MONTANA ELECTION JUDGE HANDBOOK 2016

Montana Secretary of State
Elections and Government Services Division
(406) 444-4732
soselections@mt.gov
sos.mt.gov

Updated: October 2015

MONTANA SECRETARY OF STATE

Dear Montana Election Judges,

It's that time again – time to gear up for another statewide election cycle!

Training citizens to serve as election judges is high on the list of steps toward a successful 2016 Election. 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 am responsible for the uniform application of Montana Election Law, and that is a responsibility that I take very seriously. This Election Judge Handbook contains detailed information about each aspect of the duties of a Montana Election Judge, and it provides a roadmap for election judges to navigate election day processes and procedures.

Election Judges – whether working at polling places, counting ballots or doing other assigned duties – provide a vital and important function for the voters of the State of Montana. I appreciate the time and effort you have committed to making Montana's elections fair, accurate and accessible. Together we can help to instill confidence in Montana voters that their vote is valued and important!

As always, I welcome your comments and suggestions. ***Thank you*** for being a part of the dedicated team that makes fair and accurate elections possible in Montana.

TABLE OF CONTENTS

POLLING PLACE "QUICK GUIDES" **7**
POLLING PLACE SITUATIONS 9
POLLING PLACE SUPPLIES CHECKLIST 13
POLLING PLACE CONTINGENCY PLANS 14
AUTOMARK VOTING SYSTEM SETUP, USE, AND TROUBLESHOOTING 15
MODEL 100 VOTING SYSTEM SETUP, USE, AND TROUBLESHOOTING 23
DS200 VOTING SYSTEM SETUP, USE, AND TROUBLESHOOTING 29

ELECTION DAY AT THE POLLING PLACE **33**
SETUP FOR ALL ELECTIONS 35
SAMPLE CHAIN OF CUSTODY AND SECURITY SEAL LOG 37
OPENING THE POLLS 38
GENERAL PROCEDURES BEFORE ELECTORS ENTER VOTING BOOTH 38
GENERAL PROCEDURES WHILE VOTING IS PROCEEDING 39
GENERAL VOTING PROCEDURES 40
VOTING PROCEDURES FOR HAND-COUNT BALLOTS 40
VOTING PROCEDURES FOR MODEL 100/DS200 PRECINCT-LEVEL BALLOT TABULATORS 41
EARLY PICK-UP AND EARLY COUNTING OF BALLOTS 42
BALLOT RECONCILIATION REPORT 43
POLLING PLACE VOTING FLOW CHART 44

ABSENTEE VOTING AND ABSENTEE BALLOTS **45**
ABSENTEE VOTERS AT THE POLLS 47
DELIVERY AND RECORDING OF ABSENTEE BALLOTS 48
PROCESSING ABSENTEE BALLOTS DELIVERED TO THE POLLS FROM THE ELECTION OFFICE 48
ABSENTEE BALLOT COUNTING BOARD 49
REJECTED ABSENTEE BALLOTS 50
UNOPENED ABSENTEE BALLOT IN BALLOT BOX 50
ABSENTEE ELECTORS: IDENTIFICATION AND PROVISIONAL BALLOTS 50

PROVISIONAL VOTING **51**
INACTIVE ELECTORS 53
PROVISIONALLY REGISTERED ELECTORS 53
REASONS FOR CASTING A PROVISIONAL BALLOT 53
ERRONEOUS OMISSION FROM OFFICIAL REGISTER 53
ELECTOR HAS BEEN ISSUED AN ABSENTEE BALLOT 54
ELECTOR HAS BEEN CHALLENGED 54
ELECTOR DOES NOT HAVE ID 54
PROVISIONAL BALLOT VOTING PROCEDURE 55
RESOLVING THE PROVISIONAL BALLOT 55
PROVISIONAL BALLOT COVER SHEET/OUTER ENVELOPE SAMPLE 56
PROVISIONAL VOTING FLOW CHART 57

ASSISTING ELECTORS WITH DISABILITIES **59**
ASSISTING ELECTORS WITH DISABILITIES IN GENERAL 61
ELECTOR UNABLE TO SIGN THE PRECINCT REGISTER 61
ELECTOR UNABLE TO ENTER THE POLLING PLACE 62
USING THE AUTOMARK VOTER ASSIST TERMINAL 62

CLOSING THE POLLS **63**
CLOSE OF POLLS 65
PROCEDURES FOR CLOSE OF POLLS FOR AUTOMARKS 65
PROCEDURES FOR CLOSE OF POLLS FOR MODEL 100 BALLOT TABULATORS 66
PROCEDURES FOR CLOSE OF POLLS FOR MODEL DS200 BALLOT TABULATORS 67

COUNTING/TABULATING **69**
GENERAL COUNTING/TABULATING PROCEDURES 71
HANDLING VOTING MACHINE ERROR DURING COUNT 72
COUNTING HAND-COUNT BALLOTS 73
TABULATING WITH A MODEL 650 OPTICAL SCAN CENTRAL TABULATOR 74
TABULATING WITH A MODEL DS850 DIGITAL CENTRAL TABULATOR 74
TABULATION BOARDS 75
CLOSING OF TABULATING CENTER 78

SPECIAL SITUATIONS **79**
RESOLVING CHALLENGES 81
SPOILED BALLOTS 82
ERRONEOUS OMISSION FROM PRECINCT REGISTER 82
INACTIVE ELECTORS 83
IDENTIFICATION 83
LATE REGISTRATION 87
WRITE-IN VOTES 87
HANDLING MISSING UNVOTED PRIMARY BALLOTS AND/OR MULTIPLE BALLOTS 88

APPENDIX **91**
DETERMINING A VALID VOTE 93
DETERMINING A VALID WRITE-IN VOTE 96
DETERMINING A VALID VOTE ON AN AUTOMARK 98
DETERMINING A VALID VOTE ON A VOTING SYSTEM 98
DETERMINING A VALID VOTE ON A FEDERAL WRITE-IN ABSENTEE BALLOT 99
LIST OF ENVELOPES FOR BALLOTS AND SUPPLIES 100
GUIDANCE TO ELECTION OFFICIALS IN REGARD TO OFFICIAL POLL WATCHERS AND ELECTION OBSERVERS 101
ELECTIONEERING AND SIGNATURE GATHERING FREQUENTLY ASKED QUESTIONS 103
ADDITIONAL REFERENCES FOR ELECTION JUDGES 105

POLLING PLACE "QUICK GUIDES"

Sections 1-6 of this handbook are provided as a quick reference for election judges at the polling place on election day

SECTION 1, PAGE 9: POLLING PLACE SITUATIONS

SECTION 2, PAGE 13: POLLING PLACE SUPPLIES CHECKLIST

SECTION 3, PAGE 14: POLLING PLACE CONTINGENCY PLANS

SECTION 4, PAGE 15: AUTOMARK VOTING SYSTEM SETUP, USE, AND TROUBLESHOOTING

SECTION 5, PAGE 23: MODEL 100 VOTING SYSTEM SETUP, USE, AND TROUBLESHOOTING

SECTION 6, PAGE 29: DS200 VOTING SYSTEM SETUP, USE AND TROUBLESHOOTING

1 Polling Place Situations

It is recommended that in addition to providing each judge with this Handbook, the information on pages 9-12 be printed and provided to election judges at the polls to be used as a handy guide to common polling place situations.

Accepted Forms of Polling Place ID:

- **Driver's license or any form of photo ID with the elector's name on it**, including but not limited to state issued ID, federal government issued ID, tribal ID, student ID and military ID.
- If an elector does not have photo ID, the elector may provide a utility bill, bank statement, or any government issued document with **elector's name and current address.**
  - If the ID provided has information that differs from the information in the precinct register but the election judge determines the information provided is sufficient to verify the voter's identity and eligibility to vote, the voter may sign the register and vote, but must complete an updated registration form.

Elector did not bring Accepted Form of 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.
- If the Election Office confirms that the elector was omitted from the Register due to an error, have elector fill out *"Erroneous Omission from Precinct Register"* form.
- Elector casts **regular ballot** in above scenario.
- 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 at the polls, send the elector to the Election Office or designated location to late register and vote.**

Elector's address in Register is incorrect:

- Have the elector fill out a new Voter Registration form with updated information for future elections.
- Elector casts **regular ballot.**

Register says Elector was issued an Absentee Ballot:

- The 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 (the voter's status will be noted on Register):

- If the provisionally registered elector provides required ID and the ID number is verified by the Election Office (or the elector fills out the Polling Place Elector ID Form, and the ID number is verified by the Election Office), the elector votes a **regular ballot**.
- If the provisionally registered elector does not provide a form of required ID or the ID number cannot be verified by the Election Office, the elector votes a **provisional ballot**. Inform the elector the provisional ballot will be counted so long as the elector provides verifiable ID number to the elections office by 5pm the day following the Election.

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.
- 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 forwardable notice mailed by the election office.
- **An inactive elector can cast a regular ballot in any election by appearing to vote at the polls, 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" in the "Special Situations" section of this Handbook*) 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 fingerprint or another identifying mark like an X. Note in the register that you witnessed the elector marking the register.
- If elector is unable to provide a fingerprint or identifying mark and does not have a designated agent, the election judge (or election administrator) may sign for the elector after verifying elector's ID.

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.
- A designated agent may assist them with any part of the voting process.
- Two election judges may help (affiliated with different parties, if possible).

Elector makes a mistake on their Ballot (see detailed information in "special situations")

- Ballot judge will write "spoiled" on stub and elector will write "spoiled" on ballot.
- Judge will remove stub and elector places spoiled ballot in an envelope marked "Spoiled."
- Inform poll book judge to mark poll book accordingly for the spoiled ballot number.
- Give elector a new ballot informing poll book judge what the new number is.
- DO NOT place stickers or labels to cover up and correct errors on the spoiled ballot, and DO NOT provide stickers or labels to voters to place on their spoiled ballot.

A Ballot is missing or blank:

- If the next sequential 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, with stub attached. (Make sure that the next ballot contains the correct next sequential number. If not, follow the step immediately above for that ballot).

Elector brings in voted Absentee Ballot for drop-off (also see the more detailed "*Absentee Voters at the Polls*" subsection under the "*Absentee Voting and Absentee Ballots"* section of this Handbook):

- 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 are instructed to return ballots to the county election office or designated location.
- Absentee ballots dropped off at the polling place must be sealed in a secrecy envelope and an affirmation envelope, signed and dated by the elector.
- An absentee ballot dropped off at a polling place other than the one in which the elector appears on the register must be:
    - Delivered to the election office for signature verification and tabulation if tabulation of absentee ballots is done at a central location (or as directed by the election administrator).
    - Delivered to the election office for signature verification and then the ballot will need to be delivered by the election office to the correct precinct if all counting is done at the precinct location (or as directed by the election administrator).

An Elector asks about Write-In Candidates:

- Provide write-in candidate information that was provided by the election administrator 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.

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 an envelope marked "Hand Count" and place it in the ballot box.

Poll Watchers:

- New! A candidate may not be a poll watcher at a polling place where electors are voting on ballots with the candidate's name on them.
- At the time when each elector signs the elector's 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 and observers 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 until the close of polls)** and all entries of the results of the elections.
- Poll watchers may challenge any elector, using the prescribed form properly completed.
- Poll watchers and observers may speak to an election judge within a polling place to discuss application or 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 and observers are not soliciting information or promoting an issue or candidate to electors in the polling place.
- If allowed, poll watchers, observers and signature gatherers who are using cell phones should be asked to go to a secluded spot or outside the polling place, where voters will not hear them and where the call will not be distracting to those voting.
- If you are having problems with a poll watcher, observer or signature gatherer, call the election office.
- New! A candidate, family member of a candidate or a worker or volunteer for a candidate's campaign may not distribute alcohol, tobacco, food, drink or anything of value to a voter within a polling place or a building in which an election is being held or within 100 feet of an entrance to a polling place.

2 Polling Place Supplies Checklist

Paper:

- ☐ Absentee Elector Lists
- ☐ Absentee Secrecy and Signature Envelopes
- ☐ Absentee List Applications
- ☐ AutoMARK Tally Sheets (for Tracking # of Electors)
- ☐ Ballots
- ☐ Challenge Forms
- ☐ Checklists for Opening and Closing of 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
- ☐ Poll Book 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
- ☐ Title 13 Election Law Books
- ☐ Toilet Paper and tissues
- ☐ Voter Information Pamphlets
- ☐ Voting Instructions and Warning Posters

Items:

- ☐ 100-Foot String to Avoid Electioneering
- ☐ AutoMARK Secrecy Sleeves
- ☐ Badges and Name Tags
- ☐ Calculators
- ☐ Cell Phones/Phone Cards/Quarters for Phone Booths
- ☐ Clipboards
- ☐ Duct Tape
- ☐ Envelope Dampeners
- ☐ Extension Cord
- ☐ Extra AutoMARK Ink Cartridge
- ☐ Eye Drops
- ☐ Feather Duster
- ☐ Finger Adhesive
- ☐ First Aid Kit
- ☐ Flashlight and Extra Batteries
- ☐ Food and Coffee for Election Judges
- ☐ Hand Sanitizer and Lotion
- ☐ Highlighters
- ☐ "I Voted" Stickers
- ☐ Ink Pads
- ☐ Isopropyl Rubbing Alcohol Cleaning Pads
- ☐ Keys
- ☐ Lanyards
- ☐ Letter Openers
- ☐ Light Bulbs
- ☐ Magnifying Glass and Magnifying Sheet
- ☐ Numbered Security Ties
- ☐ "Official Ballot" Stamps
- ☐ Paper Clips
- ☐ Pens, including blue, black, and red
- ☐ Permanent Marker
- ☐ Plastic and Wire Cutters
- ☐ Plastic Electrical Cord Adapters
- ☐ Poll Booths
- ☐ Poster Tack
- ☐ Pressurized Can of Air
- ☐ Reading Glasses
- ☐ Rubber Bands
- ☐ Rubber Thumbs
- ☐ Rulers
- ☐ Scissors
- ☐ Scotch Tape
- ☐ Signature Line Rectangle (for Blind/Low-Vision)
- ☐ Spindles
- ☐ Staple Remover
- ☐ Thumb Tacks
- ☐ Tool Kits
- ☐ Voting Systems

3 Polling Place Contingency Plans

In certain cases involving extreme widespread health, weather or other 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 bipartisan 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.

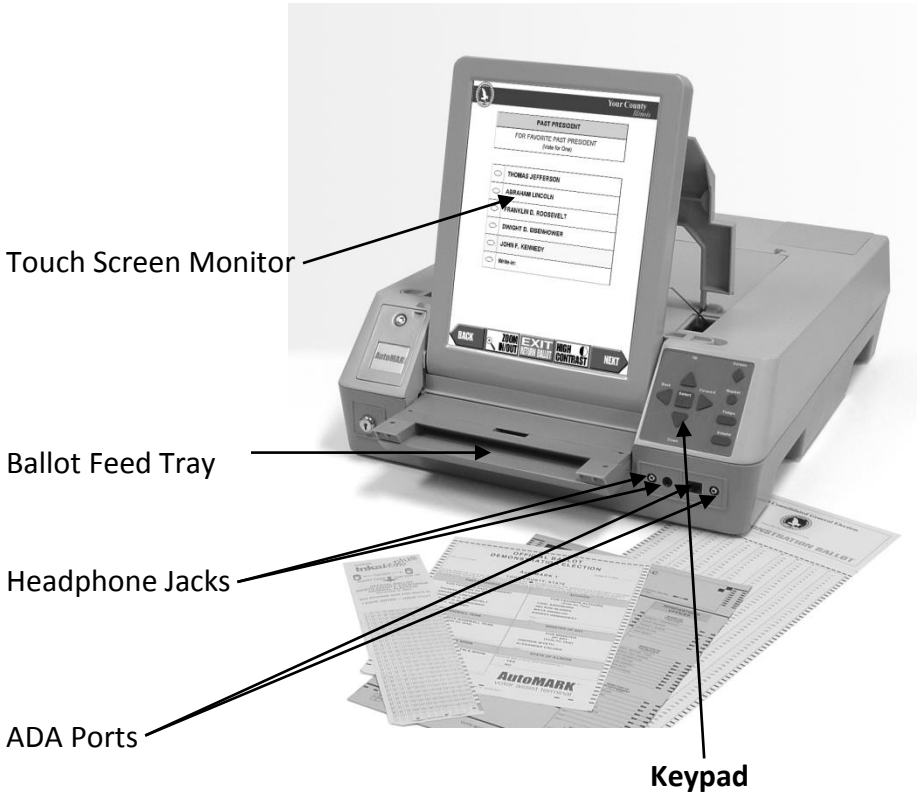
☐ After voting machines are turned on, verify that the number of ballots on each machine is the same. New "zero" tapes are not required.

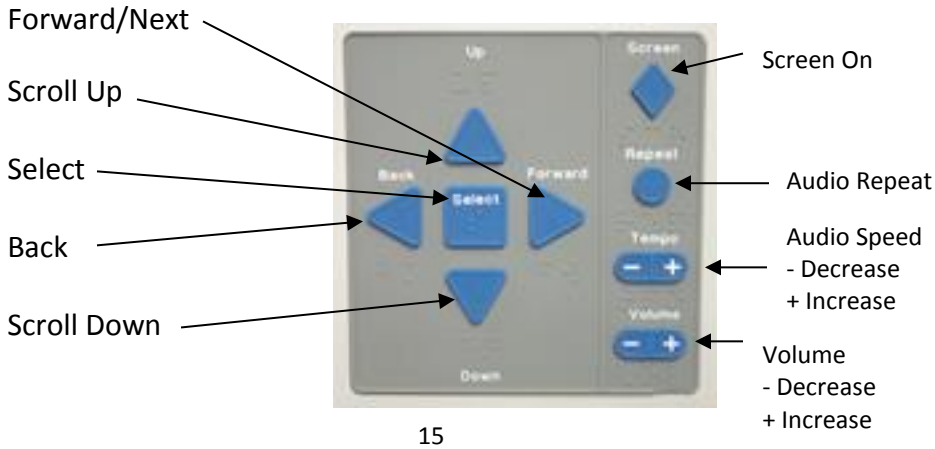
☐ Resume voting as quickly as possible.

☐ Contact the election administrator when relocation is complete.

4 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.





4.1 Setup for AutoMARK Voter Assist Terminal

1. If your media is not programmed to include all precincts, verify that the AutoMARK has the correct programming information for the precinct/polling location by testing several sample ballots.

2. If the election administrator has indicated that this machine was randomly selected as part of the required election day testing, follow the instructions provided by the election administrator and refer to the appropriate testing checklist and certification form in the Uniform Voting Systems Guide.

3. Open the transportation case using the flaps on the side and team-lift the AutoMARK onto a 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.

4. Ensure that the Security Seals have not been tampered with and that the numbers on the seals match the numbers on Chain of Custody and Security Seal Log.

5. 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.

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

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

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

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

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

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

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

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

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

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

16. Turn mode key to the middle or "ON" position. NOTE: Screen will remain blank for 60 seconds during warm-up. The "ON" light will be green if the AutoMARK is running on external power: if the light is orange, ensure the machine is properly plugged in and the outlet is on.

4.2 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.

4.3 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 "Assisting Electors with Disabilities" section.*
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 the elector's 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 "Assisting Electors with Disabilities" section.*

4.4 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.'

AutoMARK Troubleshooting Chart

Problem (Error Message)	Probable Causes	Solution
AutoMARK 'Locks' up	▪ Unknown	▪ Shut down and restart system.
Ballot Inserted and Rejected (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 Jammed (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.

5 Model 100 Voting System Setup, Use, and Troubleshooting

5.1 Setup for Model 100 Ballot Tabulators

1. Ensure you have the M100 that was programmed for the polling location by examining the report the tabulator will print out when the election is opened.

2. If the election administrator has indicated that this machine was randomly selected as part of the required election day testing, follow the instructions provided by the election administrator and refer to the appropriate testing checklist and certification form in the Uniform Voting Systems Guide.

3. Remove the M100 from the transportation case and place it on the M100 ballot box if not already set-up.

4. Ensure that the Security Seals have not been tampered with and that the numbers on the seals match the numbers on the Chain of Custody and Security Seal Log.

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

6. 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.

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

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.)

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

14. 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.

15. 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.

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

17. 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.

18. 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?"

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

20. 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.

21. 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.

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

5.2 Model 100 Ballot Tabulator Use

Electors will place the marked ballot into the Model 100 ballot tabulator. After the elector has done so, the ballot judge should be available in case there are questions or in case there is a problem. Ensure that the elector does not leave until 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. Have the serial # of the precinct counter available (this number is located on the back of the machine), 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.

The following are system generated messages – each election judge working with the M100 should know what the messages mean.

"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 marking instrument provided in the booth:

  - If they answer "yes," ask if they marked with X's or check marks. 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 marking instrument 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 in those races. 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 the elector's ballot and have the elector mark a different ballot.

"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.

5.3 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.

Please call if you have problems or questions: County Election Office; ES&S: 1(800)247-8683 / or 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 on the log provided the number of the security seal removed and replacement seal as well as reason for removing seal.

Model 100 Troubleshooting Chart

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.

6 DS200 Voting System Setup, Use, and Troubleshooting

6.1 Setup for Model DS200 Ballot Tabulators

1. Ensure that the DS200 was programmed for the polling location by examining the report the tabulator will print out when the election is opened.

2. If the election administrator has indicated that this machine was randomly selected as part of the required election day testing, follow the instructions provided by the election administrator and refer to the appropriate testing checklist and certification form in the Uniform Voting Systems Guide.

3. Take the DS200 from the transportation case and place the machine on the DS200 ballot box, thread the power cord in through the back of the ballot box and insert the female end into the DS200.

4. Counties using the DS200 may have M100 ballot boxes that will be retrofitted to accommodate the new machines. These changes will include a metal "plunger" that secures the DS200 into place.

5. 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.

6. 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. Ensure that the

metal plunger is up and that the DS200 can't move forward or backwards. You can access the bottom of the plunger from the Auxiliary Bin.

7. Plug the male end of the cord into a wall outlet.

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

8. Open the lid of the DS200. The DS200 will automatically power on.

9. Ensure that the Security Seals have not been tampered with and that the numbers on the seals match the numbers on Chain of Custody and Security Seal Log.

10. Open the access door, located above the printer, and insert the USB drive into the USB port. Place removed security seal on the Security Seal log and record required information. If the DS200 has not powered on, press the Power button located next to the USB drive. Secure the door with a tamper-resistant security seal.

11. The system will initialize and a screen with the following options will appear, "Open Polls" and "Shutdown."

12. Press "Open Polls." Depending on options set for your election definition, the DS200 can automatically print a status report, a zero totals report and or a zero certification report.

13. On the reports selection screen, chose either "Totals" only or "All precincts" to generate the Zero Report. Once the start-up reports are complete, close, lock and seal the switch door.

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.

6.2 DS200 Ballot Tabulator Use

Electors will place the marked ballot into the DS200 ballot tabulator. After the elector has done so, the ballot judge should be available in case there are questions or in case there is a problem. Ensure that the elector does not leave until the ballot has been accepted.

Once the ballot is deposited into the DS200 ballot tabulator it cannot be retrieved.

For problems you cannot resolve, request help from the Chief election judge or the Polling Place Manager. 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, remove the security seal, open and use the emergency bin until a precinct counter replacement has arrived. Once a replacement unit arrives, make sure that the emergency bin is empty of all ballots and reseal the bin. Ensure that you log the removed and the replaced security seal in the Chain of Custody and Security Seal Log.

DS200 Troubleshooting Chart

Problem (Error Message)	Probable Causes	Possible Solution
"Election Definition Not Found"	▪ The USB memory drive is missing, blank or not installed correctly.	▪ Ensure the USB memory drive is installed correctly in one of the slots available. ▪ If the DS200 is still unable to detect the card, contact ES&S for another USB memory drive.
Upper right hand corner display shows a red X through the power icon.	▪ The DS200 is not plugged into the AC power cord or the wall outlet is defective.	▪ Check power cord is plugged in securely to the outlet and also to the machine. ▪ Test all outlets using a nightlight, mobile phone charger or other small electronic device. ▪ Check DS200 power cord for damage. If damage is found, replace the cord.
The reports are generating, but no printing is visible on the paper.	▪ The DS200 printer uses thermal paper and heat transfer to print the information. Printer functionality without visible print means the paper roll is inserted incorrectly.	▪ Reinsert the paper roll. Reprint report(s) as necessary.
What do I use to clean the exterior of the DS200 including the touch screen?	▪ Dirt, grime, fingerprints, etc.	▪ The DS200 touch screen and exterior can be cleaned with isopropyl alcohol wipes or isopropyl alcohol on soft cloth.

ELECTION DAY AT THE POLLING PLACE

PAGE 35: SETUP FOR ALL ELECTIONS

PAGE 37: SAMPLE CHAIN OF CUSTODY AND SECURITY SEAL LOG

PAGE 38: OPENING THE POLLS

PAGE 38: GENERAL PROCEDURES BEFORE ELECTORS ENTER VOTING BOOTH

PAGE 39: GENERAL PROCEDURES WHILE VOTING IS PROCEEDING

PAGE 40: GENERAL VOTING PROCEDURES

PAGE 40: VOTING PROCEDURES FOR HAND-COUNT BALLOTS

PAGE 41: VOTING PROCEDURES FOR MODEL 100/DS200 PRECINCT-LEVEL BALLOT TABULATORS

PAGE 42: EARLY PICK-UP AND EARLY COUNTING OF BALLOTS

PAGE 43: BALLOT RECONCILIATION REPORT

PAGE 44: POLLING PLACE VOTING FLOW CHART

SETUP FOR ALL ELECTIONS

(See also "AutoMARK Voting System Setup, Use, and Troubleshooting" section, "Model 100 Voting System Setup, Use, and Troubleshooting" section and "DS200 Voting System Setup, Use, and Troubleshooting" section.)

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 poll book. The judges may administer the oath to each other. (13-4-105 and 13-13-101)

3. Check supplies provided by the election administrator using the checklist provided by the election administrator and/or in the *Polling Place "Quick Guides"* section of the Election Judge Handbook. (13-13-101)

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

5. Verify on the log provided all seal numbers.

6. Mark the signature lines in the precinct register for anyone issued a ballot after the registers were printed**, if the register is not already marked** (*see also "Absentee Voters at the Polls" section for proper absentee procedures*).

7. Set up the official table or tables with:
   a) Ballots in numerical order and according to instructions received from the election administrator
   b) Official ballot stamp and pad
   c) Secrecy sleeves/envelopes
   d) Precinct register
   e) Poll book
   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.

8. 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(5))

1) If a sufficient number of sample ballots is not provided, and you are unable to get a supply from the election office, take a ballot from the bottom of the stack, remove the stub and write "SAMPLE" across the ballot. Make copies.

c) "Montana Voter Information" notices in each poll booth and elsewhere in the polling place (*see sample below*). (13-13-112)

d) "Warning" notices in conspicuous locations (see sample below) (13-13-113)

e) List of absentee electors in a conspicuous location (13-13-233)

9. 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 poll book. Record the security seal number on the Chain of Custody and Security Seal Log.

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

Post the Montana Voter Information poster and sample ballot(s) in each voting booth and elsewhere in the polling place.

Post the Warning in conspicuous locations around the polling place.

MONTANA VOTER INFORMATION

This information must be publicly posted in each voting station and elsewhere in each polling place on Election Day.

HELP AMERICA VOTE ACT AND STATE LAW VOTING INFORMATION REQUIREMENTS:

Date and Time of Election:

{To be filled in by election administrator or election judge}

Voting Instructions:

When you enter your polling place, an election judge will greet you, ask your name, and determine whether you are registered to vote in that precinct. He or she will also ask you to show ID. (Under federal law, all mail-in registrants and first-time voters must show ID; under state law, all other voters are required to show ID as well.)

This ID can be any current photo ID that shows your name (for example, a driver's license, school ID, state ID, or tribal ID) or a current utility bill, bank statement, paycheck, voter confirmation notice, government check or other government document that shows your name and current address.

If you forget your ID, you have many options. You can return to the polls when you have it, or fill out a polling place elector ID form, or vote a provisional ballot, which will be counted if your identity can be verified.

After you have shown ID and your eligibility to vote has been verified, you will sign the register and be provided an official,

WARNING

The sections of law printed below list specific conduct or actions which may cause an elector to be subject to criminal prosecution. This is not intended to be a complete printing of all laws pertaining to election violations. ***By law, this warning notice must be posted in conspicuous places in the polling place.***

INFORMATION ON STATE LAWS REGARDING PROHIBITIONS ON ACTS OF FRAUD AND MISREPRESENTATION:

13-35-201. Electors and ballots. (1) An elector may not show the contents of the elector's ballot to anyone after it is marked. An elector may not place any mark upon the ballot by which it may be identified as the one voted by the elector.

(2) An elector may not receive a ballot from any person other than an election judge and may not vote any ballot except one received from an election judge. A person other than an election judge may not deliver a ballot to an elector.

(3) A person may not solicit an elector to show the elector's ballot after it is marked.

(4) An elector who does not vote a ballot delivered to the elector shall, before leaving the polling place, return the ballot to an election judge.

13-35-202. Conduct of election officials and election judges. An election officer or judge of an election may not:

(1) deposit in a ballot box a paper ballot that is not marked as official;

(2) examine an elector's ballot before putting the ballot in the ballot box;

(3) look at any mark made by the elector upon the ballot;

(4) make or place any mark or device on any ballot with the intent to ascertain how the elector has voted;

(5) allow any individual other than the elector to be present at the marking of the ballot except as provided in 13-13-118 and 13-13-119; or

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

13-35-206. Injury to election equipment, materials, and records. A person is guilty of criminal mischief or tampering with public records and information, as appropriate, and is punishable as provided in 45-6-101 or 45-7-208, as applicable, whenever the person:

(1) prior to or on election day, knowingly defaces or destroys any list of candidates posted in accordance with the provisions of the law;

(2) during an election:

(a) removes or defaces instructions for the voters; or

(b) removes or destroys any of the supplies or other conveniences placed in the voting station for the purpose of enabling a voter to prepare the voter's ballot;

(3) removes any ballots from the polling place before the closing of the polls with the purpose of changing the result of the election;

(4) carries away or destroys any poll lists, checklists, ballots, ballot boxes, or other equipment for the purpose of disrupting or invalidating an election;

(5) knowingly detains, mutilates, alters, or destroys any election returns;

(6) mutilates, secretes, destroys, or alters election records, except as provided by law;

(7) tampers with, disarranges, defaces, injures, or impairs a voting system with the intent to alter the outcome of an election;

(8) mutilates, injures, or destroys a ballot or appliance used in connection with a voting system; or

(9) fraudulently defaces or destroys a declaration or certificate of nomination.

13-35-211. 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.

13-35-214. Illegal influence of voters. A person may not, directly or indirectly, individually or through any other person, for any election, in order to induce any elector to vote or refrain from voting or to vote for or against any particular candidate, political party ticket, or ballot issue:

(1) give, lend, agree to give or lend, offer, or promise any money, liquor, or valuable consideration or promise or endeavor to procure any money, liquor, or valuable consideration;

(2) promise to appoint another person or promise to secure or aid in securing the appointment, nomination, or election of another person to a public or private position or employment or to a position of honor, trust, or emolument in order to aid or promote the candidate's nomination or election, except that the candidate may publicly announce or define the candidate's choice or purpose in relation to an election in which the candidate may be called to take part if elected.

13-35-217. Officers not to influence voter. An officer, while acting in an official capacity, may not, by menace, reward, or promise of reward, induce or attempt to induce any elector to cast a vote contrary to the elector's original intention or desire.

13-35-218. Coercion or undue influence of voters. (1) A person, directly or indirectly, individually or through any other person, in order to induce or compel a person to vote or refrain from voting for any candidate, the ticket of any political party, or any ballot issue before the people, may not:

(a) use or threaten to use any force, coercion, violence, restraint, or undue influence against any person; or

(b) inflict or threaten to inflict, individually or with any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person.

...

(3) A person may not, by abduction, duress, or any fraudulent contrivance, impede or prevent the free exercise of the franchise by any voter at any election or compel, induce, or prevail upon any elector to give or to refrain from giving the elector's vote at any election.

(4) A person may not, in any manner, interfere with a voter lawfully exercising the right to vote at an election in order to prevent the election from being fairly held and lawfully conducted.

(5) A person on election day may not obstruct the doors or entries of any polling place or engage in any solicitation of a voter within the room where votes are being cast or elsewhere in any manner that in any way interferes with the election process or obstructs the access of voters to or from the polling place.

INFORMATION ON FEDERAL LAWS REGARDING PROHIBITIONS ON ACTS OF FRAUD AND MISREPRESENTATION:

Federal authorities may become involved in election fraud or misrepresentation issues when a state prosecutor asks for federal assistance or when allegations arise that criminal vote fraud has occurred in a federal election. If you have information about vote fraud, contact the nearest office of the FBI or your local U.S. Attorney's office.

Chain of Custody and Security Seal Log (page 1) This form must be used to track the chain of custody of ballots and media, and to track security seals.

Ballots, Media and Other Items Chain of Custody & Security Seal Log

Chain of Custody on front, Security Seal Log on the reverse side.

This form is for security and tracking ballots and media.

Part 1: (to be completed by election administrator)- Materials prepared at election office to be delivered to the polling place

County:_____ Precinct:_____ Polling Place:_____ Election Date:_____

Ballot Container Seal #	2nd Seal #	3rd Seal # (if needed)	4th Seal # (if needed)
Media/Other Seal #			

Verified before transport to polls by:

_____ _____

Election Administrator (Date/Time) and one other official

Part 2: (to be completed by chief election judge or polling place manager before the polls open)

Ballot Container Seal #	2nd Seal #	3rd Seal # (if needed)	4th Seal # (if needed)
Media/Other Seal #			

Before Polls Open – Seals verified by:

_____ _____

Polling Place Manager or Chief Election Judge (Date/Time) Election Judge

Part 3: (to be completed by chief election judge or polling place manager when preparing ballots/media to be sent back to election office) NOTE: IF EARLY PICKUP OF BALLOTS, THIS FORM ACCOMPANIES BALLOTS TO COUNTING LOCATION; AND A SECOND FORM REMAINS WITH BALLOT CONTAINER TO BE COMPLETED FOR FINAL TRANSPORT.

Ballot Container Seal #	2nd Seal #	3rd Seal # (if needed)	4th Seal # (if needed)
Media/Other Seal #			

After Polls Closed – Seals verified by:

_____ _____

Polling Place Manager or Chief Election Judge (Date/Time) Election Judge

Part 4: (to be completed by election administrator upon return to county)

Ballot Container Seal #	2nd Seal #	3rd Seal # (if needed)	4th Seal # (if needed)
Media/Other Seal #			

Upon Return to Election Office Seals Verified by:

_____ _____

Election Administrator (Date/Time) and one other official

See next page for seal removal/replacement log.

Part 1 filled out by election administrator before delivery to polling place.

Part 2 filled out by chief judge before polls open.

Part 3 to be filled out by chief judge before transport back to election office.

Part 4 to be filled out by election administrator upon return to the election office.

Security Seal Log (page 2) Place used security seals here, then log seal numbers here

Security Seal Log – Page 2 of Chain of Custody & Security Seal Log

Election: _____ Precinct_____ Polling Place:_____

Removed Seal	Sealed Object	Seal Location	Seal Number Removed/Placed	Reason Removed	Date	Initials
(place removed seal here)	☐ Ballots ☐ Media ☐ Other	☐ Storage Box ☐ Envelope ☐ Other				
(place removed seal here)	☐ Ballots ☐ Media ☐ Other	☐ Storage Box ☐ Envelope ☐ Other				
(place removed seal here)	☐ Ballots ☐ Media ☐ Other	☐ Storage Box ☐ Envelope ☐ Other				
(place removed seal here)	☐ Ballots ☐ Media ☐ Other	☐ Storage Box ☐ Envelope ☐ Other				
(place removed seal here)	☐ Ballots ☐ Media ☐ Other	☐ Storage Box ☐ Envelope ☐ Other				
(place removed seal here)	☐ Ballots ☐ Media ☐ Other	☐ Storage Box ☐ Envelope ☐ Other				

*This form must be retained for four years.

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. The elector may state the elector's name and current address to assist the register judge in finding the elector in the register.

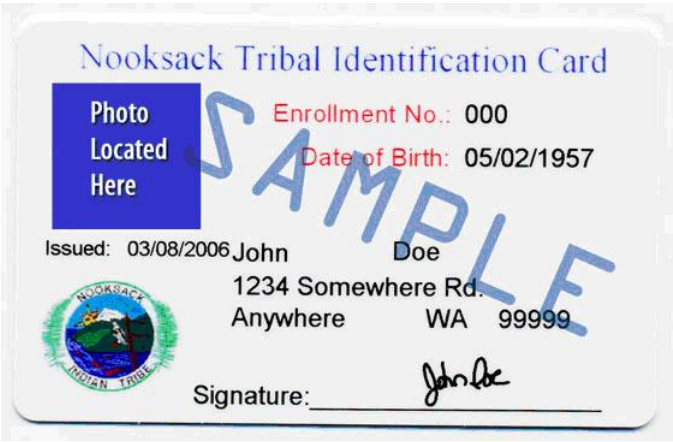
2. Ask the elector to show proper ID if they have it with them or to go get it if it is nearby. If they do not have either photo ID or one of the other acceptable forms of ID, ask them to fill out a Polling Place Elector Identification Form. *See "Polling Place Elector Identification Form" in "Special Situations" section.* (13-13-114)

3. Locate the name in the precinct register. The elector should be provided a new registration form if they indicate there is change in either their name or address. *If the elector's name is not in the register but the elector claims to be registered, see "Erroneous Omission from Precinct Register" in the "Special Situations" section.*

4. 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 (and it is determined to be NOT erroneously omitted), the elector may sign the precinct register and cast a provisional ballot as provided in 13-13-601. *See "Provisional Voting" section*.

Appropriate ID - Any photo ID with elector's name may be used

Photo ID does not have to be a Montana driver's license, but can be any photo ID that has the elector's photo and name. If elector does not have photo ID, a current utility bill, bank statement, paycheck, voter registration confirmation, government check or other government document that shows the elector's name and current address may be used.



5. 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, the elector may cast a provisional ballot as provided in 13-13-601. (13-13-114(3)) *See "Provisional Voting" section*.

6. Inactive electors are identified as such in the register, and are allowed to reactivate at the polling place and vote in any election. *See "Inactive Electors" in the "Special Situations" section.*

7. Provisionally registered electors are identified as such in the register, and must present a verifiable ID number (either driver's license or state ID number, OR last 4 of Social Security number). The number provided must be verified by the election office or, if the election office cannot verify the number, the elector must vote a provisional ballot.

8. Write "registration form" in the precinct register beside the name of any elector submitting a new or updated form. (13-13-114(1)(d))

9. Have the elector sign the register by the elector's name – MAKE SURE THEY SIGN ON THE CORRECT LINE. One election judge shall pronounce the name loud enough to be heard by the poll book 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 prohibit any other individual from seeing 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, an election judge may 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" in the "Special Situations" section*. (13-13-301)

GENERAL VOTING PROCEDURES

1. Enter the name of the elector alongside the corresponding ballot number in the poll book. **The number in the poll book 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* the elector's *ballot, see "Spoiled Ballots" in the "Special Situations" section.* (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 the elector's 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.

VOTING PROCEDURES FOR HAND-COUNT BALLOTS

1. 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.

2. 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 box.

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

   AN ELECTION JUDGE 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/DS200 PRECINCT-LEVEL BALLOT TABULATORS

1. 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 ballot tabulator 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 Voting System Setup, Use, and Troubleshooting" section and "DS200 Voting System Setup, Use, and Troubleshooting" section.*
   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.

2. The secrecy of the elector's ballot <u>must</u> be protected throughout the voting process. Position yourself so that you do not view the elector's ballot.

   - Note: An elector may request that the elector's ballot be hand-counted instead of using the tabulator. In such a case, receive the ballot from the elector in the secrecy sleeve/envelope and tear off the stub(s). Return the ballot to the elector and have the elector place it in an envelope marked "Hand Count" and place it in the ballot box.

AN ELECTION JUDGE OR VOTING SYSTEM (IN CASES IN WHICH A PRECINCT LEVEL 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 AND EARLY COUNTING 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. 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.
3. 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))
4. Duplicate boxes and poll books will be provided. **Note:** Make sure all ballots issued and marked in the poll book prior to the early pick-up are deposited in the (early pick-up) ballot box before the box is removed.
5. After verifying the security seal number on the Chain of Custody and Security Seal Log, open the ballot box, remove and count the ballots to compare the total ballots in the ballot box with the number issued as recorded in the poll book, and record the numbers on the Ballot Reconciliation Report. The form must be given to the chief election judge or designee to be delivered to the election office.
6. Check the ballots to be sure the official ballot stamp appears on them.
7. Judges for hand-count ballots will count all votes on ballots in the first box. That box and the poll book should then be exchanged for subsequent boxes and poll books as necessary, reconciling total ballots to total issued in poll book each time.
8. Election Judges using a central tabulation center shall:
   a) place ballots and poll book in the "Early Pick-up" container, marking the precinct # and total number of ballots enclosed (after reconciling on the Ballot Reconciliation Report the total number of ballots with total issued in poll book) on the outside of container;
   b) officially seal the container as required and record the seal number on the Chain of Custody and Security Seal Log; and
   c) relinquish the "Early Pick-up" container to authorized personnel for delivery to the counting center and obtain a receipt if required by the election administrator.
9. Counting continues until votes for all candidates and ballot issues are counted. Under MT law, **counting may not be discontinued on election day/night, and restarted the next day.**
10. Election judges and any other individuals having access to information **may not** disclose any results of early counting while the polls are open.
11. Election administrator may appoint extra election judges as marshals to be responsible for exchanging ballot boxes and poll books and enforcing sequestering of board and observers.

Ballot Reconciliation Report

Form is included in the back of each poll book and is used to reconcile ballots on Election Day.

COUNTY_____ PRECINCT _____

Ballot Reconciliation Report – find at the back of each poll book. Make sure you have 2 copies, one to be sealed and returned with each poll book, one for election administrator.

PART 1

1. Last ballot number issued _____
2. Subtract Void and Spoiled Ballots _____
3. **Subtotal** _____
4. Subtract number of ballots reserved for Absentee voting – see Certificate of Number of Ballots Sent to Polling Place Form (use the number from that form) _____
5. **Total number of paper ballots issued** _____

PART 2

6. Total number of paper ballots issued (same as Part 1, #5) _____
7. Subtract total number of unresolved provisional ballots _____
8. **Total number of ballots less unresolved provisional ballots** _____*

These 2 numbers should match.

PART 3

9. **Total number of ballots in ballot box** (sheet 1) _____*
   (sheet 2) _____

(this number should be the actual number of ballots counted – the number of sheet 1 and sheet 2 ballots may be different.)

*#8 and #9 should match. If they do not, fill out the reason below.

If number of ballots hand-counted does not reconcile with number from poll book ballot reconciliation, detail below how many ballots are short or in excess and any reason of which you are aware for the discrepancy:

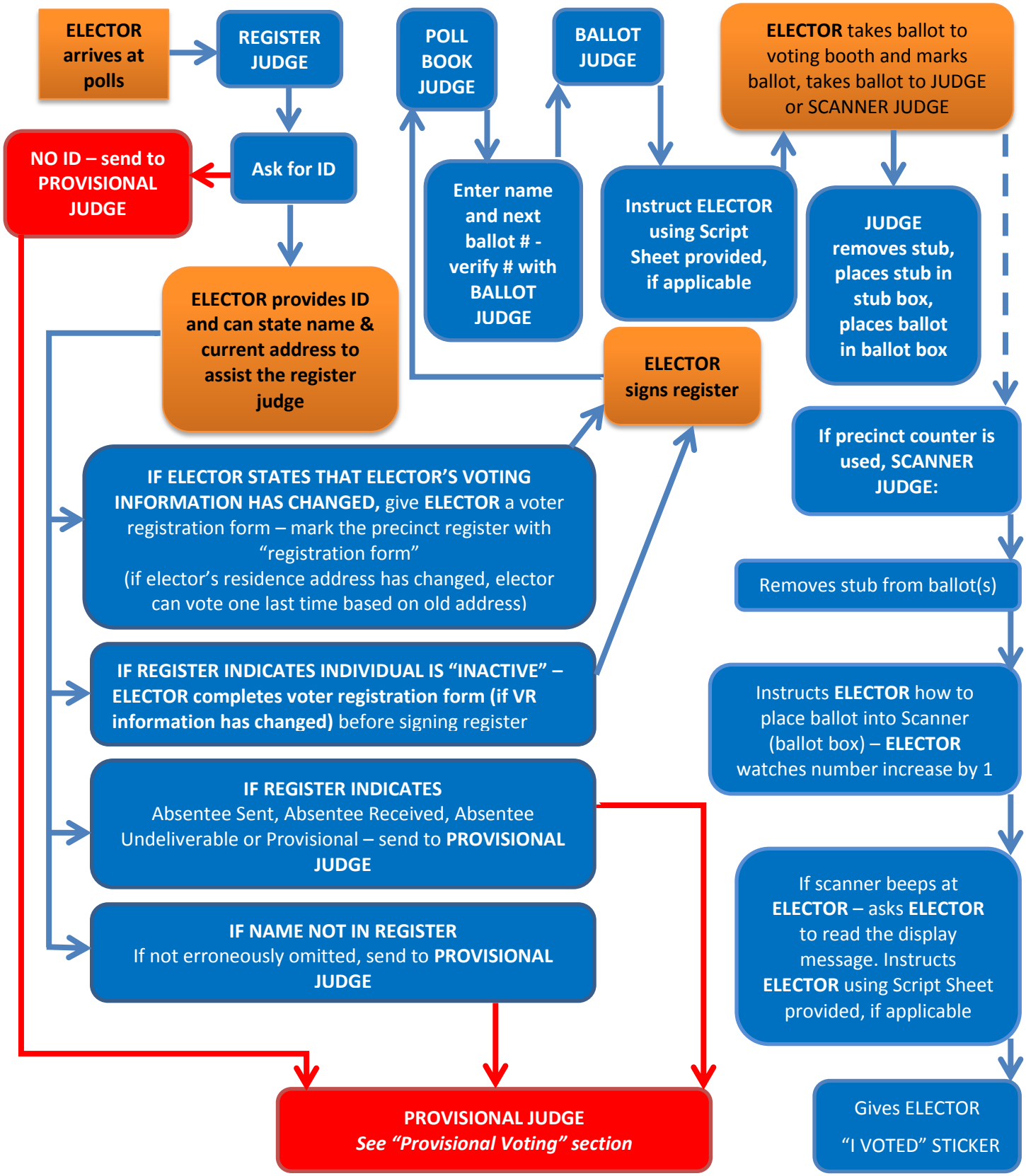
_____

_____

Signatures of Judges:

_____ _____ _____

POLLING PLACE VOTING FLOW CHART



ABSENTEE VOTING AND ABSENTEE BALLOTS

PAGE 47: ABSENTEE VOTERS AT THE POLLS

PAGE 48: DELIVERY AND RECORDING OF ABSENTEE BALLOTS

PAGE 48: PROCESSING ABSENTEE BALLOTS DELIVERED TO THE POLLS FROM THE ELECTION OFFICE

PAGE 49: ABSENTEE BALLOT COUNTING BOARD

PAGE 50: REJECTED ABSENTEE BALLOTS

PAGE 50: UNOPENED ABSENTEE BALLOT IN BALLOT BOX

PAGE 50: 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 or the designated location.

2. An absentee ballot dropped off at a polling place other than the one in which the elector appears on the register must be:

    a. Delivered to the election office for signature verification and tabulation if tabulation of absentee ballots is done at a central location (or as directed by the election administrator).
    b. Delivered to the election office for signature verification and then the ballot will need to be delivered by the election office to the correct precinct if all counting is done at the precinct location (or as directed by the election administrator).

3. An absentee ballot being dropped off at the polls that is not in the absentee signature envelope must be placed in a secrecy envelope which is then placed in an absentee signature envelope, and must be signed by the elector.

    a. If multiple ballots are dropped off by one person, any ballots with no envelope or unsigned envelopes must be treated as provisional ballots until/if the elector signs the absentee signature envelope.

4. How to handle electors listed as absentee who show up at the polls:
   Note: in cases where the elector does not appear in the register, but is trying to return an absentee ballot, the elector may be a late registrant, and must be instructed to return the absentee ballot to the election office.

    a. If they have their absentee ballot, instruct them tovote the ballot in the voting booth, seal it in the secrecy envelope and then seal the secrecy envelope in the signature envelope.
        1) The voter should then sign and date the signature envelope and exit the voting booth. Verify that the envelope has been signed by the voter, then place the signed envelope in the ballot box (or other depository designated by the election administrator).
        2) 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, not received or destroyed. After the close of polls, the election administrator will need to determine if their voted absentee ballot was received, and if so, the provisional ballot must be rejected. *See "Provisional Voting "section*.

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 signature envelope instead of a secrecy sleeve and instruct them to vote the ballot in the voting booth; instruct the elector to seal the voted ballot in the secrecy envelope, place it in the signature envelope, sign and date the signature envelope, exit the voting booth and bring the signed and sealed signature envelope to the judges.
   1) Verify the voter has signed the envelope and place the envelope into the ballot box (or other depository for absentee ballots designated by the election administrator); and
b. If you do not have an absentee secrecy envelope and absentee signature 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 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 that subsection.)

1. The chief election judge shall receive in supplies a container with 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.
      - The list of names must be posted or displayed at the precinct's polling place.

2. *See also "Provisional Voting" section.*

PROCESSING ABSENTEE BALLOTS DELIVERED TO THE POLLS FROM THE ELECTION OFFICE

(13-13-241)

Note: signature verification will most often take place at the election office before ballots are delivered to the polls. If a county is tabulating absentee ballots centrally, absentee ballots will not be delivered to the polls.

1. If not completed by the election office prior to absentee ballots being delivered to the polling place, compare the signature of the elector on the absentee ballot request form or voter registration form 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 or provide the signature by the close of polls, handle the ballot as a provisional ballot. (*See also "Provisional voting" section*.)

3. Open the verified absentee ballot signature envelope without opening the secrecy envelope.

4. If the elector is listed in the register **(and is not listed as provisionally registered)**, handle the ballot as a regular ballot by either placing the secrecy envelope in the voted ballot box, or by placing the secrecy envelope in a container specified by the election administrator for absentee ballots delivered to the polls.

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. *(See also "Provisional Voting" section, and "Identification" in the "Special Situations" section.)*

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. 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.

8. Place empty absentee ballot signature envelopes in the envelope or container 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, if any, 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 a signature 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 counted after verification of the signature as outlined above. (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 the elector's absentee materials. Verification of the legally registered elector's signature on the signature envelope with the signature on the elector's absentee application or registration form is sufficient identification. (Similarly, verification of a legally registered mail ballot elector's signature on the signature envelope with the signature on the elector's registration form is sufficient identification.)

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

   a) Fill out the provisionally registered elector ID form or voter registration form with a verifiable driver's license number or state identification number or last four digits of SSN; and

   b) 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

   c) 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)

PROVISIONAL VOTING

PAGE 53: INACTIVE ELECTORS

PAGE 53: PROVISIONALLY REGISTERED ELECTORS

PAGE 53: REASONS FOR CASTING A PROVISIONAL BALLOT

PAGE 53: ERRONEOUS OMISSION FROM OFFICIAL REGISTER

PAGE 54: ELECTOR HAS BEEN ISSUED AN ABSENTEE BALLOT

PAGE 54: ELECTOR HAS BEEN CHALLENGED

PAGE 54: ELECTOR DOES NOT HAVE ID

PAGE 55: PROVISIONAL BALLOT VOTING PROCEDURE

PAGE 55: RESOLVING THE PROVISIONAL BALLOT

PAGE 56: PROVISIONAL BALLOT COVER SHEET/OUTER ENVELOPE SAMPLE

PAGE 57: PROVISIONAL VOTING FLOW CHART

INACTIVE ELECTORS

Note: Electors who appear in the precinct register as "Inactive" are not required to vote a provisional ballot, and are not required to go to the election office to late register. *See "Inactive Electors" subsection in "Special Situations" section for the correct procedure.*

PROVISIONALLY REGISTERED ELECTORS

An elector is provisionally registered because at the time of registration, they did not provide an ID number or the number provided could not be verified. Electors who appear in the precinct register as "provisional" are not required to vote a provisional ballot, UNLESS the ID number provided at the polls (MT driver's license or state ID number or last four digits of Social Security number) cannot be verified by the election office.

REASONS FOR CASTING A PROVISIONAL BALLOT

a) Elector's name is not in the precinct register. (However, see below under "*Erroneous Omission from Official Register.*")
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 appears in the precinct register as having been issued an absentee ballot but stated that the absentee ballot was not received or was spoiled, lost or destroyed.
e) Elector's right to vote was challenged. *See "Resolving Challenges" subsection in the "Special Situations" section.*
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.

ERRONEOUS OMISSION FROM OFFICIAL REGISTER

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" subsection in the "Special Situations" section.*

- 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 from the election administrator, 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.

ELECTOR HAS BEEN ISSUED AN ABSENTEE BALLOT

If the elector requested an absentee ballot and now is asking to vote at the polling place because the elector 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).

ELECTOR HAS BEEN CHALLENGED

If the elector was challenged by another elector and the challenge was not resolved (*see "Resolving Challenges" subsection in the "Special Situations" section*), 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.

ELECTOR DOES NOT HAVE ID

If the elector states that the elector forgot identification, ask the elector if the elector can complete the Polling Place Elector Identification Form. If elector can complete this form, verify the ID number provided by contacting the county election office (*see "Polling Place Elector Identification Form" subsection in the "Special Situations" section*).

If the elector cannot complete the Polling Place Elector Identification Form, or the ID 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 the correct area to receive a ballot (*see below*).

PROVISIONAL BALLOT VOTING PROCEDURE

Once the elector has received the instructions (*see below*) and completed the Provisional Ballot Outer Envelope Form, the elector will go back to the table for the elector's 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.

The ballot judge will instruct the elector how to mark the elector's 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), the elector 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.

RESOLVING THE PROVISIONAL BALLOT

If elector returns to the polling place later on election day and resolves the issue that led to the elector's ballot being voted provisionally, an election 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 judge will place Unvoted Ballot Envelope in an Unvoted Ballot Box), and the judge will then place the stub(s) in the stub box. The now empty Provisional Ballot Outer Envelope will be placed in the Verified Provisional Ballot Container.

PROVISIONAL BALLOT COVER SHEET/OUTER ENVELOPE SAMPLE

Provisional Ballot Cover Sheet/Outer Envelope

ENVELOPE TO BE FILLED OUT AT POLLING PLACE OR ELECTION OFFICE BY ELECTION JUDGE/OFFICIAL AND ELECTOR AND PROVIDED TO ELECTION ADMINISTRATOR WITH POLLING PLACE MATERIALS

Provisional Judge assists elector in filling out this portion of the envelope – make sure elector signs this section.

PART 1: TO BE COMPLETED BY ELECTOR:

PRINTED NAME:_____ FORMER NAME IF APPLICABLE:_____

MONTANA DRIVER'S LICENSE OR STATE ID NUMBER:_____

If you DO NOT have a Montana Driver's License number, provide last four digits of your Social Security number:_____

Date of Birth:_____ Phone Number(s):_____

Residence Address (*address/city/zip*): _____

Additional information if any regarding your voter registration that would help resolve the provisional ballot:

_____

_____

I (signature of elector) swear or affirm that I am eligible to vote in this election and precinct, that all of the information I provided on this form is true to the best of my knowledge and belief and that I am aware of the penalty for false swearing.

Provisional Judge fills this section out, signs and gives to elector to take back to the register judge.

PART 2: TO BE COMPLETED BY ELECTION JUDGE/OFFICIAL: PRECINCT/WARD/DISTRICT NAME/#_____

Elector was instructed to cast a provisional ballot for the following reasons: *(check all that apply)*

- ☐ Name not in official register and not erroneously omitted
- ☐ Elector claims registration with Motor Vehicle Division or other government agency, which could not be confirmed
- ☐ Elector failed to sign register
- ☐ Elector failed to sign absentee ballot envelope
- ☐ Elector's absentee signature was not verified
- ☐ Elector's right to vote was challenged
- ☐ Register indicates provisionally registered, which could not be resolved
- ☐ Elector affirmed that absentee ballot was not received, or was spoiled, lost or destroyed
- ☐ Elector's identification was insufficient
- ☐ County-to-county late registration in election office
- ☐ Precinct-to-precinct late registration in election office
- ☐ Other

ELECTION JUDGE/ELECTION OFFICIAL SIGNATURE: _____ DATE: _____

This section is completed by election official when resolved.

PART 3: TO BE COMPLETED BY ELECTION OFFICIAL RESOLVING PROVISIONAL BALLOT:

Elector registered in Precinct/Ward/District Name/#_____ Voted in Precinct/Ward/District #_____

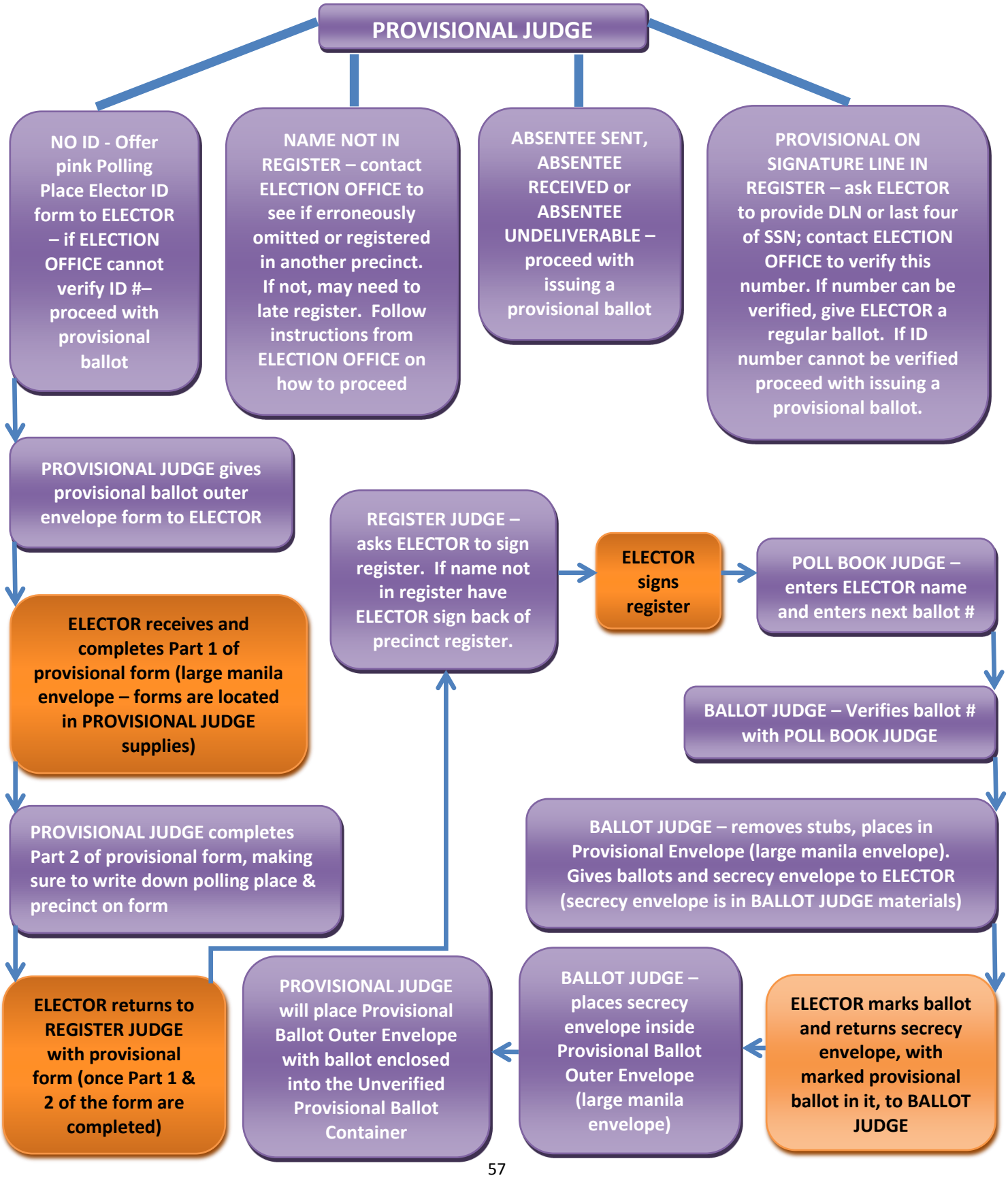
Voter ID#_____

Provisional Ballot Accepted: Yes ☐ No ☐

Reasons Ballot Accepted: *(circle all that apply)*	**Reasons Ballot Was Rejected**: *(circle all that apply)*
Name omitted from register in error	Not registered: (circle, if applicable: canceled/ wrong precinct, district, ward / wrong county)
Motor Vehicle or other government agency error	Motor Vehicle or other government agency has no record of registration
Elector provided signature	Elector never provided signature
Elector signed absentee ballot envelope	Elector never signed absentee ballot envelope
Elector's absentee signature was verified	Elector's absentee signature was never verified
Challenge resolved in challenged elector's favor	Challenge resolved in challenger's favor
Provisional registration was resolved	Provisional registration was not resolved
Absentee ballot not received	Absentee ballot received and accepted
Elector provided sufficient identification	Elector never provided sufficient identification
Confirmed that county-to-county late registrant did not vote in prior county	Confirmed that county-to-county late registrant voted in prior county
Confirmed that precinct-to-precinct late registrant did not vote in prior precinct	Confirmed that precinct-to-precinct late registrant voted in prior precinct
Other:	Other:

Processed by _____ Date processed for resolution: _____ Date voter notified_____

PROVISIONAL VOTING FLOW CHART



ASSISTING ELECTORS WITH DISABILITIES

PAGE 61: ASSISTING ELECTORS WITH DISABILITIES IN GENERAL

PAGE 61: ELECTOR UNABLE TO SIGN THE PRECINCT REGISTER

PAGE 62: ELECTOR UNABLE TO ENTER THE POLLING PLACE

PAGE 62: USING THE AUTOMARK VOTER ASSIST TERMINAL

ASSISTING ELECTORS WITH DISABILITIES IN GENERAL
(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 the elector's 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 the elector's 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 the elector's 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 the elector's 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. Ask the elector to sign the oath form stating that the elector 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" subsection of the "Special Situations" section*. (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 and follow the standard procedure for a poll voter.

3. 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.

4. The judge shall remove the stub and place the ballot and stub in the proper boxes.

5. For challenges to any elector's right to vote, *see the "Resolving Challenges" subsection of the "Special Situations" section*.

USING THE AUTOMARK VOTER ASSIST TERMINAL

Each absentee voting location and polling place must have accessible voting equipment available. The equipment used in Montana is called the AutoMARK, a specialized voting machine that allows any elector to mark their ballot privately and independently.

The AutoMARK has features that include a touchscreen, large-print ballot, Braille keypad, earphones for audio reading of the ballot, and capability for connection to personal ADA devices such as a "Sip and Puff" device.

The AutoMARK does not record or count votes, but marks a regular ballot and prints the marked ballot out for processing as any other ballot.

See Section 4 of the *Polling Place "Quick Guides"* section for specific information on the AutoMARK setup, use and troubleshooting processes.

CLOSING THE POLLS

PAGE 65: CLOSE OF POLLS

PAGE 65: PROCEDURES FOR CLOSE OF POLLS FOR AUTOMARKS

PAGE 66: PROCEDURES FOR CLOSE OF POLLS FOR MODEL 100 BALLOT TABULATORS

PAGE 67: PROCEDURES FOR CLOSE OF POLLS FOR MODEL DS200 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 the 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. Follow all security procedures as directed by the election administrator.

1. Verify security seal information against the Chain of Custody and Security Seal Log. Enter information into part 3 on the log, sign and date.

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

3. The Uniform Voting Systems Guide recommends leaving the compact flash card sealed in the AutoMARK as this machine does not store any results on the card. The media card should be removed at the county election office before storage.

4. Disconnect headphones and power cord from the AutoMARK.

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

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

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

8. Lower the lid over the touch screen.

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

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

11. 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. Follow all security procedures as directed by 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. Make sure to put the used seal on the Chain of Custody and Security Seal Log and update the required information.
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. Place used seal onto the Chain of Custody and Security Seal Log.
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 or in container specified by election administrator. *See "List of Envelopes for Ballots and Supplies" in the "Appendix" section.*
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. Verify security seals and fill out the Chain of Custody and Security Seal Log.
3. Ensure the Key Access Panel and Printer Access Panel are closed and sealed.
4. Unplug the scanner from the outlet.
5. Pull the scanner forward about 4-5 inches and disconnect the power cord from the scanner.
6. Pull the cord out of the ballot box and set it inside the scanner's carrying case.
7. Slide the scanner forward until it is free of the ballot box's mounting rails. Place the scanner inside its carrying case.
8. Make sure there are no ballots in the ballot box.
9. Lock all ballot box doors.
10. Return all scanner keys and ballot box keys to the chief election judge to be secured and returned to the election administrator.

PROCEDURES FOR CLOSE OF POLLS FOR MODEL DS200 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. Follow all security procedures as directed by the election administrator.

1. Before closing the polls, make sure that all ballots from any eligible voters have been inserted into ballot tabulator.
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 and press and hold the "Close Polls" button for five seconds.
4. Once you release the "Close Polls" button, the DS200 will close the polls and automatically print a Voting Results Report and any other reports that are set up to print.

Removing the USB Flash Drive and Ballots from the Scanner

1. Turn off the scanner. This is extremely important.
2. Remove the security seal and open the access door.

3. Do not remove the flash drive until the machine is powered off.

4. Remove the flash drive by pulling it out of the USB port.

5. Attach or place flash drive in a sealed envelope with corresponding DS200 printer report to be returned to the election administrator in sealed envelope #11 or in container specified by election administrator. *See "List of Envelopes for Ballots and Supplies" in the "Appendix" section.*

6. Open both of the ballot boxes' ballot compartments and remove the ballots. Be sure to follow the specific ballot handling procedures as directed by the election administrator.

Disassembling the Scanner

1. Ensure the machine is off. Lock and seal the access panel and store the key as prescribed by your election procedures.

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

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/ TABULATING

PAGE 71: GENERAL COUNTING/TABULATING PROCEDURES

PAGE 72: HANDLING VOTING MACHINE ERROR DURING COUNT

PAGE 73: COUNTING HAND-COUNT BALLOTS

PAGE 74: TABULATING WITH A MODEL 650 OPTICAL SCAN CENTRAL TABULATOR

PAGE 74: TABULATING WITH A MODEL DS850 DIGITAL CENTRAL TABULATOR

PAGE 75: TABULATION BOARDS

PAGE 78: CLOSING OF TABULATING CENTER

GENERAL COUNTING/TABULATING PROCEDURES

- Counting of ballots may not begin before election day.

- 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.

- Total the write-in votes and tally as follows (*see also "Write-In Votes" in the "Special Situations" section and "Determining a Valid Write-In Vote" in the "Appendix" section*):
    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 voting 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" in the "Appendix" section*).

- 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.

- 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" in the "Absentee Voting" section.* 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))

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

- If the total number of ballots does not reconcile with poll book, 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))

- 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))

- 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 poll books 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))

- After results are finalized, display the 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))

HANDLING VOTING MACHINE ERROR DURING COUNT

(ARM 44.3.1714)

Administrative Rule states that if, during tabulation, an election administrator or counting board believes that the machine is not operating correctly, the count must be halted and the machine must be retested.

To retest the machine, you will need a ballot test deck and ballot key. Our recommendation would be to use the test deck and key from the public/election day test. If your county has a backup machine to use in place of the machine in question, you can do so, but you should not use the machine with a potential problem until it has been tested and verified that it is working as required.

To retest the machine:

1) Ensure that all potentially impacted ballots are set aside by themselves.
2) Print off results and include with the ballots.
3) Zero out results of the machine and print a zero report.
4) Run test ballots through the machine and verify results against the ballot key.
5) If a discrepancy is noticed, and the discrepancy cannot be corrected, or if a majority of the counting board agrees that the machine may not be functioning correctly, officially remove machine from use and recount all ballots run through the machine. The system involved in the discrepancy may not be used in another election until it has been examined and tested by a computer software expert in consultation with a voting machine vendor and approved by the Secretary of State.
6) If no discrepancy is noticed, ensure that you zero out results when you put machine back into use. Please follow appropriate procedures for verifying that pre-test ballots are counted with post-test ballots.

COUNTING HAND-COUNT BALLOTS

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

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

- If the elector's choice in a race cannot be determined, that race 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" in the "Appendix" section*). (13-15-206)

- 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)

  a. Enter in the tally book (if not pre-printed): (13-15-206)
     1. the names of all individuals who received votes;
     2. the offices for which they received votes;
     3. the total votes received by each individual; and
     4. the total votes cast on each ballot issue.

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

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

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

- Place the ballots in the ballot container and seal as required: Seal all unvoted ballots and other books and supplies as indicated by the election administrator. Complete seal logs as necessary.

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

- Return the sealed ballot box, and/or envelopes, Chain of Custody and Security Seal Log forms, and all records and supplies to the election administrator. (13-15-205)

- Enter hours worked on the timesheet provided by the election administrator. Return all timesheets to the election administrator with the other supplies.

TABULATING WITH A MODEL 650 OPTICAL SCAN CENTRAL TABULATOR

Judges working with voting equipment must be trained on the operation of the specific equipment.

1. Zero totals on scanners before proceeding – print zero report.
2. Make sure you have followed instructions from the EA regarding the overvote and write-in switches.
3. You will receive ballots from Inspection Board (if used, or from election administrator or designee). Note the appropriate precinct number and time as directed by the election administrator.
4. 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.
5. When precinct is complete, ensure that ballots are sealed and Chain of Custody and Security Seal Log are property completed, signed and returned with the ballots.
6. When all ballots for a precinct are run, feed into the scanner one by one ballots that the scanner did not read.
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 election administrator on these procedures.

TABULATING WITH A MODEL DS850 DIGITAL CENTRAL TABULATOR

Judges working with voting equipment must be trained on the operation of the specific equipment.

1. Ensure that the operator of the DS850 has been trained for the specific equipment and has the proper access information to conduct tabulation.
2. Zero totals on scanners before proceeding – print zero report.
3. Ensure that correct ballot output trays are set to receive write-ins, overvotes and blank ballots.
4. You will receive ballots from Inspection Board (if used, or from election administrator or designee).
5. Note the appropriate precinct number and time on the Tabulating Log.

6. Once you start scanning the batch, the DS850 will not stop until it has scanned every ballot in the batch.

7. When the batch is complete, refer to the monitor to ensure it has successfully run. If the ballots have been counted and processed, move the ballots in the bottom tray to your counted ballot area. The middle tray will include your write-in ballots and will need to be moved to the write-in area. The top tray will include all ballots that were not processed. Ballots in this tray either need to be rescanned or moved to their respective places (blank ballots basket, overvote basket, etc.). Referring to the DS850 monitor will give you more information on why ballots in the top tray were not processed.

8. When precinct is complete, ensure that ballots are sealed and Chain of Custody and Security Seal Log are property completed, signed and returned with the ballots.

9. When all ballots for a precinct are run, feed into the scanner one by one ballots that the scanner did not read.

10. 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 election administrator on these procedures.

TABULATION BOARDS

At the discretion of the election administrator, any of the following boards, if used, may be combined and members given other duties. If a county does not have all or some of the boards described below, they must assign the duties, if/when needed, to regular election judges who must be trained on those 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

1. An Observation Board will assist with pre-election testing of tabulators to verify the accuracy of the programming. 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.
2. This Board should be familiar with the correct procedures for processing ballots, as well as general operating procedures.

Receiving Board

1. A Receiving Board is responsible for ballot transfer cases that will be delivered to this board by two judges from each precinct during the early count period and/or at the close of polls.

2. Track receipt on the log provided 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 appears 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, the transfer case is passed to the Inspection Board.

Inspection Board

1. The Inspection Board is responsible for inspecting all ballots before tabulation. 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 the space provided.

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

Duplication Board

The duplication board is charged with duplicating ballots that are damaged due to tears, folds or other reasons that prevent the ballot from going through the machine. If the intent of the voter is not clear, see resolution board duties. If a county using tabulators does not have a designated duplication board or designated resolution board, they must have judges trained to perform the duties described below, and have at least 3 regular judges assigned to duplicate ballots.

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

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" in the "Special Situations" and "Determining a Valid Write-In Vote" in the "Appendix" section*.

Resolution Board

The resolution board is charged with duplicating ballots that cannot be read by the tabulator due mostly to blank ballots or overvoted ballots. If a county using tabulators does not have a designated resolution board, they must have judges trained to perform the duties described below, and have at least 3 regular judges assigned to resolve ballots that are not able to be counted by the tabulator.

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 the scanner will read the ballot according to the elector's wishes. S*ee also "Determining a Valid Vote" in the "Appendix" section.*

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

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 "List of Envelopes for Ballots and Supplies" in the "Appendix" section*. Each election judge will sign the election judge's 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)

SPECIAL SITUATIONS

PAGE 81: RESOLVING CHALLENGES

PAGE 82: SPOILED BALLOTS

PAGE 82: ERRONEOUS OMISSION FROM PRECINCT REGISTER

PAGE 83: INACTIVE ELECTORS

PAGE 83: IDENTIFICATION

PAGE 87: LATE REGISTRATION

PAGE 87: WRITE-IN VOTES

PAGE 88: HANDLING MISSING UNVOTED PRIMARY BALLOTS AND/OR MULTIPLE BALLOTS

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 can confirm the elector's address before receiving a ballot.

When an elector goes to the polls and the elector's name appears on the precinct register the challenge is resolved in favor of the elector and the elector votes a regular ballot.
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 to 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.

SPOILED BALLOTS
(13-13-117)

1. An elector who spoils their 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))

2. The elector must return the spoiled ballot, enclosed in the secrecy sleeve, or folded with the stub showing, to an election judge.

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

4. 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.

5. **Primary election** – "Spoiled" shall be written on the stubs of both ballots. Remove stubs and place in stub box. Deposit the voted "Spoiled" ballot in the spoiled envelope in the ballot box or stub box as 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.

6. The word "SPOILED" must be marked beside elector's name for that ballot number in the poll book.

7. Stickers or labels to cover up and correct errors on ballots are prohibited, and may not be provided to an elector by an election judge, or applied to ballots by election officials.

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 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 from the election administrator, the elector may vote a regular ballot by signing an oath that the elector’s name was erroneously omitted, if the election administrator can confirm such omission by telephone or other means to the chief election judge of the precinct.

4. 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 outer envelope form. Also, give the elector the instructions on what the elector's responsibility is to have the ballot counted. *See also the "Erroneous Omission from Official Register" subsection of the Provisional Voting section*.

INACTIVE ELECTORS
(13-2-222)

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

2. An inactive elector may reactivate the elector's registration by appearing at the polls and confirming registration information or updating registration information, and may vote a regular ballot at that time. Also, an inactive elector may reactivate the elector's registration by requesting an absentee ballot or providing a new or updated voter registration form.

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

4. If the elector's updated address information indicates that the elector is registered in a precinct other than the precinct in which the elector now resides, the elector may vote a regular ballot once at that old precinct.

IDENTIFICATION

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 photo 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 with the elector's name on it shall be permitted to vote as follows:

1. If photo identification is provided and the photo matches the person appearing to vote, the elector shall be provided a regular ballot. There is not a need to have an address on photo identification.

2. For non-photo identification, if the information on the identification provided is determined to be sufficient by an election official, the elector shall be provided a regular ballot to vote.

    a. Consistent with applicable provisions of the law, if the non-photo name or address 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 for future elections, and vote a regular ballot. An election judge shall write "registration form" in the register by the name of any elector submitting a form.

3. If the ID provided is found to be insufficient and the elector does not fill out a verified Polling Place Elector ID Form, the elector shall be provided a provisional ballot to vote.

Examples of Acceptable Identification

Photo 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 IDs (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.

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. 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 receives the ballot from the county election office (or the location where late registration is occurring), 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 applies with respect to an elector's registration to vote in any election, including school elections.

WRITE-IN VOTES

(13-10-211, 13-15-206 and 13-21-206)

- 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. The list may be shown to any elector who requests the information. Lists must not be posted in the polling place or in a voting booth.

- A write-in vote may be counted only 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 the candidate's 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 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 write-in declaration of intent for that office by the applicable deadline.

See also the "Determining a Valid Write-In Vote" subsection in the "Appendix" section.

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 you 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 you reject all ballots?

A. If the judges can determine that only one party ballot is marked, then that ballot may be counted. Place the unmarked ballot in an unvoted ballot envelope.

3. An elector enclosed all party ballots in the secrecy envelope, and made marks on more than one party ballot. What do you 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 you 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, you found that a <u>single marked ballot</u> 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.

6. **Upon opening the signature envelope, you found that <u>more than one ballot</u> was enclosed, but neither ballot is in a secrecy envelope.**

   A. Place **<u>both ballots</u>** in a **<u>single</u>** secrecy envelope for processing by election judges (*see also below*).

7. **Upon opening the signature envelope, you found that more than one ballot was enclosed, each ballot in its own secrecy envelope.**

   A. If the signature envelope contains a valid signature for each elector, the secrecy envelopes can be removed from the signature envelope and processed. If the signature envelope contains the signature of only one elector, the ballots must be rejected.

8. **What if you receive a secrecy envelope with two separate ballots in it?**

   A. A ballot must be rejected if in the secrecy envelope there is more than the number of ballots allowed to be marked for each election.

   However, this does not apply if:

   1) There are multiple elections being held at the same time and the envelope contains only one ballot for each election; or
   2) Only one of the ballots in the secrecy envelope is marked.

9. **What if voters in the same household return two 1st sheet ballots in one envelope, and two 2nd sheet ballots in another?**

   A. By the time an error like this would be discovered (when secrecy envelopes are opened) you will not know if they came from the same household, so they would have to be rejected ballots, based on the premise that there are more than the number of ballots allowed to be marked for the election.

APPENDIX

PAGE 93: DETERMINING A VALID VOTE

PAGE 96: DETERMINING A VALID WRITE-IN VOTE

PAGE 98: DETERMINING A VALID VOTE ON AN AUTOMARK

PAGE 98: DETERMINING A VALID VOTE ON A VOTING SYSTEM

PAGE 99: DETERMINING A VALID VOTE ON A FEDERAL WRITE-IN ABSENTEE BALLOT

PAGE 100: LIST OF ENVELOPES FOR BALLOTS AND SUPPLIES

PAGE 101: GUIDANCE TO ELECTION OFFICIALS IN REGARD TO OFFICIAL POLL WATCHERS AND ELECTION OBSERVERS

PAGE 103: ELECTIONEERING AND SIGNATURE GATHERING FREQUENTLY ASKED QUESTIONS

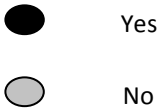
PAGE 105: ADDITIONAL REFERENCES FOR ELECTION JUDGES

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;

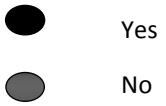


(Erasure has been attempted.)

(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;

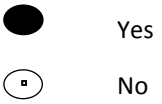
(No erasure has been attempted.)

(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;

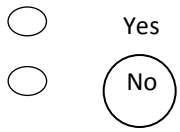


(Erasure may or may not have been attempted.)

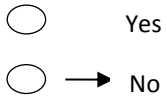
(d) The designated voting area has been marked for one candidate or ballot issue choice and a hesitation mark is present within at least one other designated voting area. The election officials shall cause a vote to be counted for the designated voting area that has been marked;



(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;

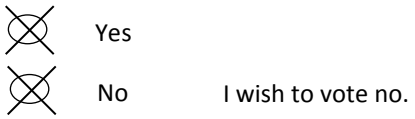


(f) The designated voting area has not been marked according to instructions, but there is a connective line or arrow between the candidate or ballot issue choice and the designated voting area to indicate the vote. The election officials shall cause a vote to be counted for the marked designated voting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

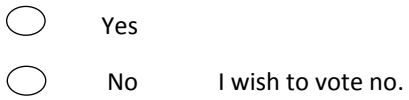


(g) More than one designated voting area has been marked, but no clear mark is used to indicate the intended candidate or ballot issue choice. This includes, but is not necessarily limited to, instances in which more than the allowable choices are marked, and an "X" has been marked in either or both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

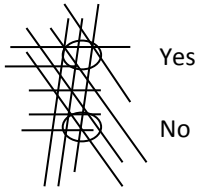
(h) More than one designated voting area has been marked, but a clear word, mark, or statement is used to indicate the intended vote. The election officials shall cause a vote to be counted for the designated voting area indicated as the intended vote;



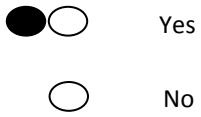
(i) A word or statement has been used to indicate the intended vote instead of marking the designated voting area according to instructions. The election officials shall cause a vote to be counted for the designated voting area indicated as the intended vote;



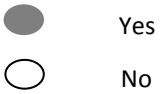
(j) All of the designated voting areas are crossed out. The election officials shall cause this to be designated as an undervote;



(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;



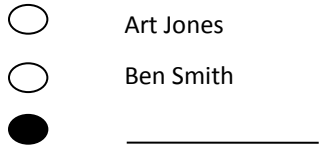
DETERMINING A VALID WRITE-IN VOTE

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

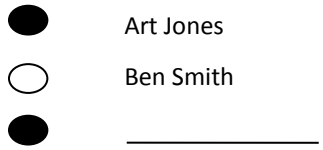
(The following must be read in conjunction with the requirements specified in DETERMINING A VALID VOTE)

(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;

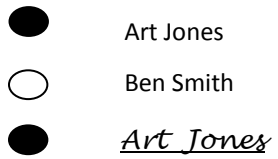
(b) No candidate name or office is written in, but the designated write-in voting area is marked and no other candidate is selected. The election officials shall cause this to be designated as an undervote;



(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;



(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.



(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 which 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 voter assist terminal consists of an elector's selection of candidates or choices on ballot questions appearing on the voting surface of the device (and via audio), followed by the elector causing the ballot to be marked, by following the written or verbal instructions.

- The AutoMARK system also provides for the elector to be able to enter the name of a write-in candidate where applicable. *See also "Determining a Valid Write-In Vote" above.*

- Even if an elector does not mark a candidate, judicial retention choice, or ballot 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" and "Determining a Valid Write-In Vote" above*.

- If an election administrator or counting board has reason to believe that a voting system is not functioning correctly, the election administrator or the 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" and "Determining a Valid Write-In Vote" above.*

    - 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

- A voter covered under the Uniformed and Overseas Citizen Absentee Voter Act (UOCAVA) 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. For a partisan election, a written designation of the political party must be counted as a vote for the candidate of that party.

- Except as provided below, a covered voter 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 covered voter 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 mark and return the regular absentee ballot, and the regular absentee ballot is the ballot that will be counted.

- 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 by 8 p.m. on election day that are received after the close of polls are counted at the same time as provisional ballots are counted.

LIST OF ENVELOPES FOR BALLOTS AND SUPPLIES

(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, and/or DS200 flash drive with corresponding printer report attached to card. SEAL.

Envelope No. 12 Supply envelope sent from the election administrator to election judges.

GUIDANCE TO ELECTION OFFICIALS IN REGARD TO OFFICIAL POLL WATCHERS AND ELECTION OBSERVERS

Poll watchers and election observers are an important part of Montana's open and transparent election process. This poll watcher and election observer guide is intended to provide guidance to election officials regarding their roles and responsibilities with regard to poll watchers and election observers.

General Guidelines

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.

Montana law prohibits a candidate from serving as a poll watcher at a polling place where the candidate's name is on the ballot.

Election Officials

Election officials are allowed some discretion in terms of how to handle observers on election day. Guidelines for observers must be **reasonable, fairly applied, and documented** for election day. How observers are handled may vary from jurisdiction to jurisdiction for reasons including but not limited to:

- The size and configuration of the polling place, election office or tabulation center.
- The resources at the county's disposal on election day, including staffing levels.
- The number of observers requesting access to a location.

Before election day, election officials should evaluate each election day location to make decisions about how to handle non-electors on election day.

The election administrator, where applicable, or election officials working at the polls may uniformly:

- Use discretion in determining a sufficiently close distance for observers to be stationed from the process they want to observe.
- Establish security protocol for observers including using sign-in sheets and identification badges and prohibiting the use of cell phones, pagers, cameras and other audio or video equipment or electronic devices.
- Require order and quiet inside any observation area.
- Use discretion in determining how and to whom observers may pose questions and challenges during the observation process.

- Restrict the number of observers permitted in a polling place, election office or tabulation center to prevent interference with the election process, as long as the restriction is **reasonable and fairly applied**.
- Restrict the items observers may bring into the polling place, election office or tabulation center such as cell phones, large bags or backpacks, etc.
- Request assistance from law enforcement when necessary to ensure orderly and unrestricted access to the polling place and election office by electors.
- Restrict any activity that they determine undermines the **security, integrity or accuracy** of the election process at the polls, tabulation center and election office.

Election Officials may provide uniform guidance to Official Poll Watchers and Election Observers as follows:

- **Notify** county election administrators as soon as possible before election day.
- **Familiarize** themselves with Title 13 Election Laws of Montana, and any county-specific guidance for polls watchers and/or election observers.
- **Check-in** with the chief election official at the polls, election office or tabulation center and find out where their designated observation area will be.
- **Wear** at all times while in the polling place, election office or tabulation center a name tag provided by the chief election official at the location where they are observing that clearly identifies them as a poll watcher or as an election observer.
- **Direct** all questions, concerns or suggestions to the chief election official for the location, unless otherwise instructed.
- **Observe** the proceedings at the polls, election office or tabulation center without interfering with electors or election officials.
- **Ask questions** of election officials as long as they do not interfere with the conduct of any part of the voting process.

To protect the security and integrity of the election, election officials can advise Official Poll Watchers and Election Observers at the polling place on election day that they may not:

- Interfere with the conduct of the election.
- Physically handle any voting materials or equipment without the express permission of the election administrator or chief polling place election official.
- Move or rearrange tables, chairs or other election day equipment without the express permission of the election administrator or chief polling place election official.
- Sit at an official worktable or view confidential voter information on any equipment or paper document.
- Assist in any way with official election process operations at a polling place, election office or tabulation center.
- Communicate with voters regarding voting for or against any candidate or issue on the ballot unless they are at least 100 feet from any entrance to the polling place.
- Display or wear any campaign material.
- Distribute alcohol, tobacco, food, drink, or anything of value to a voter within 100 feet of a polling place.

ELECTIONEERING AND SIGNATURE GATHERING FREQUENTLY ASKED QUESTIONS

Q What is Electioneering?

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, that aids or promotes the success or defeat of any candidate or ballot issue to be voted upon at the election.
(**2**) On election day, a candidate, a family member of a candidate, or a worker or volunteer for the candidate's campaign may not distribute alcohol, tobacco, food, drink, or anything of value to a voter within a polling place or a building in which an election is being held or within 100 feet of an entrance to the building in which the polling place is located.
(3) 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 that 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.
(4) 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)

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)

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 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 How about 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, OR SHIRT TO THE POLLS**? 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 **CAMPAIGN 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). Additionally, opponents to an issue that signatures are being gathered for have the same rights and responsibilities as signature gatherers at the polling place.

Q Can **CANDIDATES BE PRESENT IN THE POLLING PLACE**? Can they **WORK THE POLLS**?

A 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 Can **FOOD, DRINKS, AND OTHER ITEMS BE PROVIDED TO PEOPLE WAITING IN LINE TO VOTE AT A POLLING PLACE?**

A On election day, a candidate, family member of a candidate, or a worker or volunteer for the candidate's campaign may not distribute anything of value to a voter in a polling place or within 100' of a polling place entrance.

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, the official 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)

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

ADDITIONAL REFERENCES FOR ELECTION JUDGES

Election Judge Training Presentation on the Secretary of State's website at:
http://www.sos.mt.gov/Elections/Officials

Uniform Voting Systems Guide on the Secretary of State's website at:
http://www.sos.mt.gov/Elections/Officials

Voter Frequently Asked Questions on the Secretary of State's website at:
http://www.sos.mt.gov/elections/FAQ

My Voter Page: polling place locator, sample ballot, tracking absentee ballot status at:
http://www.sos.mt.gov/elections

Election Laws of Montana, Title 13 Montana Code Annotated
http://leg.mt.gov/bills/mca_toc/13.htm

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