

Election Administration FAQ's

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Voter Registration

What is the cutoff for regular registration for every election?

A. It is 30 days before each election.

When elections are held on Tuesdays, as most all elections are, the 30th day before the election is always a Sunday, so the date rolls over to Monday, the 29th day before the election.

Do we have to accept cards that are postmarked by the close of regular voter registration but are received after the 30th day?

A. Yes, as long as they are received within 3 days of the close of regular voter registration.

What if a person fails to include their driver's license number, or if they have no driver's license number, fails to provide the last four digits of their SSN? If they have neither, can they provide an ID?

A. A person is provisionally registered if they do not provide a verified DLN or partial SSN. If they have neither (this will be VERY FEW people) and provide an accepted form of ID, they can be regularly registered.

Late Registration

When does late registration start?

A. The day after regular registration ends.

Does it have to be done at the county election office?

A. Yes.

Can a late registrant take their ballot with them and return it later?

A. Yes.

Can a late registrant return a ballot to the polls?

A. No.

Are late registrants considered absentee voters?

A. Yes.

An election judge calls on election day and says that there is a voter at the polls who says they registered at the driver's license office 2 weeks ago. They do not appear in the register. What do you do?

The potential voter must be sent to the election administrator's office.

An individual who is 17, but who will turn 18 on election day comes in to register to vote. The individual also requests to be on the annual absentee list. Can this individual be on the annual absentee list and get a ballot for the upcoming election, when he won't be 18 until election day?

No, according to Montana law, a person may not vote at elections unless the person is 18 year of age or older. Because this individual will not turn 18 until election day, they cannot vote a ballot until election day and so would have to go to the polls to cast their ballot.

UOCAVA

Who are UOCAVA voters?

A. These are absent military and overseas voters. They are referred to in state law as United States Electors.

What is FVAP?

A. This is the Federal Voting Assistance Program. The program staff members assist absent military and overseas voters with registration and voting. The website is fvap.gov.

Do I have to allow a UOCAVA voter to register, apply for an absentee ballot, or vote a ballot by fax, email or some other electronic means?

A. Currently providing this service is optional under Montana and Federal Law. Beginning with the 2010 federal general election, certain options must be provided.

Can a UOCAVA voter late-register?

A. Yes. Previously a UOCAVA voter could only late register using the FWAB (Federal Write-In Absentee Ballot) but new law allows them to late register even though they cannot appear at your office to do so.

What is a FWAB and where can someone get one?

A. FWAB is a Federal Write-in Absentee Ballot, used as a back-up ballot if a UOCAVA voter does not receive a regular ballot in time. A FWAB can be accessed from the Secretary of State's website, or from FVAP's website.

A U.S. citizen residing in Canada wants to register in your county. While the individual has never lived in your county, his parents do reside there. What do you tell this potential voter?

A. This voter, although a U.S. citizen, is not eligible to vote in your county. Montana law is clear that an overseas civilian may vote in the last place in which the person was domiciled before leaving the U.S. 13-21-102(5) (c)

Candidate Filing and Ballot Certification

When does candidate filing start and end? Have the dates changed for both federal elections and local and school elections?

A. Candidate filing starts 145 days before the primary and will end 85 days before the primary. This means candidate filing will open 10 days earlier and close 10 days earlier than in the recent past, although it will still last 60 days.

The dates have only changed for the federal elections, not for any local or school elections.

How and when do we receive the certified state and multi-county district candidates, statewide ballot issues for ballot preparation, and how long do we have to get ballot information in to the printer?

A. The SOS will send them to you electronically and by mail about one week after candidate filing closes. If you get them the last day possible from the SOS, you will have approximately one week to get the information to the ballot printer (compared to approximately one DAY before the law change this year)

What are our options for ballot printers?

A. You can use ES&S, the vendor for election equipment in Montana, or another printer, but be sure that your printer knows and follows the applicable requirements set by the equipment vendor. The equipment vendor offers training to private ballot printing companies and the training will make sure that the printer knows the stringent requirements for a ballot to be used in ES&S equipment.

Are election administrators required to publish a notice regarding opening of filing period for offices in local newspapers?

A. There is no statutory requirement to publish a notice of opening of candidate filing. It may be administratively beneficial to the election office to publish such a notice, and nothing prevents you from publishing one.

Polling Places

What happens if a voter comes to the polling place and has changed his or her name or precinct, but has not yet notified the elections office?

A. They can vote one last time in their old precinct using their old name and/or precinct, but should fill out a voter registration card.

When do polling places have to be open?

A. In general, polling places must be open from 7 a.m. to 8 p.m.

A polling place with less than 400 registered electors must be open at least from noon to 8 p.m. or until all registered electors have voted (they can still be open from 7a.m. to 8 p.m. at the election administrator's discretion).

If elections are combined with a school election, the polling place has to be open at the times set for school elections.

Signature gatherers have requested to be present inside the polling place. You have limited space and 4 different groups who want to gather signatures. What should you do?

You must ensure that the polling place is not obstructed. If it is impossible to fit all of them in the polling place, allow them to be as near as possible, without obstructing the polling place.

It is advisable to make these arrangements ahead of election day so that there is no disruption of voting.

A candidate comes in to the election office during the 30-day late registration and absentee voting period wearing a political button. Must the candidate be asked to leave the premises?

Montana law is clear that electioneering restrictions are only "on election day".

If you plan to try to enforce the 100 foot election-day electioneering statute during the 30-day late registration and absentee voting period, you should get your county attorney's approval.

Assistance to Individuals with Disabilities

Can I have the absentee ballot board or judges deliver a ballot outside the county to an elector with an illness or health emergency?

A. No. By law, the elector may request by telephone, facsimile transmission, or other means to have a ballot and application personally delivered by the special absentee election board at the elector's place of confinement, hospitalization, or residence **within the county**.

Do individuals with disabilities have the same rights to secrecy and privacy as other electors?

A. Yes, those rights are guaranteed under the Help America Vote Act.

AutoMARKS

Do I need to have an AutoMARK available for voting at each polling place?

A. Yes, according to HAVA, there must be an accessible voting system at each polling place.

What do I do if the AutoMARK does not work?

A. Be sure the stub has been removed prior to insertion of the ballot.

Try turning it off and on.

If this does not work, contact a technician or refer to the AutoMARK Troubleshooting Guide provided at this training, and included in the Election Judge Handbook.

How do I maintain voter secrecy on an AutoMARK?

A. The most important step is to ensure that the election judge does not view the voted ballot. This can be done through the use of secrecy sleeves.

Use of a privacy shield is another way to ensure privacy

Do individuals with disabilities have to vote on AutoMARKs? Can people without disabilities vote on them?

A. Individuals with disabilities do not have to vote on AutoMARKs, but they have to be given the option to vote on them.

People without disabilities can vote on them if they choose to do so.

A voter with a disability has given power of attorney to someone. Is the power of attorney sufficient to allow that person to apply for an absentee ballot, or vote a ballot for the person with the disability?

No – the person with the power of attorney would have to be appointed as an agent for voting purposes by the individual with a disability using the prescribed form.

Voting Systems and Testing

What are the requirements for testing?

A. There are two main requirements:

No more than 30 days prior to an election in which a voting system is used, the election administrator shall publicly test and certify that the system is performing properly.

Notice of the testing must be given as provided by law.

A random test must be conducted by a county election administrator or designee of 5% of voting systems, a minimum of one per county, on election day, to validate the accuracy of voted paper ballots with the voting system results.

Absentee Voting

When do we send confirmation notices to people on the annual absentee list?

A. These are sent once each year, in January. The notices should be sent by forwardable mail.

Are absentee ballots forwardable?

A. No!

Can people fax in their absentee applications?

A. Yes.

Can an absentee voter return a ballot to any polling place in the county?

A. Yes (except for late registrants).

Can an inactive voter be reactivated by submittal of a request for absentee ballot form?

A. Yes. The request for absentee ballot will reactive a voter.

Identification and Provisional Voting

What is the difference between a provisionally registered elector and one who votes a provisional ballot?

A. A provisionally registered elector is one whose identity and/or eligibility to vote is in question, generally because the person did not provide a verified DLN or partial SSN at the time of voter registration.

A voter may vote a provisional ballot if the elector is provisionally registered, or if the elector attempts to vote and his or her eligibility or identity is in question (such as for ID, register shows already voted absentee, name not in register, etc.).

Can electors be turned away from the polls without being given an opportunity to vote a provisional ballot?

A. No. Electors must be given the opportunity to cast a provisional ballot.

Is there a form at the polling place an elector can use for ID?

A. Yes, the Polling Place Elector ID Form.

This is the form given to electors who do not have ID. They fill it out, and the election judge at the polls contacts the elections office.

If the DLN and/or partial SSN provided by the elector is verified by the county election office over the phone, the form is marked "verified."

The elector votes a regular ballot and retains the form.

Counting and Canvassing

When does the count begin?

A. The count of absentee ballots or other ballots can begin at any time after the opening of the polls subject to sequestering requirements.

In regard to counting ballots, any official vote count must be public and continue without adjournment until completed and the result is publicly declared.

When does canvassing begin?

A. Canvassing begins within 14 days after each election; the date was moved from 7 days after the election due to post-election audit requirements

After the official canvass, you discover a mistake that was made on the canvass. Can you change the official canvass to correct the mistake?

The Attorney General has ruled that once the canvass is complete and official, minor technical mistakes cannot be corrected. The canvass must stand as it was certified. You should NEVER change your copy of the canvass once it is certified to the SOS. The SOS has the official copy archived and the county canvass should not reflect different totals than the SOS copy.

A candidate whose name appears on the ballot has passed away after absentee ballots were mailed out. Some voters who had not yet returned their ballot to the election office came in to get replacement ballots, but some did not. How do you instruct election judges to count any votes cast for the deceased candidate?

Any votes cast for the deceased candidate should be counted for the deceased candidate.

Ballot Issues

How long do we have to process statewide ballot issue petitions once we receive them?

A. They need to be processed within 4 weeks of when you receive them.

Can signature gatherers be under 18 or do they have to be registered voters?

A. Signature gatherers can be under 18 and do not have to be registered voters, just residents of the state

We have a page of signatures that only put the town as an address, no residence, no mailing, no phone. Do we reject these?

A. You can reject them if they do not include the signer's address or the signer's phone number. One or the other must be on the petition.

Can counties accept faxed petitions in any instances?

A. Counties can accept faxed petitions as long as they are received by the deadline and followed up with the originals within 7 days.

Mail Ballot Elections

Are mail ballot elections ever required?

A. No.

Do we have a new mail ballot requirement for submission in addition to the mail ballot plan and timetable?

A. Yes, you must now include instructions with your mail ballot plan and timetable.

When does my mail ballot plan need to be submitted to the SOS?

A. The SOS cannot accept the request unless it is received at least 60 days before an election.

Do ballots automatically go out to inactive electors?

A. No. They must reactivate by updating their voter registration information before they can receive a ballot.

Do we use the annual absentee ballot list in a mail ballot election?

A. No, since all eligible active electors are already sent a ballot in mail ballot elections.

A ballot in a mail ballot election is returned to your office by the Post Office with a new address noted. What do you do with the ballot?

If a mail ballot is returned as undeliverable, the election administrator shall investigate the reason for the return and mail a confirmation notice.

The law specifies that the mail ballot is not forwardable, and there is nothing in law or rule that allows the ballot to be sent forwardable after it is returned undeliverable.

Ballots returned by the post office as undeliverable should be filed and shall be securely retained.

Resources for Additional Questions

- The Title 13 laws are online at: data.opi.state.mt.us/bills/mca_toc/13.htm.
- The rules are at mtrules.org.
- Check the elections calendar often. See sos.mt.gov/Elections
- Call your city or county attorney for local election issues, especially those in [Title 7 of MCA](#).
- Call the SOS office for additional information.