provisional ballot so that 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 secrecy envelope.

DELIVERY AND RECORDING OF ABSENTEE BALLOTS
(13-13-233(3) and 13-13-204(1))

(For counties not having an appointed Absentee Ballot Counting Board –
for counties with an appointed Absentee Ballot Counting Board, see page 69)

1. The chief election judge shall receive in supplies an envelope containing voted absentee ballots that were received by the election administrator prior to election day, with a certificate stating:

   a) the number of absentee ballots delivered,
   b) the number of ballots retained for late absentee voting, and
   c) the names and number of electors receiving an absentee ballot.

2. If an elector has received but not voted an absentee ballot and the absentee ballot contains printing errors or omissions, or, if an elector does not receive the elector's absentee ballot or if the absentee ballot was spoiled, lost or destroyed, the elector may receive a replacement or corrected ballot.

3. If voting a replacement absentee ballot at the polls, the ballot must be handled as a provisional ballot (*see also "Provisional Voting" on page 82).*

PROCESSING ABSENTEE BALLOTS DELIVERED TO THE POLLS
(13-13-241)

1. If not done by the election office, compare the signature of the elector on the absentee ballot request with the signature on the elector's signature envelope.

   The signature must correspond and the affirmation must be completed.

2. 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 the signature, handle the ballot as a provisional ballot. (*See also "Provisional Voting" on page 82*.)

3. Open the valid absentee ballot envelope without opening the secrecy envelope. (Even if the elector did not return the secrecy envelope, continue with step 4.)

4. If the elector is listed in the register **(and is not listed as provisionally registered)** and the signature on the return envelope matches the signature on the absentee ballot application, handle the ballot as a regular ballot.

5. If the elector is listed in the register as **provisionally registered**, make sure evidence of eligibility, elector identification form or ID is enclosed as required. Then, verify the signature on the return envelope affirmation with the signature on the absentee ballot application. *(See also "Identification" on page 78 and "Provisional Voting" on page 82.)*

6. 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.

7. The register will indicate whether the elector has been issued an absentee ballot, so it is not necessary to make entries in the register showing that the elector has been issued an absentee ballot.

8. Primary election – Unvoted absentee ballots, if returned, shall be deposited in the unvoted ballot box without being removed from the "For Unvoted Party Ballot(s)" envelopes.

9. Place empty absentee ballot envelopes in the envelope marked for that purpose.

ABSENTEE BALLOT COUNTING BOARD
(13-15-104)

(For counties having an appointed Absentee Ballot Counting Board)

1. Absentee ballots cannot be counted prior to election day. (However, at the election administrator's discretion, they can be opened and prepared the day before election day.)

2. Election judges and any individuals having access to information may not disclose any results of early absentee counting when the polls are open and must remain sequestered until the polls close.

   Sign the two oaths provided by the election administrator. 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 while the polls are open." (13-15-207(4)(a))

3. If counting is to begin before the polls close, the absentee ballot counting board must be sequestered in a room separate from where ballots are being cast. Ensure that no individuals are able to provide election results before the close of polls.

4. Start the count of all absentee ballots for all precincts, at the time set by the election administrator (any time prior to closing of the polls but not before polls open).

5. Observers must also be sequestered until the polls close.

REJECTED ABSENTEE BALLOTS
(13-15-108)

1. Enclose any rejected absentee ballots in an envelope marked "REJECTED BALLOT(S) OF ABSENTEE ELECTORS". Include the application and all envelopes.

2. After being handled and marked as provided above, all rejected ballots must be secured in a package or container in which the voted ballots are to be placed (or within the same secure area, if necessary) and the package or container must be sealed, dated, and marked. After the package or container is sealed, a package or container may not be opened without a court order.

UNOPENED ABSENTEE BALLOT IN BALLOT BOX

If an envelope containing an absentee ballot is found unopened in the ballot box and the envelope has not been marked "Rejected", it shall be opened without a court order and the ballot cast. (13-13-244)

ABSENTEE ELECTORS: IDENTIFICATION AND PROVISIONAL BALLOTS

1. A **legally registered elector** who votes by absentee ballot is not required to return identification with his or her absentee materials. Verification of the legally registered elector's signature on the affirmation envelope with the signature on the elector's absentee application is sufficient identification. (Similarly, verification of a legally registered mail ballot elector's affirmation envelope signature with the elector's registration card is sufficient identification.)

2. A **provisionally registered elector,** by contrast, in addition to other requirements of law under 13-13-201, MCA, must:

   a) enclose in the outer return envelope a copy of the provisionally registered elector's photo identification showing the elector's name, including but not limited to a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification; or

   b) If the provisionally registered elector does not enclose a photo identification, the elector shall enclose a copy of a current utility bill, bank statement, paycheck, notice of confirmation of registration issued pursuant to 13-2-207, government check, or other government document that shows the elector's name and current address. (13-13-201)

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RESOLVING CHALLENGES

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

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 can vote a regular ballot. A challenge cannot be granted based solely upon a change of address. Furthermore, an elector confirms his or her address before receiving a ballot.

When an elector goes to the polls and his/her name appears on the precinct register the challenge is resolved in favor of the elector and s/he votes a regular ballot. The elector is asked if their voting address is current at the time they vote and presumably answers in the affirmative.

A residency challenge at the polls – whether arising from change-of-address forms or any other evidence – must fail unless the elector confirms the change in writing. Even then, they can still vote if they moved within the county (they must fill out a new voter registration form).

If they are a late registrant, they indicate their voting address at the time they register and are placed in the correct precinct. The challenge is resolved in favor of the elector and they vote a regular ballot. Again, a residency challenge at the polls – whether arising from change-of-address forms or any other evidence – must fail unless the elector confirms the change in writing.

Election officials must operate within the constraints of NVRA, which prohibits the state from removing an elector from the official rolls “on the ground that the registrant has changed residence” unless the elector confirms the change of address in writing or is provided statutory notices, does not respond to the notices, and does not vote for two consecutive federal general election cycles after the notices are sent.

Process for handling challenges at the polling place:

1) A challenge **must be in the form of an affidavit** (13-13-301(1), MCA), and **must be made by a registered Montana elector**. (13-13-301(4)(a), MCA)
2) Once a challenge is made at the polls, the challenged elector fills out the "Affidavit of Challenged Elector”. If the challenged elector provides a current address that conforms with the registration address on record, then the elector should sign the register and be provided with a regular ballot. (Please note that the elector may vote once in an "old" precinct under 13-2-512(1), MCA.)
3) A challenge must fail if the only basis of a challenge is a change of address unless the elector confirms the change of address in writing.

Challenge laws are copied below:

13-13-301. Challenges. (1) An elector's right to vote may be challenged at any time by any registered elector by the challenger filling out and signing an affidavit stating the grounds of the challenge and providing any evidence supporting the challenge to the election administrator or, on election day, to an election judge.

(2) A challenge may be made on the grounds that the elector:

(a) is of unsound mind, as determined by a court;

(b) has voted before in that election;

(c) has been convicted of a felony and is serving a sentence in a penal institution;

(d) is not registered as required by law;

(e) is not 18 years of age or older;

(f) has not been, for at least 30 days, a resident of the county in which the elector is offering to vote, except as provided in 13-2-514;

(g) is a provisionally registered elector whose status has not been changed to a legally registered voter; or

(h) does not meet another requirement provided in the constitution or by law.

(3) When a challenge has been made under this section, unless the election administrator determines that the challenge is insufficient, then without the need for further information:

(a) prior to the close of registration under 13-2-301, the election administrator shall question the challenger and the challenged elector and may question other persons to determine whether the challenge is sufficient or insufficient to cancel the elector's registration under 13-2-402; or

(b) after the close of registration or on election day, the election administrator or, on election day, the election judge shall allow the challenged elector to cast a provisional paper ballot, which must be handled as provided in 13-15-107.

(4) (a) In response to a challenge, the challenged elector may fill out and sign an affidavit to refute the challenge and swear that the elector is eligible to vote.

(b) If the challenge was not made in the presence of the elector being challenged, the election administrator or election judge shall notify the challenged elector of who made the challenge and the grounds of the challenge and explain what information the elector may provide to respond to the challenge. The notification must be made:

(i) within 5 days of the filing of the challenge if the election is more than 5 days away; or

(ii) on or before election day if the election is less than 5 days away.

(c) The election administrator or, on election day, the election judge shall also provide to the challenged elector a copy of the challenger's affidavit and any supporting evidence provided.

(5) The secretary of state shall adopt rules to implement the provisions of this section and shall provide standardized affidavit forms for challengers and challenged electors.

13-15-107. Handling and counting provisional and challenged ballots. (1) To verify eligibility to vote, a provisionally registered elector who casts a provisional ballot has until 5 p.m. on the day after the election to provide valid identification or eligibility information either in person, by facsimile, by electronic means, or by mail postmarked no later than the day after the election.

(2) (a) If a legally registered elector casts a provisional ballot because the elector failed to provide sufficient identification as required pursuant to 13-13-114(1)(a), the election administrator shall compare the signature of the elector or the elector's agent designated pursuant to 13-1-116 on the affirmation required under 13-13-601 to the signature on the elector's voter registration card or the

agent's designation form.

(b) If the signatures match, the election administrator shall handle the ballot as provided in subsection (5).

(c) If the signatures do not match and the elector or the elector's agent fails to provide valid identification information by the deadline, the ballot must be rejected and handled as provided in 13-15-108.

(3) A provisional ballot must be counted if the election administrator verifies the elector's identity or eligibility pursuant to rules adopted under 13-13-603. However, if the election administrator cannot verify the elector's identity or eligibility under the rules, the elector's provisional ballot must be rejected and handled as provided in 13-15-108. If the ballot is provisional because of a challenge and the challenge was made on the grounds that the elector is of unsound mind or serving a felony sentence in a penal institution, the elector's provisional ballot must be counted unless the challenger provides documentation by 5 p.m. on the day after the election that a court has established that the elector is of unsound mind or that the elector has been convicted and sentenced and is still serving a felony sentence in a penal institution.

(4) The election administrator shall provide an elector who cast a provisional ballot but whose ballot was or was not counted with the reasons why the ballot was or was not counted.

(5) A provisional ballot must be removed from its provisional envelope, grouped with other ballots in a manner that allows for the secrecy of the ballot to the greatest extent possible, and counted as any other provisional ballot if the elector's voter information is:

(a) verified before 5 p.m. on the day after the election; or

(b) postmarked by 5 p.m. on the day after election day and received and verified by 3 p.m. on the sixth day after the election.

(6) Provisional ballots that are not resolved by the end of election day may not be counted until after 3 p.m. on the sixth day after the election

AID TO ELECTORS WITH DISABILITIES
(13-13-119)

1. When an elector with a disability enters a polling place, an election judge shall ask the elector if the elector wants assistance.

   - An elector who needs assistance in marking his/her ballot because of disability or inability to read or write may choose a person to assist the elector, 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)

   - **Exception**: The elector CANNOT BE ASSISTED by his/her employer, an agent of the elector's employer, or an officer or agent of the elector's union. You must ask if the person helping is the elector's employer or employer's agent or officer or agent of the elector's union. If the person to assist is one of those individuals, the elector must choose someone else to assist.

2. If the elector asks for assistance in voting from election judges, it is preferable that two judges from different political parties assist. If, however, the elector objects to two judges, assistance may be given by one judge.

3. 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)

1. An elector unable to sign his/her name CANNOT be denied the right to vote because of an inability to sign the precinct register.

2. Some 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 her/his 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.

   At 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)

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

2. The elector may request assistance; *see "Aid to Electors with Disabilities" on page 75*.

3. Ask the elector to sign the oath form stating that he/she is entitled to vote but is unable to enter the polling place. Judges must see identification of elector as provided in 13-13-114, *see also "Identification" on page 78*. (If no ID is provided and the elector does not fill out a verified Polling Place Elector ID form, elector will be provided a provisional ballot.) TAPE THE SIGNED OATH NEAR THE ELECTOR'S NAME IN THE PRECINCT REGISTER. This will eliminate the need to take the precinct register out to the elector. Compare the elector's name and address to the information printed in the precinct register. If necessary, have the elector complete an updated voter registration card before voting.

4. After the elector has voted, take the marked and folded ballots immediately into the polling place and give the ballots to the judge at the ballot box.

5. The judge receiving the ballots shall announce "I have a ballot offered by [name], an elector physically unable to enter the room. Does anyone object to the reception of the ballot?"

6. If no objection is heard, the judge shall remove the stub and place the ballot and stub in the proper boxes.

7. For challenges to any elector's right to vote, *see "Resolving Challenges" on page 73*.

SPOILED BALLOTS
(13-13-117)

1. The elector must return the ballot, enclosed in the secrecy envelope, or folded with the stub showing, to an election judge. Instruct the elector to write "Spoiled" on the ballot, and without violating the secrecy of the ballot, the judge must mark "Spoiled" on the stub of the original ballot.

2. The judge must remove the stub and place it in the stub box.

3. The ballot should be placed in a spoiled ballot envelope by the elector. Election judges should not place the ballot in a spoiled ballot envelope due to the possibility of the loss of secrecy of the ballot.

   - Primary election – "Spoiled" shall be written on the stubs of both ballots. Remove stubs and place in stub box. Deposit the voted "Spoiled" ballot envelope in the ballot box (or stub container box only if directed by election administrator). Deposit the unvoted "Spoiled" ballot in the box for unvoted ballots. A new set of party ballots shall then be issued.

4. The word "SPOILED" must be marked beside elector's name in the poll/tally book.

5. An elector who spoils his/her ballot must, on returning the spoiled ballot, be given another in its place. There is no limit to the number of ballots that an elector can receive to replace spoiled ballots. (13-13-117(1)(b))

ERRONEOUS OMISSION FROM PRECINCT REGISTER
(44.3.2111, ADMINISTRATIVE RULES OF MONTANA)

1. An elector whose name is erroneously omitted from a precinct register or other election register may secure from the election administrator or designee a certificate of the error, stating the precinct in which the elector is entitled to vote, and present the certificate (which will entitle the elector to vote a regular ballot) to the election judges.

2. The certificate shall be marked "voted" by the election judges and returned to the election administrator with the precinct register. The elector should sign the back of the precinct register or in a location specified by the election administrator.

3. If the elector is unable to secure a certificate of error, the elector may vote by signing an oath that his name was erroneously omitted, if the election administrator or designee can confirm such omission by telephone or other means to the chief election judge of the precinct.

4. If the election administrator or designee cannot confirm that the elector's name was mistakenly omitted, then allow the elector to vote a provisional ballot, if the elector chooses to do so (*see also "Provisional Voting" on page 82*). Have the elector complete the provisional ballot form. Also, give the elector the instructions on what the elector's responsibility is to have the ballot counted.

INACTIVE ELECTORS
(13-2-222)

1. An elector designated as inactive in the register is eligible to vote in any election by reactivating.

2. An inactive elector may reactivate his or her registration at the polls and vote at that time. Also, an inactive elector may reactivate his or her registration by requesting an absentee ballot or providing a voter registration form.

3. An inactive elector may reactivate by affirming his or her residence address and signing the precinct register. Have the elector complete a new voter registration card to ensure all the elector's information is updated.

IDENTIFICATION

General Requirements

Consistent with 13-13-114, MCA, before an elector is permitted to receive a ballot or vote, the elector shall present to an election judge one of the forms of required identification defined below:

"Identification" for the purposes of voting at the polling place, means any of the following:

1. a current photo identification showing an elector's name including, but not limited to, a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification; or

2. a current utility bill, bank statement, paycheck, notice of confirmation of elector registration issued pursuant to 13-2-207, MCA, government check, or other government document that shows the elector's name and current address.

Note: Only an elector's name and photo are checked when an elector submits picture identification. Election judges do not check picture IDs to see whether the address on the identification is current. A driver's license or identification card is presumed to be current and valid if it is issued by any motor vehicle agency, regardless of its status.

Summary of Process for Submitting and Accepting or Rejecting ID

An elector who is otherwise eligible to vote and who provides a required form of identification shall be permitted to vote as follows:

1. If the information on the form of identification provided is determined to be sufficient by an election official while the elector is at the polling place, the elector shall be provided a regular ballot to vote;

2. If the information on the form of identification provided is determined to be insufficient by an election official while the elector is at the polling place and the elector does not fill out a verified Polling Place Elector ID Form, the elector shall be provided a provisional ballot to vote; and

3. Consistent with applicable provisions of the law, if the identification provided differs from information in the precinct register, but an election judge finds the information provided is sufficient to verify the elector's identity to vote, the elector may sign the precinct register, complete a new registration form to correct the elector's registration information, and vote. An election judge shall write "registration form" in the register by the name of any elector submitting a form.

Examples of Acceptable Identification

Under Picture ID: (remember these must have a picture and a name on them, but you **do not check any address that may appear on them**)

Driver's License
Tribal ID
Student ID
State ID
Passport
Credit Card that has a picture on it (Citibank is one company that issues them)
Health Club ID
Military ID
Costco/Sam's Club Card
Employee ID (some employers issue these to allow employees into buildings — state employees often have them)

Government IDs with name and current address (rules say an address is presumed to be current unless proven otherwise)

Voter Confirmation card (mailed to every registered elector in the state of Montana)
Polling Place Elector Identification Form
Tax Refund check
Medicaid/Medicare statement
Welfare check
Vehicle Registration (required to keep a copy in your vehicle)
Property Tax Bill
Veteran's Administration documents
WIC papers
Subsidized Housing papers
Government Student loan paperwork
Social Security paperwork
Bills from the University System
USDA documentation
Disability paperwork
SSI documents
Any government document (local, state, or federal) issued to a person that has the person's name and address on it.

Acceptable non-government ID's (with name and current address – address is presumed current unless proven otherwise)

Utility bill
Bank Statement
Paycheck

Polling Place Elector Identification Form

This form must be available at the polling place.

1. **"Polling place elector identification form"** means a form of ID for use at a polling place that is prescribed by the Secretary of State and printed by the election administrator - it is usually on pink paper to make it easily identifiable.

2. The form is preprinted and provided by the election administrator for use at the polls by any electors who do not bring identification.

3. It requires an elector to provide the elector's current Montana residential address, current mailing address, signature, date of birth, and date.

4. It also requires an elector to provide the elector's Montana driver's license number or Montana state identification number or the last four digits of the elector's Social Security number.

5. If the number provided (ideally the Montana driver's license number, but an individual can use the last 4 digits of the Social Security number) can be verified by a call to an election official at the county election office, who will check the statewide voter registration database, or the Motor Vehicle Division and/or Social Security Administration records through the "Voter Verify" program, the election judge should initial the form under "Verified."

6. The elector must show the verified form to the proper election judge, who gives the elector a regular ballot. ***Electors who are registered as provided by law and who provide this form of identification, as long as it is verified, do not have to vote a provisional ballot in order to have their vote counted.***

7. The election official should not retain the polling place elector identification form, or any other form submitted as identification.

Important Information on Identification Requirements

1. Remember, the address on the form of identification provided is presumed to be a current address unless proved otherwise**. "Current address"** means Montana residence address, or mailing address.

2. Since **only** an elector's name and photo are checked when an elector submits picture identification, election judges do not check picture IDs to see whether the address on the identification is current. For example, an out-of-state driver's license is valid identification

(even if the license is expired or suspended), as long as it has the person's name and picture and is issued by a motor vehicle agency.

3. If the name or address on a **non-picture ID** provided differs from information in the precinct register, but an election judge determines that 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 the elector's registration information, and vote. An election judge writes "registration form" by the name of any elector submitting a form.

PROVISIONAL VOTING

1. Electors may be sent to the election official in charge of ID and Provisional Balloting if:

   a) Elector's name is not in the precinct register. (However, see below under 2a.))
   b) Precinct register indicates that elector is provisionally registered, which was not resolved.
   c) Elector claimed registration with the Motor Vehicle Division or other government agency, which could not be confirmed.
   d) Elector stated that elector's absentee ballot was not received or was spoiled, lost or destroyed.
   e) Elector's right to vote was challenged. *See "Resolving Challenges" on page 73.*
   f) Elector's identification was incorrect or insufficient and/or did not include one of the following valid forms of identification: verified Elector Identification Form, OR a current photo identification showing the elector's name and including but not limited to a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification, OR a current utility bill, bank statement, paycheck, notice of confirmation of registration, government check, or other government document showing the elector's name and current address.

2. The election official in charge of ID and Provisional Balloting will ask the elector the reason the elector has been sent to the election official:

   a) An elector whose name is erroneously omitted from an official register may secure from the election administrator a certificate of the error, stating the precinct in which the elector is entitled to vote, and present the certificate (which will entitle the elector to vote a regular ballot) to the election judges. *See also "Erroneous Omission from Precinct Register" on page 77.*

      - The certificate shall be marked "Voted" by the election judges and returned by them with the precinct register. The elector should sign the back of the precinct register or in a location specified by the election administrator.

- If the elector is unable to secure a certificate of error, the elector may vote by signing an oath that the elector's name was erroneously omitted, if the chief election judge of the precinct can confirm such omission by contacting the election office by telephone.

- If the election administrator cannot confirm that the elector's name was mistakenly omitted, then allow the elector to vote a provisional ballot, if the elector chooses to do so. Have the elector complete the provisional ballot form and give elector the instructions on what the elector's responsibility is to have the elector's ballot counted. Alternatively, the elector can go to the county election office, late register, and vote there.

b) If the elector requested an absentee ballot and now is asking to vote at the polling place because he/she lost, spoiled, did not receive or destroyed the absentee ballot, have the elector complete the provisional ballot form. Give the elector the instructions on what their responsibility is to have their ballot counted (generally, under the rules, an election administrator will, without requiring further action by the elector, count the ballot unless it is determined that the elector has already voted).

c) If the elector was challenged by another elector and the challenge was not resolved (*see "Resolving Challenges" on page 73*), have the elector complete the provisional ballot form and give elector the instructions on what the elector's responsibility is to have the elector's ballot counted.

d) If the elector states that the elector forgot identification, ask the elector if he/she can complete the Polling Place Elector Identification Form. If elector can complete this form, verify the number provided by contacting the county election office (*see "Polling Place Elector Identification Form" on page 81*).

e) If the elector cannot complete the Polling Place Elector Identification Form, or the number provided on it cannot be verified, instruct the elector how to vote a provisional ballot. Ask the elector to complete the Provisional Ballot Outer Envelope Form. Give the elector the written instructions on what their responsibility is to have their ballot counted, and send the elector to receive a ballot.

3. Once the elector has received and completed the Provisional Ballot Outer Envelope Form, the elector will go back to the table for his/her precinct. The register judge will have the elector sign the register. If name is not in register, the elector will sign the back of the register or in a location specified by the election administrator.

4. The ballot judge will instruct the elector how to mark his/her ballot. The 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 secrecy envelope (and Unvoted Ballot Envelope in a primary election), he or she will place the secrecy envelope in the Provisional Ballot Outer

Envelope that has the stub(s), and seal the provisional envelope. The election judge will place the Provisional Ballot Outer Envelope in the Unverified Provisional Ballot Container.

5. If elector returns and resolves the issue that led to his/her ballot being voted provisionally, the ballot 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 in a primary election, the ballot judge will place Unvoted Ballot Envelope in an Unvoted Ballot Box), and the ballot judge will then place the stub(s) in the stub box. The Provisional Ballot Outer Envelope will be placed in the Verified Provisional Ballot Container. The pollbook judge will mark pollbook entry for the elector from a provisional ballot to a regular ballot.

LATE REGISTRATION

(Late Registration does not occur at the polling place. An elector appearing at the polling place to register must be sent to the election office or the location designated by the election administrator.)

1. Except for school elections, an elector may register or change the elector's registration information after the close of regular registration and vote in the election if the election administrator in the county where the elector resides receives and verifies the elector's registration information prior to the close of the polls on election day.

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 in order to vote in any election. An elector who changes residence to a different county 30 days or less 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.

3. An elector who registers or changes the elector's information under these procedures may vote a regular ballot in the election only if the elector votes at the county election office, 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 ballot issued is voided by the county of issuance.

4. 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.

5. Late registration does not apply with respect to an elector's registration to vote in a school election.

WRITE-IN VOTES
(13-10-211, 13-15-206 and 13-21-205)

- The election administrator will provide to the chief election judge of each precinct a list of declared write-in candidates, along with copies of the filing form listing name variations. Said list may be shown to any elector who requests the information. Lists must not be posted in polling place or in voting booth.

- A write-in vote may be counted if the oval, box, or other designated voting area on the ballot is marked.

- Any elector may write in the name of any candidate, regardless of whether the candidate has filed a declaration of intent or otherwise would have his/her votes counted. The ballot should be accepted, even if the vote may not be counted.

- The votes of a declared write-in candidate may only be counted if the write-in vote identifies an individual by a designation that the write-in candidate listed on the candidate's filing form (*except as noted on page 95 for absent military or overseas electors voting a Federal Write-In Absentee Ballot*).

- Copies of filing forms listing name variations will be provided to polling place judges and tabulating judges by the election administrator.

- Write-in votes for candidates who have not filed a declaration of intent as a write-in may be counted for a position, if the following conditions are met:

    - no candidate's name appears on the ballot for that position; and
    - no other candidate has filed a declaration or petition for nomination or a declaration of intent for that office.

See also "Determining a Valid Write-In Vote" on page 92.

HANDLING MISSING UNVOTED PRIMARY BALLOTS AND/OR MULTIPLE BALLOTS

In a partisan primary election, electors are provided with a ballot for all eligible parties holding a primary nominating election. Electors must choose one party ballot to vote, and enclose the voted ballot in the secrecy envelope provided. Unvoted ballots should be enclosed in the unvoted ballot envelope provided.

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

A. If the unvoted ballot(s) is not returned, process the marked ballot as you normally would if the unvoted ballot(s) is returned.

2. An elector enclosed all party ballots in the secrecy envelope, do I reject all ballots?

A. If the judges can determine that only one party ballot is marked, then that ballot may be counted.

3. An elector enclosed all party ballots in the secrecy envelope, and made marks on more than one party ballot, what do I 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.

4. 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 I 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, they must be rejected.

5. Upon opening the signature envelope, I 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.

APPENDIX

PAGE 89: DETERMINING A VALID VOTE

PAGE 92: DETERMINING A VALID WRITE-IN VOTE

PAGE 94: DETERMINING A VALID VOTE ON AN AUTOMARK

PAGE 94: DETERMINING A VALID VOTE ON A VOTING SYSTEM

PAGE 95: DETERMINING A VALID VOTE ON A FEDERAL WRITE-IN ABSENTEE BALLOT

PAGE 95: APPLICABILITY TO ELECTIONS ALLOWING VOTES FOR MORE THAN ONE CANDIDATE FOR A POSITION

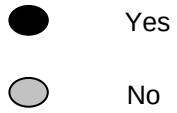
PAGE 96: ADDITIONAL REFERENCES FOR ELECTION JUDGES

DETERMINING A VALID VOTE

Determining a Valid Vote in Manually Counting and Recounting Paper and Optical Scan Ballots

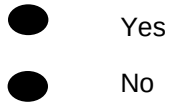
If an elector does not mark a candidate, judicial retention choice, or issue choice, the valid votes for other candidates or issues on the same ballot shall be counted.

(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 official shall cause a vote to be counted for the designated voting area that has been marked;



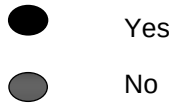
(Erasure has been attempted.)

(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;



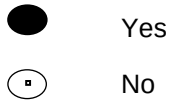
(No erasure has been attempted.)

(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 an erasure is present and it is not sufficient to make the intent of the elector clear, the election officials shall cause this to be designated as an overvote. If no erasure attempt is made, the election officials shall cause this to be designated as an overvote;

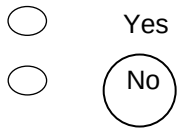


(Erasure may or may not have been attempted.)

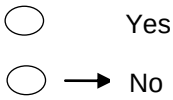
(d) The designated voting area has been marked for one candidate or ballot issue choice and a hesitation mark is present within at least one other designated voting area. The election officials shall cause a vote to be counted for the designated voting area that has been marked;



(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;

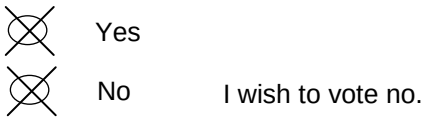


(f) The designated voting area has not been marked according to instructions, but there is a connective line or arrow between the candidate or ballot issue choice and the designated voting area to indicate the vote. The election officials shall cause a vote to be counted for the marked designated voting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

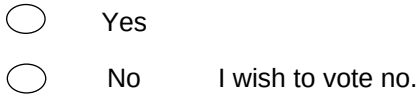


(g) More than one designated voting area has been marked, but no clear mark is used to indicate the intended candidate or ballot issue choice. This includes, but is not necessarily limited to, instances in which more than the allowable choices are marked, and an "X" has been marked in either or both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

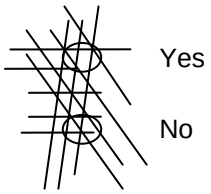
(h) More than one designated voting area has been marked, but a clear word, mark, or statement is used to indicate the intended vote. The election officials shall cause a vote to be counted for the designated voting area indicated as the intended vote;



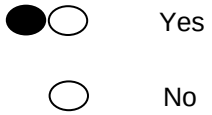
(i) A word or statement has been used to indicate the intended vote instead of marking the designated voting area according to instructions. The election officials shall cause a vote to be counted for the designated voting area indicated as the intended vote;



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



(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;

DETERMINING A VALID WRITE-IN VOTE

Determining a Valid Write-In Vote in Manually Counting and Recounting Paper and Optical Scan Ballots

(The following must be read in conjunction with the requirements specified in DETERMINING A VALID VOTE)

(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;

○ Art Jones
○ Ben Smith
○ *Steve Johnson*

(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;

○ Art Jones
○ Ben Smith
● _____

(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;

● Art Jones
○ Ben Smith
● _____

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

● Art Jones
○ Ben Smith
● *Art Jones*

(e) 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 for the marked designated voting area;

● Art Jones
○ Ben Smith
○ *Art Jones*

(f) 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.*

(g) 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 official 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.*

(h) 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*

DETERMINING A VALID VOTE ON AN AUTOMARK

- A vote on an AutoMARK electronic voting system consists of an elector's selection of candidates or choices on ballot questions appearing on the voting surface of the device, followed by the elector causing the ballot to be marked, by following the written or verbal instructions.

- All electronic voting equipment shall provide for the use of a device for the elector to enter the name of a write-in candidate where applicable. *See also "Determining a Valid Write-In Vote" on page 92.*

- 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.

DETERMINING A VALID VOTE ON A VOTING SYSTEM (13-15-206)

- If 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" on page 89 and "Determining a Valid Write-In Vote" on page 92*.

- If an election administrator or counting board has reason to believe that a voting system is not functioning correctly, the election administrator or counting board must test the system in accordance with 13-15-209 and 44.3.1714, Administrative Rules of Montana.

- Before being counted, each questionable vote on a paper ballot set aside as noted above must be reviewed by the resolution or counting board. *The resolution or counting board shall evaluate each questionable vote according to the rules under "Determining a Valid Vote" on page 89 and "Determining a Valid Write-In Vote" on page 92.*

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

DETERMINING A VALID VOTE ON A FEDERAL WRITE-IN ABSENTEE BALLOT

- According to 13-21-205, a United States elector (absent military or overseas) voting a federal write-in absentee ballot 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. A written designation of the political party must be counted as a vote for the candidate of that party.

- Except as provided below, a United States elector may vote in any election for a public office other than for a federal office by using the addendum provided in the federal write-in absentee ballot and writing in the title of the office and the name of the candidate for whom the elector is voting.

- 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 United States elector on a federal write-in absentee ballot 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 federal write-in absentee ballot, the elector may vote and return the regular absentee ballot.

- A mailed Federal Write-In Absentee Ballot must be accepted until the sixth day after the election, as long as it is sent by 8:00 p.m. on election night.

- 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. FWABS and/or ballots transmitted electronically received after the close of polls are counted at the same time as provisional ballots are counted.

APPLICABILITY TO ELECTIONS ALLOWING VOTES FOR MORE THAN ONE CANDIDATE FOR A POSITION

The rules and procedures for determining valid votes shall be applied consistently with necessary adjustments for elections in which electors may cast votes for more than one candidate for a position.

ADDITIONAL REFERENCES FOR ELECTION JUDGES

NEW! - Election Judge Interactive Training on the Secretary of State's website can be found at http://www.sos.mt.gov/Elections/Officials.

Find more election information at sos.mt.gov/Elections.