

Montana Secretary of State Linda McCulloch
Elections and Government Services
soselections@mt.gov – 406-444-5376

Election Administrator Handbook



A Guide to Administering Montana Elections

Table of Contents

Contact Information	6
Election Administrator Handbook Summary	8
Election Acronyms	9
Federal Election Law	10
State Election Law – Title 13 Montana Code Annotated	12
Election Administrative Rules – Chapter 44.3	13
Election Directives and Advisories	13
Election Administrator Training	14
Deadlines and Calendars	15
Election Judges	17
Election Forms	19
Candidate Filing and Ballot Preparation	22
Electronic Statewide Election Reporting Service (eSERS)	25
Recounts	27
Local Elections and Mail Ballot Elections	29
Signature Verification for Statewide Petitions	33
Types of Equipment	35
Security and Testing	35
Post Election Audits	36
Election Records Retention Schedule	39
Frequently Asked Questions	45
MT Votes Overview	55
MT Votes Training	56
Appendix - Election Management Checklist	59
Appendix - Chart of Election Dates and Deadlines	61
Appendix – Guidance to EAs and School Clerks	68
Appendix - Polling Place Relocation Procedures Checklist	71
Appendix - Polling Place Activity Guidelines for Election Administrators	72
Appendix - Polling Place Supplies Checklist	73

Introduction

Greetings -

Election administration is one of the most rapidly changing jobs in the world. An election administrator must be a ***technical wizard*** in order to operate different voting and tabulating equipment. An election administrator must be a ***teacher and trainer***; many times a poll worker's only training comes directly from the local election administrator. An election administrator must be ***versatile in quick and efficient problem solving***, making decisions sometimes "on the fly" that determine whether or not an individual's vote can be counted. An election administrator must be ***organized, diplomatic and always fair*** in the administration of elections. Whether administering a small local district election, or a presidential election, an election administrator's ability to provide all of the services above are critical to the success of the election.



What is election administration? It is the mechanics of how an election is run, ranging from preparations for the election, to the methods by which people cast their ballots, to how winners are declared. It ensures that every eligible voter can vote and that every vote will be counted accurately.

This handbook is intended to be used as a tool for orientation to election administration in Montana, as well as a reference for election-related questions.

Welcome to each new election administrator! You are about to begin one of the most critical and rewarding careers – that of a Montana Election Administrator.

Best regards,

A handwritten signature in blue ink that reads "Linda McCulloch".

Linda McCulloch
Secretary of State

Contact Information

Montana Secretary of State	Linda McCulloch	406-444-4195	secretary@mt.gov
Montana Votes Help Desk	Casey Sjolund	406-444-4296 1-866-541-6767	soshelpdesk@mt.gov csjolund2@mt.gov
Secretary of State Elections			soselections@mt.gov
	Lisa Kimmet Deputy	406-444-5376	lkimmet@mt.gov
	Shannon Stevens Legislative Specialist	406-444-4732	sstevens@mt.gov
	Alan Miller Elections Specialist	406-444-5346	almler@mt.gov
	Casey Hayes Elections Specialist	406-444-7911	chayes@mt.gov
Secretary of State Legal	Jorge Quintana	406-444-5375	jquintana@mt.gov
Secretary of State Fax		406-444-2023	
State of Montana – MVD		406-444-3244	
Commissioner of Political Practices	Jonathon R. Motl, Commissioner	406-444-2942	jmotl@mt.gov
	Mary Baker, Program Director	406-444-2942	mabaker@mt.gov
Elections Systems and Software (ES&S)	Customer Service Representative	402-970-1251 308-379-3365(Cell)	jacob.johnson@essvote.com
	Hardware/Software Support	1-877-377-8683	

Chapter 1

Introduction to Election Administration

Select a heading below to go directly to that section

- ✓ [Election Administrator Handbook Summary](#)
- ✓ [Election Acronyms](#)
- ✓ [Federal Election Law](#)
- ✓ [State Election Law – Title 13 Montana Code Annotated](#)
- ✓ [Election Administrative Rules – Chapter 44.3](#)
- ✓ [Election Administrator Training](#)
- ✓ [Deadlines and Calendars](#)
- ✓ [Election Judges](#)
- ✓ [Election Forms](#)
- ✓ [Candidate Filing and Ballot Preparation](#)
- ✓ [Electronic Statewide Election Reporting Service \(eSERS\)](#)
- ✓ [Recounts](#)

Election Administrator Handbook Summary

The job of election administrator is a complex and critical one. Election administrators must be teachers, trainers, technically competent, problem solvers, organized, diplomatic and fair.

The elected clerk and recorder of each county is the election administrator unless the governing body appoints a separate official. An elected clerk and recorder who defers election-related responsibilities and duties to a staff member or members remains responsible and accountable for the administration of elections in the county and should at all times be educated on election laws, policies and procedures, and aware of what is going on in the election office.

Many aspects of election administration are covered in this Election Administrator Handbook. The information in this handbook is updated periodically, but current laws, rules, forms, policies and procedures should always be consulted. The handbook is one of many resources to assist election administrator in handling the many duties of their office, and contains an overview of many election duties.

A tool especially for new election administrators is the Election Administrator Checklist found in the Appendix that can be used in conjunction with the election calendar and other communication and training resources provided by the Secretary of State each election cycle to assist with duties and responsibilities.

Every single duty of election administration is not necessarily covered in this publication, including detailed duties with regard to local elections which are not under the authority of the Secretary of State. For local election duties, new election administrators should consult with other election administrators and with the county attorney.

Other duties not covered in depth in the Handbook, are covered at the time that the duty is conducted through directives and advisory options, emailed instructions, online trainings, in-person trainings and step-by-step instructions.

Election Acronyms

Acronym	Meaning
CPP or COPP	Commissioner of Political Practices
DLN	Driver's License Number
DOC	Department of Corrections (Felon Records)
DPHHS	Department of Public Health and Human Services (Death Records)
EA	Election Administrator
EAC	Election Assistance Commission (Federal Commission for HAVA Administration)
EAS	Electronic Absentee System for voters covered under UOCAVA
EBRS	Electronic Ballot Request System for voters with disabilities
EBT	Electronic Ballot Transmission
EDR	Election Day Registration
eSERS	Electronic Statewide Election Reporting System
FAQs	Frequently Asked Questions
FPCA	Federal Post Card Application – voter registration application for voters covered under UOCAVA, serves as simultaneous request for absentee ballot
FVAP	Federal Voting Assistance Program – responsible for assisting military and overseas voters with election processes
FWAB	Federal Write-in Absentee Ballot – an emergency “back-up” ballot for voters covered under UOCAVA
HAVA	Help America Vote Act
MACR	Montana Association of Clerks and Recorders/Election Administrators
METAC	Montana Election and Technology Advisory Council
MOVE Act	Military and Overseas Voter Empowerment Act
MVP	My Voter Page
MVD	Motor Vehicle Division (commonly referred to as DMV)
NVRA	National Voter Registration Act
OVR	Online Voter Registration
PEA	Post Election Audit – audit of voting equipment performed after each federal election
SOS	Secretary of State
SSA	Social Security Administration
SSN	Social Security Number
UOCAVA	Uniformed and Overseas Citizens Absentee Voting Act
VBM	Vote by Mail
VIP	Voter Information Pamphlet – official pamphlet published every even year with information about ballot initiatives, mailed to each household with active voters.
VRA	Voting Rights Act

Federal Election Law

The Voting Rights Act

The [Voting Rights Act](#) is landmark federal legislation passed in 1965. The Act outlawed discriminatory voting practices, and established extensive federal oversight of elections administration. The Act has been renewed and amended by Congress four times. Most recently, it was renewed for a 25-year extension by President George W. Bush in 2006.

The National Voter Registration Act

The [National Voter Registration Act](#) is Federal legislation, passed in 1993, and is commonly known as “Motor Voter.” The legislation, among other things, requires states to provide for voter registration when an individual is renewing or applying for a driver’s license or applying for social services.

The initial intent of the NVRA was to encourage greater access to voter registration.

Because of the NVRA, election administrators receive voter registration forms from the State of Montana, Motor Vehicle Division on a weekly, or monthly basis, and receive registration forms from public assistance offices.

- Driver’s License facilities leave the voter registration applications with the county they are providing services to, and that county will distribute the applications to the registrants’ counties of registration.
- The Secretary of State provides a monthly list electronically, containing registration information on individuals who have been reported as registering with the MVD.
 - If an election administrator does not have a registration form for an individual on the list, the election administrator should send the individual a VR form, and can contact the Motor Vehicle Division to try to resolve the missing card.
- If a county finds a voter (usually on election day) who claims to have registered with the MVD, but the county does not have a record of the registration, the election administrator must contact the state MVD office to verify the individual's registration.

The Help America Vote Act

The [Help America Vote Act](#) (HAVA) is a federal law passed in 2002 in reaction to the controversy surrounding the 2000 U.S. presidential election.

HAVA required, among other things, replacement of all punch card or lever-style voting equipment, and established minimum election administration standards.

- HAVA also requires that each polling site be equipped with voting equipment for voters with disabilities.
 - Accessible voting machines, called AutoMARKs, were purchased for use by each county.
- Most counties purchased and use HAVA compliant precinct-level vote tabulating systems called Model M100s.
- Each state had to create and maintain a statewide voter database. Montana’s is called “Montana Votes,” or MT Votes.
 - The Secretary of State has a Help Desk on site to assist counties with this comprehensive election management program.
 - The Secretary of State does training annually on MT Votes programs.
 - A council called METAC – the Montana Election and Technology Advisory Council - made of up of clerks and recorders/election administrators from large and small counties – governs enhancements and other changes to MT Votes.
 - The council meets quarterly in Helena to recommend, test and approve changes to MT Votes.

The Uniformed and Overseas Citizens Absentee Voting Act

The [Uniformed and Overseas Citizens Absentee Voting Act](#) (UOCAVA) is federal law passed in 1986. Groups of people covered under this act are

- Members of the seven Uniformed Services
- Members of the U.S. Merchant Marine
- Eligible family members of the above
- U.S. citizens residing outside the U.S.

The Military and Overseas Voter Empowerment Act

The [Military and Overseas Voter Empowerment](#) (MOVE) Act is federal legislation passed in 2009. The overall purpose of the MOVE Act is to help military personnel serving overseas, and citizens who live abroad to vote in U.S. elections.

Changes in election administration as a result of the MOVE Act include

- Ballots must be mailed out no later than 45 days before any federal election.
- Counties must provide for electronic transmission of voting materials and must provide information about the availability of electronic materials on any communication with voters covered under UOCAVA.

State Election Law – Title 13 Montana Code Annotated

Elections laws are found in Title 13 of Montana Code Annotated. Chapters are linked below:

[CHAPTER 1. GENERAL PROVISIONS](#)

[CHAPTER 2. REGISTRATION OF ELECTORS](#)

[CHAPTER 3. PRECINCTS AND POLLING PLACES](#)

[CHAPTER 4. ELECTION JUDGES](#)

[CHAPTER 5 THROUGH 9 RESERVED.](#)

[CHAPTER 10. PRIMARY ELECTIONS AND NOMINATIONS](#)

[~~CHAPTER 11. ELECTION PROCLAMATION \(Repealed\)~~](#)

[CHAPTER 12. ELECTION SUPPLIES AND BALLOTS](#)

[CHAPTER 13. ELECTION PROCEDURE](#)

[CHAPTER 14. NONPARTISAN ELECTIONS](#)

[CHAPTER 15. CANVASSING, RETURNS, AND CERTIFICATES](#)

[CHAPTER 16. RECOUNTS AND TIE VOTES](#)

[CHAPTER 17. VOTING SYSTEMS](#)

[~~CHAPTER 18. ELECTRONIC VOTING SYSTEMS \(Repealed\)~~](#)

[CHAPTER 19. MAIL BALLOT ELECTIONS](#)

[CHAPTER 20 RESERVED.](#)

[CHAPTER 21. MONTANA ABSENT UNIFORMED SERVICES AND OVERSEAS ELECTOR VOTING ACT](#)

[CHAPTER 22. YOUTH VOTING ACT](#)

[CHAPTER 23 AND 24 RESERVED.](#)

[CHAPTER 25. ELECTIONS FOR FEDERAL OFFICE](#)

[CHAPTER 26. CONVENTION TO RATIFY AMENDMENTS TO UNITED STATES CONSTITUTION](#)

[CHAPTER 27. BALLOT ISSUES](#)

[CHAPTER 28 THROUGH 34 RESERVED.](#)

[CHAPTER 35. ELECTION AND CAMPAIGN PRACTICES AND CRIMINAL PROVISIONS](#)

[CHAPTER 36. CONTESTS](#)

[CHAPTER 37. CONTROL OF CAMPAIGN PRACTICES](#)

[CHAPTER 38. POLITICAL PARTIES](#)

Election Administrative Rules – Chapter 44.3

Administrative Rules are more detailed and specific than statute. They contain valuable information about how to conduct processes required in statute. Administrative Rules are published online, and election-related rules can be found at

<http://www.mtrules.org/gateway/ChapterHome.asp?Chapter=44.3>

New Rule Notices can be found at:

<http://sos.mt.gov/ARM/notices/index.asp> .

Election Directives and Advisories

The Secretary of State is authorized under [13-1-202 MCA](#) to prepare and deliver written directives and instructions relating to and based on election laws, and advisory opinions on the effect of election laws.

Each election administrator shall comply with the directives and instructions; and shall also provide data to the Secretary of State that the secretary determines is necessary.

The Secretary also provides prescribed forms that must be used by election administrators and provided to the public by the election administrator.

Election Administrator Training

The secretary of state holds a statewide training for election administrators and staff every other year. The biennial training must be attended by all election administrators to ensure they are certified to conduct elections.

In addition to the biennial training, election administrators must complete 6 hours of election-related continuing education each year. The continuing education can include various trainings provided by the secretary of state's office throughout the year or election-related training from other sources if approved by the secretary of state.

The secretary of state will certify for election administration purposes each election administrator who completes the required trainings.

Location and sample trainings available on the secretary of state's website at <http://sos.mt.gov/Elections/Officials>:

The screenshot shows a web browser window displaying the page <http://www.sos.mt.gov/elections/Officials/index.asp>. The page content includes:

- A red header bar with the text "MT Votes Training".
- A disclaimer: "Training information provided is intended for use by election officials only, and is subject to change."
- A section titled "MT Votes Basic Training" with the text: "The following 3-part online training is required for all new county election staff before access to the statewide voter registration system is provided." Below this, it notes "(There is no audio for this training)" and lists three parts:
 - Part 1 - Introduction to MT Votes; Accessing MT Votes
 - Part 2 - Voter Registration; Late Registration
 - Part 3 - Voter Search; Voter Merge
- A section titled "Advanced MT Votes Training" with a list of topics:
 - Absentee Processing (Updated 1/2014)
 - Election Management
 - Voter Registration
 - Voter Merge Process
 - Petition Processing (Updated 1/2014)
 - Using Search
 - System Configuration & Security
 - Late Registration and Provisional Ballots (Updated 10/2014)
 - NVRA Process (Updated 1/2015)
 - Address Library
 - Districts and Precincts
- A footer area with links: "Latest News | Weekly Schedule | Quarterly Newsletter".
- A bottom navigation bar with links: "CONTACT US | ABOUT US | ACCESSIBILITY | ADA NOTICE | PRIVACY AND SECURITY | EMPLOYMENT | MT.GOV | ADMINISTRATIVE RULES | BUSINESS SERVICES | ELECTIONS | NOTARY | RECORDS MANAGEMENT | OFFICE OF THE SECRETARY".

Deadlines and Calendars

Regularly scheduled elections in Montana are:

Odd Year Elections

- Municipal Primary Election Tuesday following second Monday in September
- Municipal General Election First Tuesday after first Monday in November

Even Year Elections

- Federal and State Primary Election First Tuesday after first Monday in June
- Federal and State General Election First Tuesday after first Monday in November
 - Conservation District elections are held with a primary or general election.

Annual Elections

- School Election First Tuesday after first Monday in May
- Certain Special District Elections School Election Day
 - If authorized by law, a special district election may be held at the district's annual meeting.
 - A special district election for funding may be held on school election day or scheduled as a special election.

An Election Calendar detailing statutory deadlines for federal and state elections in the even year, and municipal elections in the odd year is published each year by the Secretary of State.

- Calendar is sent electronically to each county election administrator.
- Calendar is published on the SOS website at <http://sos.mt.gov/Elections/Officials>.

Important Election Deadlines – for all dates and deadlines see the Election Calendar (For school election deadlines see http://www.opi.mt.gov/Finance&Grants/schoolfinance/#gpm1_7)

Event	Deadline
Candidate filing opens	145 days before a federal election
Candidate filing closes	85 days before a federal election
Absentee ballots are mailed to UOCAVA voters	No later than 45 days before a federal election
Regular voter registration closes	30 days before election day
Late registration begins	29 days before election day
Absentee ballots available for in-person absentee voting and late registration	30 days for in-person absentee voting; 29 days for late registration
Absentee ballots are mailed to absentee voters (non-mail ballot elections)	25 days before a federal election; 20 days before a special district election
Noon, day before the election	Deadline to request an absentee ballot, late registration temporarily closes, and reopens at 7:00 a.m. election day

Election Notices – Notices are in some cases required by law, and in other cases are suggested to give the public opportunity to participate in the electoral process

Notice	Dates
Notice of opening of candidate filing (optional)	Optional notice that can be published before the opening of candidate filing
Notice of Special Election or Annual Election	Publish 3 times not more than 40 days or less than 10 days before election
Notice of election judge training	Notice provided to political parties
Voting system and ballot arrangement diagram, statement of where voting systems are on public exhibition, instructions on how to vote	Publish not more than 10 days or less than 2 days before election
Location and accessibility designations of polling places	Publish not more than 10 days or less than 2 days before election
Notice of time and place of early preparation of absentee ballots	Optional notice sent to political parties so that they can have a poll watcher present, or that can be published or posted to give the public notice of the time and place of early preparation
Notice of time and place for meeting of absentee counting board	Publish before election day, and post the day before election day in the election office
Notice of time and place for meeting of post-election audit board	Give the public notice of the time and place the post-election audit will be conducted
Notice of time and place for meeting of county canvass board	Give the public notice of the time and place the county canvass board will meet to canvass votes
Notice of time and place of recount	Give the public notice of the time and place the recount board will meet to conduct a recount

Election Judges

Qualifications

Election judges

- must be registered voters of the county and precinct where they are serving
 - Except when filling vacancies
- cannot be a candidate, or a spouse, ascendant, descendant, brother, or sister of a candidate or a candidate's spouse or the spouse of any of these in an election precinct where the candidate's name appears on the ballot. However, this does not apply to candidates for precinct offices.

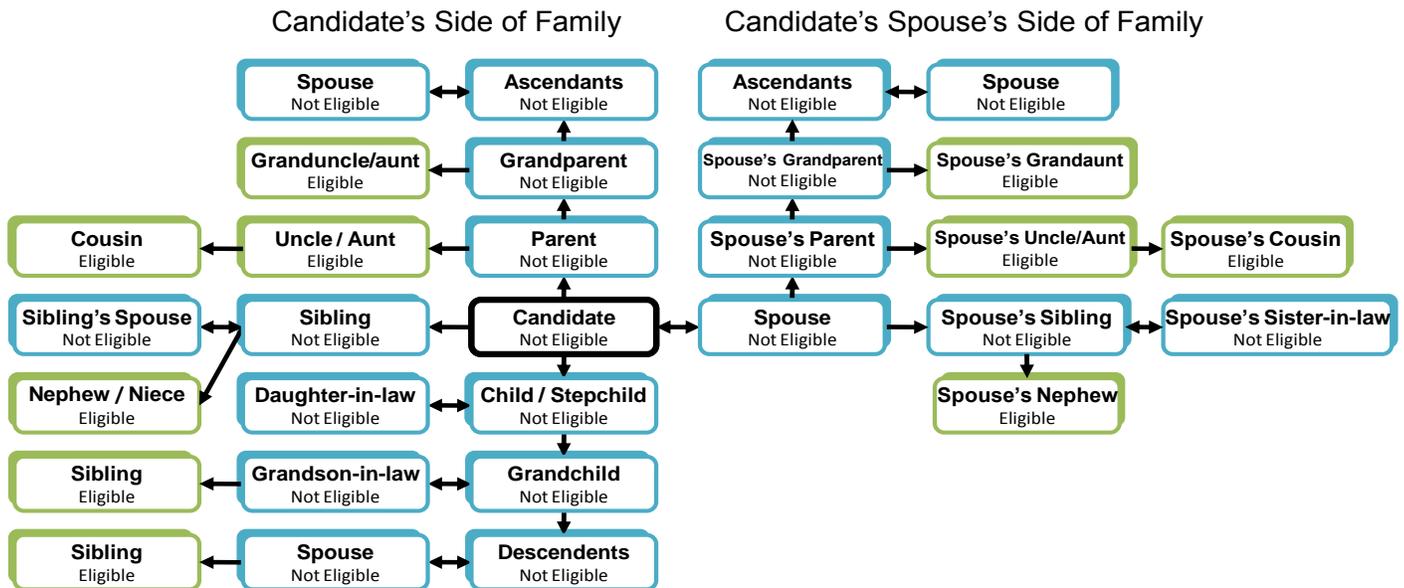
Appointments and Maintaining Lists

- At least 45 days before the primary election in even-numbered years, county central committees of the political parties eligible to nominate candidates in the primary submit lists of qualified electors.
 - It is recommended that the EA send a letter to eligible parties to remind them of their responsibility to submit names.
 - The election administrator uses the submitted lists to compile lists of potential judges representing all parties that submitted lists.
 - If the list provided by the political parties is insufficient, the EA may add additional names.
- Judges are appointed by the county governing body from the list compiled by the election administrator at least 30 days before the primary election in even-numbered years.
 - Three or more judges per precinct are appointed.
 - A chief judge for each precinct must be appointed.
- Judges must attend training conducted by the election administrator every other year before the primary election.
- [Notice of election judge training](#) must be provided to the political parties. The notice can be included in the reminder letter if the EA has set the training dates before the reminder letter goes out.

Training

- The election administrator must notify judges of their appointment and of the time set for training.
- Training must include how to operate voting systems if voting systems are used in the county.
- Attendees of the training may not be paid for attendance unless the individual is appointed as an election judge.
- Each election judge completing the training is given a certificate of completion.
 - No one can serve as an election judge without a valid certificate, unless filling vacancies in emergencies.
- Election judges must be trained and recertified before each even-year primary election.
- The Secretary of State provides [model training](#) for election judges and publishes an [Election Judge Handbook](#) that is provided to each election judge by the election administrator.

Election Judge Appointment – Qualification Chart



Statute: 13-4-107. Qualifications of election judges.

- (1) Election judges shall be registered electors of the county and of the precinct in which they serve, except as provided in 13-4-102(4).
- (2) No election judge may be a candidate or a spouse, ascendant, descendant, brother, or sister of a candidate or a candidate's spouse or the spouse of any of these in an election precinct where the candidate's name appears on the ballot. However, this does not apply to candidates for precinct offices.

Updated 4.2010

Election Forms

(See most current forms at <http://sos.mt.gov/Elections/Officials/Forms>)

Absentee Forms

[Application for Absentee Ballot/ Absentee List Application](#)
[Absentee Address Confirmation](#)
[Absentee Address Confirmation for Undeliverable Ballot](#)
[Absentee Voting Instructions](#)
[Absentee Application for Electronic Ballot for Individual with Disability](#)
[Ballot Transmittal Envelope](#)
[Ballot Signature Envelope with Affirmation](#)
[Ballot Secrecy Envelope](#)
[Ballot Replacement Request](#)
[Ballot Rejection Notice](#)
[Security Log for Early Absentee Preparation](#)
[Verification of Signature/Missing Signature](#)

Accessibility Forms

[Oath of Elector Unable to Enter or Needing Assistance in Polling Place](#)
[Notice of Polling Place Locations and Accessibility Designations](#)
[Special Addendum to Precinct Register \(Word\)](#) [PDF version](#)
[Accessibility Survey Checklist and Appendix I, II, III and IV](#)
[Polling Place Exemption Request](#)
[Polling Place Accessibility Grant Application](#)
[Polling Place Accessibility Complaint Form](#)
[Designation of Agent by Individual with Disability \(Word\)](#) [PDF version](#)
[Absentee Application for Electronic Ballot for Individual with Disability](#)

Ballot Layout

[Ballot Form and Uniformity Pursuant to 13-12-202, MCA](#)

Ballot Reconciliation

[Absentee Mail Ballot Reconciliation](#)
[Ballot Reconciliation Report](#)
[Ballot Reconciliation Report for Precinct Tabulator](#)
[Ballot Certification Report](#)
[Early Absentee Ballot Preparation Reconciliation](#)
[Ballot Reconciliation Process and Checklist](#)

Candidate Forms

[Candidate Calendar](#)
[Declaration for Nomination and Oath of Candidacy](#)
[Oath of Candidacy and Petition for Nomination of Independent, Minor Party or Indigent Candidate](#)
[Change of Address - Legislature](#)
[Withdrawal of Candidacy](#)
[Declaration of Intent and Oath of Candidacy for Write-In Candidate](#)
[Declaration of Acceptance for Write-In Candidate](#)
[Certificate of Appointment for Replacement Candidate, Declaration of Acceptance and Oath of Candidacy](#)
[Register of Candidates](#)
[County Superintendent of Schools Declaration for Nomination](#)
[Special District Candidate Petition for Nomination](#)

Challenge Forms

[Affidavit of Individual Challenging an Elector](#)
[Affidavit of Challenged Elector](#)
[List of Challenges](#)

Counting, Canvass and Recount Forms

[Activity Log, Report and Certificate of Recount Results](#)
[Canvass of Votes and Declaration of Results](#)
[Certificate of Nomination](#)
[Certificate of Election](#)
[Petition for Recount](#)

Election Judge Forms

[Certificate of Completion of Instruction of Election Judge](#)
[Oath of Office for Election Judges](#)
[Election Judge Selection and Training Checklist](#)
[Checklist of Polling Place Supplies](#)
[Election Judge Handbook](#)
[Oath of Office for Absentee Counting Boards](#)
[Notice to Political Parties of Election Judge Instruction](#)

Mail Ballot Forms

[Mail Ballot Written Plan, Timetable, and Instructions](#)
[Ballot Transmittal Envelope](#)
[Ballot Signature Envelope with Affirmation](#)
[Ballot Secrecy Envelope](#)
[Ballot Replacement Request](#)
[Mail Ballot Non-Registered Signature Verification Form](#)
[Mail Ballots Voted in Person and Replacement Ballots](#)
[Mail Ballot Place of Deposit Signature Log](#)
[Mail Ballot Daily Log of Ballots Received](#)
[Mail Ballot Place of Deposit Transport Box Seal Register](#)
[Verification of Signature/Missing Signature](#)
[Undeliverable Mail Ballot NVRA Confirmation Notice](#)

Military and Overseas (UOCAVA) Forms

[Federal Post Card Application](#)
[Federal Write-In Absentee Ballot](#)
[Absent Military and Overseas Envelopes](#)
[Notice to Absent Military or Overseas Elector Who Requests to Vote by Facsimile or Email](#)
[Request by Absent Military or Overseas Elector to Vote by Facsimile or Email](#)
[Notice Regarding Status of Federal Postcard Application](#)
[Absentee Address Confirmation Notice for Absent Military and Overseas Citizen Voters](#)
[Absent Military and Overseas Citizen Absentee Voting Instructions](#)

Notice Forms

[Notice of Close of Regular Registration and Option for Late Registration](#)
[Notice of Close of Nominations](#)
[Notice of Special Election](#)
[Notice of Polling Place Locations and Accessibility Designations](#)
[Notice of Voting System Exhibition, Diagrams and Voting Instructions](#)
[Notice at the Polling Place on ID and Provisional Balloting](#)
[Notice to Political Party on Precinct Committee Acclamation](#)

NVRA Forms

[NVRA First Confirmation Notice](#)
[NVRA Second Confirmation Notice](#)

Petition Forms

[Affidavit of Petition Signature Gatherer](#)
[Request for Withdrawal of Petition Signature](#)
[Petition to Qualify a Political Party](#)
[Petition for Recount](#)
[Designation of Lead Petitioner](#)

Polling Place Forms

[Checklist of Polling Place Supplies](#)
[Notice at the Polling Place on ID and Provisional Balloting](#)
[Voter Information Poster](#)
[Warning Poster](#)
[Polling Place Relocation Procedures Checklist](#)
[Certificate of Erroneous Omission](#)
[Ballot Certification Report](#)
[Polling Place Elector ID](#)

Post Election Audit Forms

[Post Election Audit Guide](#)
[Post Election Audit Reconciliation Form and Report](#)
[Post Election Audit Exemption Request](#)
[Post Election Audit Tally Sheet](#)

Provisional Voting and ID Forms

[Provisionally Registered Elector ID](#)
[Notification to Provisional Elector of Insufficient ID](#)
[Polling Place Elector ID](#)
[Provisional Ballot Cover Sheet Outer Envelope](#)
[Provisional Ballot Instructions](#)
[Provisional Ballot Secrecy Envelope and Provisional Ballot Container Labels](#)
[Provisional Ballot Accept/Reject Notice](#)

Voter Registration Forms

[Voter Registration Application](#)
[Voter Registration List Request](#)

Voting System and Security Forms

[Notice of Voting System Exhibition, Diagrams and Voting Instructions](#)
[Public Testing Certification](#)
[Election Day Testing Certification](#)
[Chain of Custody and Seal Log for Ballots](#)
[Ballot Reconciliation Report for Precinct Tabulator](#)
[AutoMARK Tally Sheet](#)
[Security Seal Log](#)

Candidate Filing and Ballot Preparation

Candidate Filing

Candidate filing opens for state and federal elections each even year **145 days before the Primary Election, and closes 85 days before the Primary Election.** All candidates, including Independent candidates must file by the 85 day deadline.

Write-in candidates have until approximately **40 days before the election (federal primary or general)** to file a declaration of intent to run as a write-in candidate.

Legislative candidates and candidates for statewide and state district offices file their declarations and pay their filing fee with the Secretary of State. Candidates for local office file their declarations and pay their filing fee with the county election administrator.

Candidate filing for special district elections opens 145 days before the election and closes 85 days before the election. For a special district election, if by the write-in candidate deadline the number of candidates is equal to or less than the number of positions, the election administrator can cancel the election and notify the governing body in writing of the cancellation. The governing body can pass a resolution requiring that the election be held.

Candidates may not withdraw after the deadline to file.

Filing fees are calculated as follows:

- Offices having an annual salary of \$2,500 or less, and candidates for the legislature \$15.00
- County offices having an annual salary of more than \$2500 .5% of the total annual salary
- Other offices having an annual salary of more than \$2500 1% of the total annual salary
- Offices in which compensation is paid in fees \$10.00
- Officers of political parties, and offices who receive no salary or fees No filing fee

Ballot Preparation

The Secretary of State certifies the statewide and state district candidates, and any statewide ballot initiatives to each county no later than 75 days before a primary and general election.

Each county must provide ballot layout information to the vendor of their choice, and also to Election Systems and Software, the company that programs the media for the AutoMARK and for tabulating equipment used by Montana counties.

The ballot is one of the most critical components of elections, if not THE most critical. Extra time and resources should be spent ensuring the ballot contains all offices and contests, that they are in the correct order, that all spelling is correct, and that the ballot printer has the necessary expertise and specifications to create and print a ballot that is compatible with the equipment, including the AutoMARK, that each county uses. A sample [Ballot Proofing Checklist](#) is available to assist in the ballot proofing process.

Ballots must be available to send to voters covered under UOCAVA (military and overseas citizens who are absent from their place of registration) **no later than 45 days** before a federal primary, federal special, or federal general election.

Absentee ballots must be sent to those on the absentee list no later than 25 days before a federal primary, federal special, or federal general election, but must be available for in-person absentee voting and late registration 30 days before an election.

Sample Ballot Template (certain things in the ballot layout may change periodically so always check the Forms page at <http://www.sos.mt.gov/elections/Officials/Forms> for the most up-to-date format)

OFFICIAL GENERAL ELECTION BALLOT TEST COUNTY, MONTANA - NOVEMBER 4, 2014		
SAMPLE COUNTY	STATE OF MONTANA	NOVEMBER 4, 2014
INSTRUCTIONS TO VOTERS 1. TO VOTE, BLACKEN (●) THE OVAL COMPLETELY. All oval blackened completely to the left of the candidate or ballot issue choice indicates a vote for that candidate or a vote on the ballot issue. 2. To write in a name, blacken the oval to the left of the line provided, and write in the name (or affix a pre-printed label) in the blank space(s) for the write-in candidate(s) for whom you wish to vote. 3. DO NOT CROSS OUT. If you make a mistake or change your mind, exchange your ballot for a new one. VOTE IN ALL COLUMNS VOTE BOTH SIDES	FEDERAL AND STATE (Continued) FOR DISTRICT COURT JUDGE, DISTRICT 18, DEPT. 2 (VOTE IN ONE OVAL) Shall Judge MIKE SALVAGNI of District 18, Dept. 2 of the State of Montana be retained in office for another term? Fill in the oval before the word "YES" if you wish the official to remain in office. Fill in the oval before the word "NO" if you do not wish the official to remain in office. <input type="radio"/> YES <input type="radio"/> NO	COUNTY (Continued) FOR COUNTY SHERIFF/CORONER (VOTE FOR ONE) <input type="radio"/> BRIAN M GOOTKIN REPUBLICAN <input type="radio"/> _____ FOR COUNTY ATTORNEY (VOTE FOR ONE) <input type="radio"/> MARTY LAMBERT REPUBLICAN <input type="radio"/> _____
	FEDERAL AND STATE FOR UNITED STATES SENATOR (VOTE FOR ONE) <input type="radio"/> AMANDA CURTIS DEMOCRAT <input type="radio"/> STEVE DAINES REPUBLICAN <input type="radio"/> ROGER ROOTS LIBERTARIAN <input type="radio"/> _____	FOR STATE SENATOR DISTRICT 30 (VOTE FOR ONE) <input type="radio"/> MARY MURPHY DEMOCRAT <input type="radio"/> NELS SWANDAL REPUBLICAN <input type="radio"/> _____
FOR UNITED STATES REPRESENTATIVE (VOTE FOR ONE) <input type="radio"/> MIKE FELLOWS LIBERTARIAN <input type="radio"/> JOHN LEWIS DEMOCRAT <input type="radio"/> RYAN ZINKE REPUBLICAN <input type="radio"/> _____	FOR STATE REPRESENTATIVE DISTRICT 59 (VOTE FOR ONE) <input type="radio"/> KAREN LYNCH DEMOCRAT <input type="radio"/> ALAN REDFIELD REPUBLICAN <input type="radio"/> _____	FOR COUNTY AUDITOR (VOTE FOR ONE) <input type="radio"/> JENNIFER BLOSSOM DEMOCRAT <input type="radio"/> _____
FOR SUPREME COURT JUSTICE #1 (VOTE FOR ONE) <input type="radio"/> W. DAVID HERBERT NONPARTISAN <input type="radio"/> JIM RICE NONPARTISAN <input type="radio"/> _____	COUNTY FOR COMMISSION DISTRICT #1 (VOTE FOR ONE) <input type="radio"/> JENNIFER MADGIC DEMOCRAT <input type="radio"/> DON SEIFERT REPUBLICAN <input type="radio"/> _____	FOR COUNTY TREASURER/ASSESSOR (VOTE FOR ONE) <input type="radio"/> KIMBERLY BUCHANAN REPUBLICAN <input type="radio"/> _____
FOR SUPREME COURT JUSTICE #2 (VOTE FOR ONE) <input type="radio"/> LAWRENCE VANDYKE NONPARTISAN <input type="radio"/> MIKE WHEAT NONPARTISAN <input type="radio"/> _____	FOR COUNTY CLERK & RECORDER/SURVEYOR (VOTE FOR ONE) <input type="radio"/> CHARLOTTE (MILLER) MILLS REPUBLICAN <input type="radio"/> _____	FOR JUSTICE OF THE PEACE DEPARTMENT 1 (VOTE IN ONE OVAL) Shall Justice of the Peace FICK WEST of the Justice Court of the County of Gallatin be retained in office for another term? Fill in the oval before the word "YES" if you wish the official to remain in office. Fill in the oval before the word "NO" if you do not wish the official to remain in office. <input type="radio"/> YES <input type="radio"/> NO
VOTE IN NEXT COLUMN	VOTE IN NEXT COLUMN	VOTE BOTH SIDES
TEST PRECINCT	Typ:01 Seq:0001 Spl:01	Seq:0001

Electronic Statewide Election Reporting Service (eSERS)

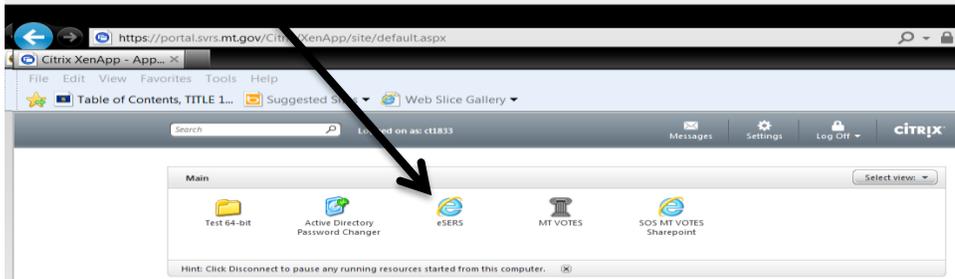
The eSERS program is used by county election administrators on election night to enter or upload election results into a statewide system that allows the public to see results as they are compiled.

eSERS flags potential recount races, shows votes cast, and has interactive maps.

The system also provides an electronic official canvass report for counties.

How to Access the eSERS Program for Election Results Entry

1. Direct web browser to <https://portal.svrs.mt.gov>
2. Log into the Citrix Portal using your C# and your Citrix password
3. Click on the eSERS icon.



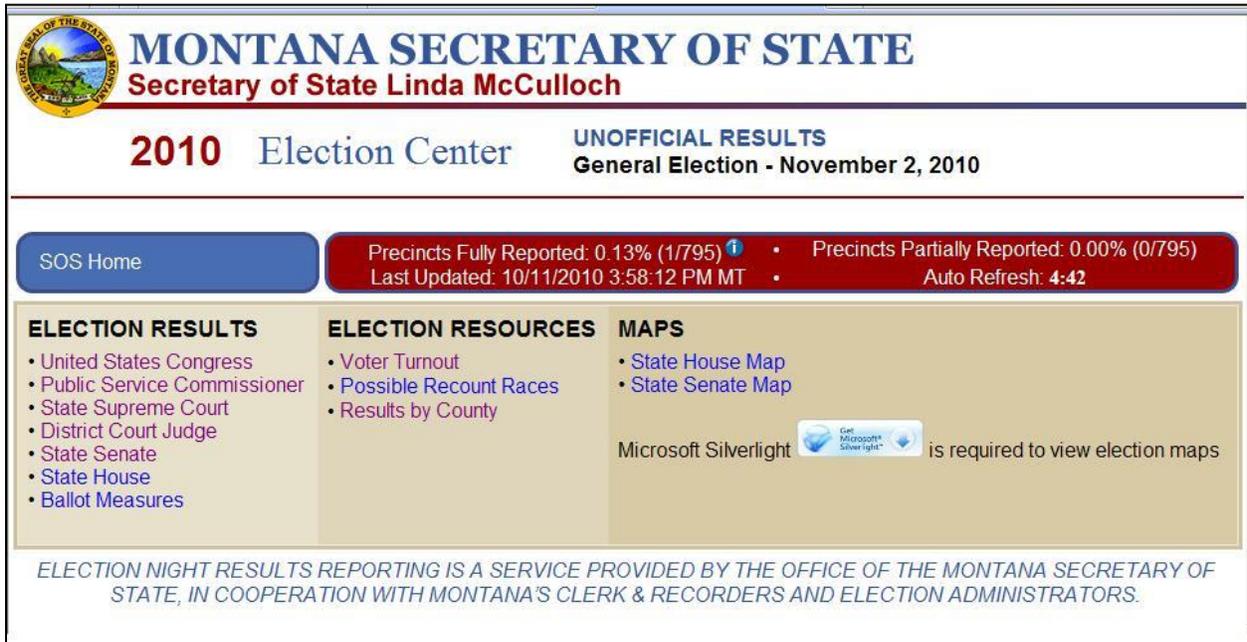
4. User successfully receives eSERS main screen (below).



5. County user has access to their county only
 - i. Returns – Maintain Returns
 - Upload precinct-level results if ERM is used by the county, or
 - Manually enter precinct-level results
 - Manually enter write-in votes for qualified write-in candidates
 - ii. Post Election – Canvass Report and Canvass Completion
 - A canvass report and certification is printed, verified, and signed by the county canvass board members and the election administrator.
 - The canvass report and certification is mailed in to the Secretary of State immediately after the county canvass.

This is the results site that the public will be checking on election night.

Navigate to <http://electionresults.sos.mt.gov> to receive the following screen:



 **MONTANA SECRETARY OF STATE**
Secretary of State Linda McCulloch

2010 Election Center **UNOFFICIAL RESULTS**
General Election - November 2, 2010

SOS Home Precincts Fully Reported: 0.13% (1/795) Precincts Partially Reported: 0.00% (0/795)
Last Updated: 10/11/2010 3:58:12 PM MT Auto Refresh: 4:42

ELECTION RESULTS	ELECTION RESOURCES	MAPS
<ul style="list-style-type: none">• United States Congress• Public Service Commissioner• State Supreme Court• District Court Judge• State Senate• State House• Ballot Measures	<ul style="list-style-type: none">• Voter Turnout• Possible Recount Races• Results by County	<ul style="list-style-type: none">• State House Map• State Senate Map <p>Microsoft Silverlight  is required to view election maps</p>

ELECTION NIGHT RESULTS REPORTING IS A SERVICE PROVIDED BY THE OFFICE OF THE MONTANA SECRETARY OF STATE, IN COOPERATION WITH MONTANA'S CLERK & RECORDERS AND ELECTION ADMINISTRATORS.

Recounts

To ensure uniformity in the event of a statewide or state district recount, a [Recount Guide](#) has been provided by the Secretary of State. The Recount Guide should be used in conjunction with the Secretary of State's publications Title 13 Election Laws, Election Judge Handbook, and with Administrative Rules.

A recount consists of a **manual count** of paper ballots, is open to the public, and notice of the day, time and location of the recount must be given as provided by law.

All recounts must be conducted by the county recount board, which consists of three members of the county governing body. The recount board may appoint additional county employees or hire clerks to assist as needed.

Recounts are not automatic, unless a tie has been certified. Absent a tie, an unsuccessful candidate can request a recount by filing a petition for recount with the secretary of state (for statewide and state district races) or with the county election administrator (for local races) within 5 days after the official canvass if the margin of defeat does not exceed $\frac{1}{4}$ of 1% of the total votes cast for that office.

If the margin of defeat exceeds $\frac{1}{4}$ of 1%, but does not exceed $\frac{1}{2}$ of 1% of the total votes cast for all candidates for the same position, an unsuccessful candidate may file a petition for recount with 5 days after the official canvass and post a bond to cover the costs of the recount. The bond amount is set by the county election administrator(s).

A canvassing board may petition for a recount when the board finds an error in a precinct or precincts affecting the accuracy of vote totals.

See the [Recount Guide](#) for information on ballot issue recounts and court ordered recounts.

The Recount Guide contains detailed direction for conducting a statewide or state district recount and should be reviewed and followed when conducting a recount.

Chapter 2

Local Elections and Mail Ballot Elections

Local Elections and Mail Ballot Elections

Election Administrators must conduct local elections, as well as statewide elections (the exception to this is that school clerks conduct school elections UNLESS the school requests that the county election administrator conduct them, and the election administrator agrees to conduct them, and, certain elections can be conducted by a designee, or at a meeting of the jurisdiction.) See [Title 7](#) of Montana Code Annotated for specific local election requirements.

Montana law allows local elections to be conducted by mail, with the approval of the governing body of the jurisdiction holding the election. Elections that cannot be conducted by mail are federal elections – Primary and General elections held each even year in June and November, and any special federal elections.

Local special purpose district elections (does not include municipal election and school elections):

Review Montana Code Annotated Titles that cover the specific local jurisdiction, including [Title 7 \(Local Government\)](#) and the [Chart of Dates and Deadlines](#) in the Appendix of this Handbook.

- Elections for most special purpose districts (exceptions are Conservation District elections and elections for funding) are held on school election day, which falls on the first Tuesday after the First Monday in May each year. Examples of special purpose district elections are Fire Districts, Hospital Districts, Water/Sewer Districts, Irrigation Districts, Resort Districts, etc.
- Conservation District elections are held with the primary (if necessary) and general elections held each even year. Elections for funding can be held on school election day, or on a special election date.
- The election administrator is responsible for publishing notice of local elections at least three times no earlier than 40 days and no later than 10 days before the election.
- Candidate filing for local elections begins 145 days before election day and closes 85 days before election day.
- Many local elections can be cancelled if there are not enough candidates; if an election is cancelled the declared candidates can be declared elected by acclamation.
- See the summary of dates and deadlines for local special purpose district, school, municipal and federal elections in the Appendix of this Handbook.

School elections:

Review [Title 20, Chapter 20](#) of Montana Code Annotated, and the **Guidance to County Election Administrators and School Clerks on Cooperative Duties and Responsibilities for School District Elections** and the [Chart of Dates and Deadlines](#), both in the Appendix of this Handbook.

- School district elections are held every year on the first Tuesday after the second Monday in May. Most local special purpose district elections are held on the same day.
- School clerks administer school district elections unless the school district requests that the county election administrator conduct the election.
- Deadlines for school elections vary from the deadlines for most other elections. Examples of deadlines are, notice of a school election must be published at least three times no earlier than 40 days and no later than 10 days before the election, and candidate filing closes 40 days before the election.
- School elections, like all other elections, are subject to late voter registration. Voter registration during the late registration period must be conducted in person at the county election office. When the late registrant appears at the county election office, an election official will issue a proof of late registration form to the late registrant, which the late registrant must provide to the school clerk if the school clerk is administering the election, so that a ballot may be issued to the late registrant.

Municipal elections:

Review [Title 7](#), Montana Code Annotated and the [Chart of Dates and Deadlines](#) in the Appendix of this Handbook.

Municipal (city and town) elections are held every odd year. A primary election is held (if necessary) the first Tuesday after the second Monday in September, and a general election is held the first Tuesday after the first Monday. A municipal general election may not be cancelled even if there are few or no candidates for office.

Mail ballot elections:

Special purpose district, municipal and school elections can be conducted by mail. Countywide elections may be conducted by mail only if they are not scheduled with the federal primary or federal general election. See [Title 13, Chapter 19](#) Montana Code Annotated for statutes for conducting an election by mail.

Some Important Mail Ballot Election deadlines:

- Written Plan that includes the [Plan, Timetable and Instructions](#), must be submitted to the Secretary of State so that **it is received at least 60 days** prior to the election date.

- Written Plan may be amended in writing to the Secretary of State any time prior to the **35th day** before the election.
- The Secretary of State shall approve, disapprove, or recommend changes to the plan or amendments **within 5 days** of receiving the plan or amendments.
- Ballots and accompanying materials must be mailed on a single date between **20 and 15 days** before the election, according to the deadlines specified in the written plan.

Mail Ballot Written Plan, Timetable and Instructions

The prescribed form for a Mail Ballot Written Plan, Timetable and Instructions can be found at <http://sos.mt.gov/Elections/Officials/Forms/documents/Mail-Ballot-Plan-Timetable-and-Instructions.docx>.

Mail Ballot Election Process

- Ballots are mailed to Active and Provisionally Registered voters only.
- Late Registrants in mail ballot elections must receive their ballot at the election office.
- Inactive electors are not automatically mailed ballots in a mail ballot election. If an inactive elector reactivates by requesting a ballot or updating their address in writing, a ballot can be mailed to them (or provided in person) up until noon on the day before election day. If an inactive elector reactivates after noon on the day before election day, the elector must vote at the county election office.

Chapter 3

Petition Processing

Signature Verification for Statewide Petitions

Citizens of Montana may circulate petitions to get a ballot issue on the ballot. Once the petition language and format is approved, signatures can be gathered, and must be submitted to the county election office where the signatures were gathered for verification.

Election Administrators must, within 4 weeks after receiving a statewide petition, check the names of all petition signers to verify they are registered voters in their county, and must compare the signatures of voters in their county with signatures on voter registration forms. This verification is done in MT Votes, (see training at <http://sos.mt.gov/Elections/Officials/documents/Petition-Processing.pdf>) and involves pulling up each signer's signature on the scanned voter registration form.

- Verified signature sheets with a certification attached must be sent to the Secretary of State as soon as possible, but not later than 4 weeks after the county receives the petition sheets from a signature gatherer or sponsor.
- Deadline for final submittal of all verified petition sheets to the Secretary of State is 5:00 p.m. of the third Friday of the fourth month prior to the election.
 - Statewide ballot issues usually appear on the November general election ballot, so the cutoff for submittal by the election administrator to the Secretary of State is the third Friday in July.
 - **This deadline is very important. If the Secretary of State does not receive the petition sheets by 5:00 p.m. on this deadline, the Secretary of State cannot tabulate the signatures on the late petitions, and it could be the difference between whether or not a ballot issue qualifies for the ballot.**
- Upon discovery of fraudulent or duplicate signatures on any petition, the election administrator may submit the signer's name to the county attorney to be investigated.

Counties must keep copies of the verified petition sheets in the county election office. The copies may be destroyed 3 months after the election, unless there is a pending court action.

Petitions and verified signatures are tracked in MT Votes, and the certification the election administrator sends to the Secretary of State with the verified petitions is found in MT Votes in Reports and Labels as the **PM-009 Report**:

To the Honorable _____, Secretary of State of the state of Montana:

I, _____, Election Administrator of the County of _____, certify that I have examined the attached (section containing ____ sheets) or (____ sheets) of the petition for (referendum, initiative, constitutional convention, or constitutional amendment) No. ____ in the manner prescribed by law; and I believe that ____ (number) signatures in (Legislative Representative District No. ____ or the County of ____) (repeat for each district or county included in sheet or section) are valid; and I further certify that the affidavit of the circulator of the (sheet) (section) of the petition is attached and the post-office address, residence address, or telephone number is completed for each valid signature.

Signed: _____ (Date) _____ (Signature)

Seal _____ (Title)

Chapter 4

Equipment and Security

- ✓ Types of Equipment
- ✓ Security and Testing
- ✓ Post Election Audits

Types of Equipment

Voting equipment used in Montana must first be certified by the Secretary of State. Currently (as of September 2015) certified for use in Montana are:

- ES&S central count tabulators called M650's or DS850's
- ES&S legacy tabulators called M150's
- ES&S precinct level tabulators called M100's or DS200's
- ES&S Voter Accessibility Terminals called AutoMARKs

Security and Testing

The Secretary of State had issued an equipment testing and security Directive, and provides a comprehensive [Uniform Ballot and Voting System Procedures Guide](#) for detailed information about security of ballots and voting systems, testing procedures, and for troubleshooting voting system problems. This Guide should be used for election judge training and should be provided to any staff or election judges who work with voting equipment.

The Secretary of State provides tamper-resistant Security Seals for use on voting equipment, ballot storage and other security needs. The correct placement of security seals can be found in the Guide linked above.

Equipment Testing

One of the most important responsibilities of the election administrator is the testing of voting equipment before and during an election. Be sure to conduct and retain records of the following testing:

- Acceptance Testing
 - Performed whenever a machine leaves the control of the EA
- County Internal Testing
 - Performed when ballots and media are received from the vendor
- Public Testing
 - Conducted no more than 30 days before election day, public notice must be given of the date, time and location of the public test
- Election Day Testing
 - 5% of each type of voting system must be randomly tested on election day

Post Election Audits

A post election audit of randomly selected contests and precincts must be conducted after each federal election (Primary, General and Special). See training at <http://sos.mt.gov/Elections/Officials/documents/Post-Election-Audit-Guide.docx>.”

The post election audit must be conducted before the official county canvass of results.

Post-Election Audit Timeline	
Primary Election	
	EA must notify SOS of potential county recount before first Tuesday after election day
	First Tuesday after election day - earliest date for state board of canvassers to randomly select precincts and contests
	After notification by secretary of state of randomly selected precincts and contests - earliest date for county audit
	At least one day after audit - earliest date for county canvass
	At least one day before the latest date for the county canvass - latest date for county audit
	Within 14 days after election - latest date for county canvass
	Within 27 days after election - statewide canvass must be complete, results certified
General Election	
	EA must notify SOS of potential county recount before first Tuesday after election day
	First Tuesday after election day - earliest date for state board of canvassers to randomly select precincts, contests and ballot issues
	After notification by secretary of state of randomly selected precincts and contests - earliest date for county audit
	At least one day after audit - earliest date for county canvass
	At least one day before the latest date for the county canvass - latest date for county audit
	Within 14 days after election - latest date for county canvass
	Within 27 days after election - statewide canvass must be complete, results certified

Post Election Audit Checklist

Deadline	Task	Completed (enter date each requirement is completed)
	Governing body appoints county audit committee	
	EA schedules and notices audit	
	Notified by SOS of randomly selected precincts and contests	
	Check seals on ballot containers to ensure they are intact	
	Prepare PEA supplies, forms, guidelines, etc	
	Conduct Audit:	
	Open ballot containers	
	Place ballots into stacks per guidelines	
	Hand count stacks of ballots	
	Ensure hand count tallies match	
	Record results including exceptions	
	Sign Reconciliation and Report Form	
	Expand audit if required	
	Seal ballots	
	Send Reconciliation and Report Form to SOS	
	Conduct canvass	
	Use audit results as definitive results for canvass	
	Include resolution and write-in ballot totals if necessary	

Chapter 5

Election Records Retention Schedule

Election Records Retention Schedule

Note: check the most recent Election Records Retention Schedule for any updates to the schedule below at http://www.sos.mt.gov/Records/Forms/local/Local_Schedule3.pdf.

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE DEPARTMENT: ELECTIONS

1. ABSENTEE BALLOT ENVELOPES

- a. Returned/Verification (signed envelopes)
- b. Secrecy
- a. & b. 1 year

2. ABSENTEE BALLOT LOGS

- a. Voter's Absentee ballot request-county and local elections
1 year if no recount is pending.
- b. Voter's absentee ballot request-state and federal elections
2 years if no recount is pending.
- c. Election administrator's certification of absentee ballots issued
1 year for county & local elections; 2 years for state and federal elections.
- d. Confirmation letter to annual absentee voter
1 year

- 3. ADDRESS CONFIRMATION CARDS-** Notification cards sent to voters that failed to vote in a General election or because mail ballot was returned as undeliverable; part of NVRA process.
2 years

4. AFFIDAVITS OF PUBLICATION (Notices of election)

- a. close of registration
 - b. polling places
 - c. notice of election
 - d. notice-public test of election machine
 - e. filing deadlines
 - f. proof of publications
- County and Local Government- 1 year
State and Federal- 2 years***

5. AUDIT LOG- CENTRAL COUNTER or PRECINCT COUNTER

- 1 year for county & local elections.
- 2 years for state & federal elections.

- 6. AUTOMARK FLASHCARD** –Necessary to mark the ballots or produce audio of ballot.
6 days after the canvass of the election if no recount or court action is pending.

7. BALLOTS –COUNTY AND LOCAL GOVERNMENT

- a. Voted and un-voted and detached stubs
- b. Unused
- c. Unverified Provisional ballots
- d. Verified Provisional ballot secrecy envelopes and outer affirmation envelope.
- e. Test Ballots-Automark
 - a. 1 year if no recount is pending *
see MCA 13-1-303
 - b. 6 months
 - c. and d. 1 year
 - e. 1 year

8. BALLOTS –STATE AND FEDERAL

- a. Voted and un-voted and detached stubs
- b. Unused
- c. Unverified Provisional ballots
- d. Verified Provisional ballot secrecy envelopes and outer affirmation envelope.
- e. Test Ballots-Automark
 - a. 2 years* if no recount is pending (federal law) see Federal Law***
 - b. 6 months
 - c. and d. 2 years
 - e. 2 years

9. CANDIDATE FILING FORMS OR PETITIONS

See Clerk and Recorders Retention Schedule for filing and retention time of candidates financial statements and oaths of office.

10. CANDIDATES- REGISTER OF

4 years

11. CANVASS BOOKS/RESULTS

County and Local Government- 1 year
State and Federal- 2 years***

12. CERTIFICATION OF AUTOMARK TESTING

2 years if no recount is pending

13. CERTIFICATION OF TABULATION EQUIPMENT TESTING

2 years if no recount is pending

14. ELECTION SEAL LOG

2 years if no recount is pending

15. ELECTRONIC DEVICE or related software necessary to count ballots.

6 days after the canvass of the election if no recount or court action is pending.

16. INVOICES FOR ELECTION COSTS Audit + 1 year

17. M 100 TAPE ROLLS- Tracks all activity on the M 100 machine.

2 years if no recount.

18. MAIL BALLOT ELECTIONS

- a. Secrecy envelopes
 - b. Returned/Verification (signed envelope)
 - c. Undeliverable envelopes
 - d. Ballots
 - e. Daily tally of mail ballots received
 - f. Record of questioned ballots
 - g. Transport box seal register
 - h. Written plan-duplicate-original at Secretary of State office
 - i. Replacement ballot register
 - j. Record of ballot voted in person
 - k. Place of deposit signature log
 - l. Replacement ballot request
- County and Local Government-1 year if no recount /court action is pending
State- 2 years unless court action or recount is pending.

19. OFFICIAL RETURNS OF ELECTION

Permanent

20. PETITIONS- LOCAL

8 years
Originals

21. PETITIONS- STATEWIDE

- a. non-Presidential
 - b. Presidential
 - a. 3 months after election** see MCA 13-27-305
- Copies
- b. 2 years***
- Copies

22. POLL AND TALLY BOOKS

4 years

23. POST ELECTION AUDIT RECONCILIATION AND REPORT TO SECRETARY OF STATE

2 years if no recount is pending

24. PRECINCT MAPS

Permanent

25. PRECINCT REGISTERS

4 years
Historic value

26. ELECTIONS – REGISTRATION

- a. Voter Confirmation Card – returned as undeliverable
- b. Cancellation Notice from other Counties or States
- c. Death Notice from other Counties or States
- d. Lists of Purged Voters – canceled voters purged from the statewide system by SOS.

- a. 5 years
- b. 4 years
- c. 4 years
- d. 5 years

27. REGISTRATION CARDS

Permanent- Original and latest change of address or cancellation
Microfilm if possible

28. RESOLUTIONS CALLING FOR ELECTION

- a. special district
 - b. school
 - c. county
- Original- Permanent
Duplicate copies- 1 year

* In addition to retaining the ballots, you will need to keep any electronic device or related software necessary to read the ballots. For example, if you use a ballot that does not have the names of the candidates printed directly on the ballot, but use an electronic counting board to do the canvass, you need to save the counting board. You will need to retain anything necessary to run a recount.

** Unless a court action is pending on the sufficiency of the petition.

***FEC Regulations require everything pertaining to Federal elections must be retained for 2 years

Chapter 6

Frequently Asked Questions

- ✓ Voter Registration
- ✓ Late Registration
- ✓ UOCAVA
- ✓ Candidate Filing and Ballot Certification
- ✓ Polling Places
- ✓ Assistance to Individuals with Disabilities
- ✓ AutoMARKs
- ✓ Voting Systems and Testing
- ✓ Absentee Voting
- ✓ Identification and Provisional Voting
- ✓ Counting and Canvassing
- ✓ Ballot Issues
- ✓ Mail Ballot Elections
- ✓ Resources for Additional Questions

Frequently Asked Questions

Voter Registration

What is the cutoff for regular registration for every election?

A. It is 30 days before each election.

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

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

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

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

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

Late Registration

When does late registration start?

A. The day after regular registration ends.

Does late registration have to be done in person at the county election office?

A. Yes. In some counties, the election office is moved to another location either on election day or for the full late registration period. Late registration must be conducted at the regular election office, or at the location designated by the EA.

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

A. Yes.

Can a late registrant return a ballot to the polls?

A. No. However, if one is mistakenly accepted at a poll location, the ballot should not be rejected.

Are late registrants considered absentee voters?

A. Yes.

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

A. The Motor Vehicle Division must be called, either by the election office, or by the election judge to verify the registration information. (Remember, the MVD stays open to answer these calls every election day, including when election day is a holiday). If the individual's registration is verified by MVD, use the "Erroneous Omission from Register" form, and allow the person to vote a regular ballot. If the MVD reports no record of the individual registering, the person may vote a provisional ballot at the polling place, or may go to the election office, late register, and cast a ballot there.

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

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

UOCAVA

Who are Uniform and Overseas Citizen Absentee Voting Act (UOCAVA) voters?

A. These are absent active duty military and overseas voters. They are referred to in state law as "covered voters."

What is FVAP?

A. This is the Federal Voting Assistance Program, a program of the U.S. Department of Defense. The program staff members assist absent military and overseas voters with registration and voting. The website is fvap.gov.

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

A. Yes. The Secretary of State provides an online service – the Electronic Absentee Service (EAS) for covered voters to register and to receive a ballot electronically.

Can a UOCAVA voter late register?

A. Yes.

What is a FWAB and where can someone get one?

A. FWAB is a Federal Write-in Absentee Ballot, used as a back-up ballot if a UOCAVA

voter does not receive a regular ballot in time. A FWAB can be accessed from the Secretary of State's website, or from FVAP's website. FWABs are counted with provisional ballots the Monday after election day.

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

A. This voter, although a U.S. citizen, is not eligible to vote in your county. Montana law is clear that an overseas civilian may vote in the last place in which the person was domiciled before leaving the U.S. 13-21-102(6). Even though the individual's parents resided in your county, if the individual themselves never resided in your county, they may not vote in your county.

Candidate Filing and Ballot Certification

When does candidate filing start and end?

A. Candidate filing starts 145 days before the election and will end 85 days before the election. School elections have different deadlines.

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

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

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

A. The SOS will send this information to you electronically about one week after candidate filing closes. The SOS also provides the statewide and state district candidate and ballot issue information to the vendors that counties have selected for their ballot layout and printing. You must provide your vendor with any local candidate or local ballot issue information.

What are our options for ballot printers?

A. You can use ES&S, the vendor for election equipment in Montana, or another printer, but be sure that your printer knows and follows the applicable requirements set by the equipment vendor.

The equipment vendor may offer training to private ballot printing companies and the training will make sure that the printer knows the stringent requirements for a ballot to be used in ES&S equipment. **A local printer must be able to print to the specifications mandated by the equipment vendor.**

Polling Places

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

A. They can vote one last time in their old precinct using their old name and/or address, but should fill out a voter registration form with updated information for subsequent elections.

When do polling places have to be open?

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

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

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

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

A. You must ensure that the polling place is not obstructed. If it is impossible to fit all of them in the polling place, allow them to be as near as possible, without obstructing the polling place. It is advisable to make these arrangements ahead of election day so that there is no disruption of voting.

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

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

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

Can a candidate who is on the ballot serve as a poll watcher?

A. A candidate cannot serve as a poll watcher in a polling place where the candidate's name is on the ballot.

Assistance to Individuals with Disabilities

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

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

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

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

What options for voting are available to individuals with disabilities?

A. Option details are outlined in the [Election Judge Handbook](#):

- a. Using the “Designation of Agent” process that allows the designated agent to assist the disabled elector throughout the registration and voting process.
- b. Curbside Voting at a polling place is available if the elector is not able to enter the polling place.
- c. Requesting an election judge or another person to assist at the polling place, including assisting with the signature process.
- d. Vote using the accessible equipment available at the election office and at each polling place.
- e. Requesting and receiving an electronic absentee ballot.

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

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

AutoMARKS

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

A. Yes, according to the Help America Vote Act, there must be an accessible voting system at each polling place.

What do I do if the AutoMARK does not work?

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

Try turning it off and on.

If this does not work, contact a technician or refer to the AutoMARK Troubleshooting Guide included in the [Election Judge Handbook](#).

How do I maintain voter secrecy on an AutoMARK?

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

Use of a privacy shield and making sure the machine screen is viewable by only the voter are other ways to ensure privacy.

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

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

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

Voting Systems and Testing

What are the requirements for testing?

A. There are several testing requirements:

See the [Uniform Ballot and Voting System Procedures Guide](#) for detailed information about voting system testing.

- No more than 30 days prior to an election in which a voting system is used, the election administrator shall publicly test and certify that the system is performing properly. Notice of the testing must be given as provided by law.
- A random test must be conducted by the EA of 5% of voting systems, a minimum of one per county, on election day, to validate the accuracy of voted paper ballots with the voting system results.

Absentee Voting

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

A. These are sent once every even year, in January. The notices should be sent by forwardable mail and must be sent by January 31 of each even year.

Are absentee ballots forwardable?

A. No!

Can people fax in their absentee applications?

A. Yes.

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

A. Yes (except late registrants).

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

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

Identification and Provisional Voting

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

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

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

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

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

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

A. Yes, the [Polling Place Elector ID Form](#).

This is the form given to electors who do not have ID. They fill it out, and the election judge at the polls contacts the elections office. If the DLN and/or partial SSN provided by the elector is verified by the county election office over the phone, the form is marked “verified.”

The elector votes a regular ballot and retains the form.

Counting and Canvassing

When does the count begin?

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

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

When does canvassing begin?

A. Canvassing begins within 14 days after each election, and must be at least one day after the post election audit is conducted.

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

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

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

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

Ballot Issues

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

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

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

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

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

A. You can reject them, in cases in which you cannot verify the signature without the address or phone number.

Can counties accept faxed petitions in any instances?

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

Mail Ballot Elections

Are mail ballot elections ever required?

A. No.

What must be submitted to the SOS 60 days before any mail ballot election?

A. A mail ballot plan and timetable, along with sample voting instructions.

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

A. The SOS cannot approve a mail ballot plan unless it is received at least 60 days before an election.

Do ballots automatically go out to inactive electors?

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

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

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

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

A. If a mail ballot is returned as undeliverable, the election administrator shall investigate the reason for the return and mail a forwardable confirmation notice. The law specifies that the

mail ballot is not forwardable, and there is nothing in law or rule that allows the ballot to be sent forwardable after it is returned undeliverable. Ballots returned by the post office as undeliverable should be securely retained and provided to the elector if the address issue is resolved.

Resources for Additional Questions

- Title 13 MCA laws are online at: http://leg.mt.gov/bills/mca_toc/13.htm.
- Rules are at mtrules.org, and Election Rules are at <http://www.mtrules.org/gateway/ChapterHome.asp?Chapter=44.3>.
- Check the election calendar often at sos.mt.gov/Elections.
- Contact the SOS office at soselections@mt.gov for additional information.
- Visit the SOS website at sos.mt.gov.
- Visit the “For Election Officials” page at <http://sos.mt.gov/Elections/Officials>.
- Contact your city or county attorney for local election issues, especially those in Title 7 of MCA.
- For school election laws see Title 20 of MCA at http://leg.mt.gov/bills/mca_toc/20.htm.
- For campaign finance or electioneering questions, contact the Commissioner of Political Practices at 406-444-2942 or see contact information at <http://politicalpractices.mt.gov/contact.asp>.

Chapter 7

Montana Votes (MT Votes)

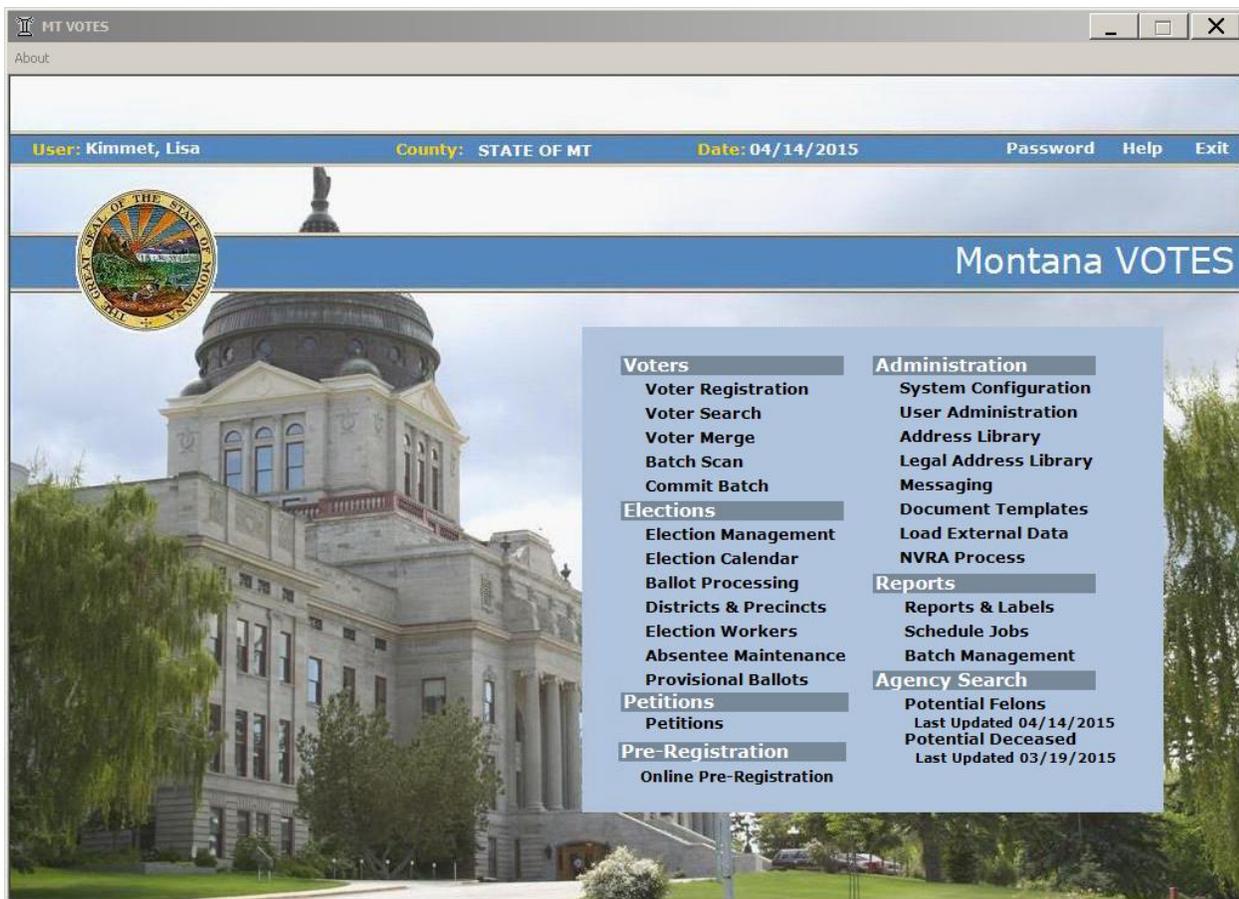
- ✓ MT Votes Overview
- ✓ MT Votes process training

MT Votes Overview

Montana Votes is the Montana statewide voter registration system, mandated by the Help America Vote Act of 2002.

- Montana Votes is a real-time database that allows counties to register voters and manage elections. The database is maintained by the Secretary of State. County election administrators register voters, update voter records and cancel voters in the system. A MT Votes Test environment is available for working in MT Votes without affecting the live database.
- The Secretary of State provides a help desk for assistance with managing elections in Montana Votes.
- Only county election administrators and their staff are allowed access to MT Votes, and access can only be authorized by the county election administrator. Authorization requests are sent by the election administrator to the MT Votes Help Desk for processing, and staff must complete MT Votes Basic Training before access is granted.
- An advisory council made up of election administrators from across the state manages changes and enhancements to MT Votes.

MT Votes – Main Screen



MT Votes Training

There is a training presentation for modules and processes in MT Votes. Most are posted on the Secretary of State's website on the "For Election Officials" webpage at <http://sos.mt.gov/Elections/Officials>.

Before access to MT Votes is granted, the individual must complete MT Votes Basic Training, Parts 1, 2, and 3. This training is also on the Secretary of State website at <http://sos.mt.gov/Elections/Officials>.

The Secretary of State provides MT Votes training at each certification workshop, and as requested by election administrators at other conferences they may be planning.

The MT Votes Help Desk is available during business hours for assistance and troubleshooting with any MT Votes-related issue. If you experience any problems with MT Votes, the problem must be reported to the Help Desk so that they can document and troubleshoot the issue, and if necessary, contact the vendor.

Contact Information:

Email: helpdesk@mt.gov
Toll Free: 1-866-541-6767

Appendix

- ✓ Sample Forms – see <http://sos.mt.gov/Elections/Officials/Forms>
- ✓ Sample Notices – see <http://sos.mt.gov/Elections/Officials/Forms>
- ✓ Election Management Checklist
- ✓ Chart of Election Dates and Deadlines
- ✓ Guidance to Election Administrators and School Clerks for School Elections
- ✓ Polling Place Relocation Procedures Checklist
- ✓ Polling Place Activity Guidelines for Election Administrators
- ✓ Polling Place Supplies Checklist

Appendix - Election Management Checklist



Election Administration Sample Checklist

The following sample checklist is meant as a guideline and is not meant to cover every election administration duty and responsibility. Election Administrators may use this template to compile a comprehensive checklist for use for each election.

Date Completed	Task
	Inventory all election supplies; order supplies as needed
	Send address confirmation notices to absentee voters (before January 31)
	Send NVRA notices (each odd year only)
	Set up election in Montana Votes (use uniform naming format)
	Prepare candidate filing information, including filing fees
	Advertise candidate filing info including open/close deadlines (optional)
	Send Notice to Political Parties requesting list of potential election judges
	Conduct election judge training
	Send AutoMARK data cards and other equipment media into ES&S for programming
	Order ballot quantities, provide any other data to ballot vendor
	Certify local candidates/ballot issues
	Enter local candidate/ballot issue information in MT Votes
	Enter local candidate/ballot issue information in ES&S Portal or provide to vendor
	Proof ballots, verify ballot content and layout, notify vendor that ballots are approved for printing
	Check-in ballots when received, complete first part Ballot Certification Report
	Prepare absentee voter packets
	Print UOCAVA ballot labels; send UOCAVA ballots no later than 45 days before election
	Advertise close of VR and option for late registration (3X last 3 weeks preceding close)
	Close VR; accept VR form if postmarked by the close for 3 days after close
	Enter all regular VR in MT Votes within 5 working days of final day to accept VR forms
	Advertise absentee ballots available - <i>optional</i> (30 days before election)
	Print absentee list ballot labels; send ballots 25 days before election
	Advertise voting system diagram, sample ballot arrangement & instructions on how to vote and location and accessibility designations of polling places (not less than 2 or more than 10 days before election)
	Prepare tally books, register*, poll books, etc. (*register should not be printed until Friday before election)

	Conduct in-house test of all equipment when media and ballots are received
	Conduct public test of AutoMARKs and tabulating equipment after giving public notice of time, date and location
	Prepare absentee ballots for counting (day before election, must give public notice of date, time and location) - <i>optional</i>
	PRIMARY ELECTION - first Tuesday after the first Monday in June every even year
	Reconcile ballots, county votes, enter or upload precinct level results into eSERS on election night
	GENERAL ELECTION - first Tuesday after the first Monday in November every even year
	Reconcile ballots, count votes, enter or upload precinct level results into eSERS on election night
	Verify provisional voters for other counties
	Count provisional and FWAB ballots after 3 p.m. the Monday following election
	Conduct post-election audit of tabulating equipment
	Board of Canvassers meets, conducts official canvass of results (within 14 days of election)
	Send official canvass to SOS
	Send letter to CPP re: candidates who were elected
	Prepare and distribute Certificates of Election for local candidates
	Process official register in MT Votes
	Close election in MT Votes

Please note: this list is a tool for election-related tasks, it does not necessarily include all tasks.

Appendix - Chart of Election Dates and Deadlines

Chart of Dates and Deadlines for Various Types of Elections

Definitions
<p>General Election - means an election that is held for offices that first appear on a primary election ballot, unless the primary is canceled as authorized by law, and that is held on a date specified in 13-1-204.</p>
<p>Primary Election - An election held on a date specified in 13-1-107 to nominate candidates for offices filled at a general election.</p>
<p>Regular School Election - means the school trustee election on the first Tuesday after the first Monday in May.</p>
<p>Special Election - An election held on a day other than the day specified for primary election, general election, or regular school election.</p>
<p>Special Purpose District - An area with special boundaries created as authorized by law for a specialized and limited purpose.</p>

Election Days

Election Type	Election Day
<p><u>All Special Purpose Districts including special districts as defined in 7-11-1002, except Conservation Districts</u> (Local port Authority, Fire Districts, hospital elections, service region - community colleges, county water and/or sewer districts, irrigation</p>	<p>School Election Day</p>

districts, resort districts, regional resource authority, conservancy districts- organization/dissolution, drainage district, Water conservation and flood control boundary change, library district dissolution, hospital districts, urban transportation district, Municipal sewage and/or water district board, county water and/or sewer district addition of land election, business improvement districts, creating a special district)	
Conservation districts	Primary or General Election Day
<u>Funding Elections</u> : Drainage district assessments, conservatory districts bonds or contracts, library district bond, mill levy election, Single assessment for county fair activities, county parks, and certain cultural, social, and recreational facilities, port authority, railway authorities, Vote required on proposed capital improvements, drainage districts assessments	School Election Day or Special Election Date

Notice of Elections

Type of Election	Notice Requirements
Multi-Municipality Government Election	At least three times no earlier than 40 days and no later than 10 days before the election (<i>Retains requirement to post notice in 6 public places</i>)
Resort Districts	At least three times no earlier than 40 days and no later than 10 days before

	the election
County Bonds	At least three times no earlier than 40 days and no later than 10 days before the election <i>(Retains requirements that notice include the amount and purpose of the bond and other details)</i>
Municipal Bonds	At least three times no earlier than 40 days and no later than 10 days before the election. <i>(Strikes discretionary language about posting notice in each precinct at least 10 days prior to election, which is unnecessary language because nothing would prohibit this.)</i>
County Sewer and Water Districts (Election on Board member salaries)	At least three times no earlier than 40 days and no later than 10 days before the election (If full election and not at annual meeting)
School districts	At least three times no earlier than 40 days and no later than 10 days before the election (continues to require posting in public places)
Community College organization Election	At least three times no earlier than 40 days and no later than 10 days before the election (continues to require posting in public places)
Drainage district	At least three times no earlier than 40 days and no later than 10 days before the election
Conservation Districts	At least three times no earlier than 40 days and no later than 10 days before the election

Cancellation of a School Election	Requires trustees to give notice of a canceled election and election by acclamation no later than 30 days before the election
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Calling an Election

Election Type	Calling an Election Deadline
General election	85 days prior
Primary election	85 days prior
Local funding election	85 days prior
Municipal Elections	85 days prior
Election on question of creating new county	85 days prior
Election to change the boundaries of county lines	85 days prior
Annexation Election	85 days prior
Vote required on proposed capital improvements	85 days prior
Election on alteration of form of government.	85 days prior
Election of study commission members	85 days prior
County water and/or sewer districts	85 days prior

Election after a previous election has been voided or called off	85 days prior
Irrigation districts	85 days prior
Library District Tax Levy	85 days prior
Community College	85 days prior
School Elections	70 days prior

Candidate Filing Deadlines

Election Type	Filing Deadline	No Withdrawal After	Write-In Deadline
Special District (resort districts, water, sewer districts, local port authority, fire district board, hospital districts, library districts, conservation district, drainage districts)	145 days to 85 days	85 days before	30 days before
City/ County Elections	145 days to 85 days	85 days before	35 days before
Non-Federal Primaries	145 days to 85 days	85 days before	35 days before
Federal Primaries	145 days to 85 days	85 days before	35 days before
Community College	145 days to	85 days before	35 days before

	85 days		
School	40 days before	31 days	31 days before

Ballot Certification Deadlines

Election Type	Ballot Certification Deadline
General Election	75 days prior
Primary election	75 days prior
School Elections	30 days prior

Recall and Resignation Protocol

Office Type	Resignation Possibility Timeline
Municipal Elected Official	Resignation of an officer named in a recall petition to 72 hours after the letter of resignation

Voter Registration

Election Type	Voter Registration deadline
General	Election Day
Primary	Election Day
School	Election Day

Availability for Absentee Ballot (Polling Place Election)

Election Type	Must be Available by
Special Purpose Districts	20 days before - polling place election
City and County	25 days prior (available for in-person absentee and late registration 30/29 days)
Primary and General	25 days prior (available for in-person absentee and late registration 30/29 days)
School Bond	20 days prior

Date of Removing Candidates by COPP if Non-Compliant

Election Authority	Current removal date
Secretary of State	77 days prior to primary, 83 days prior to general
Counties	77 days prior to primary, 83 days prior to general

Ballot Mailing Dates

Election Type	Must be Available by
Special Purpose Districts	20 days before - polling place election
Mail ballot elections	20 to 15 days before - mail ballot election



Appendix – Guidance to EAs and School Clerks

Montana Secretary of State Linda McCulloch – Elections and Government Services Division



Montana Office of Public Instruction Nicole Thuotte – School Finance Division

opi.mt.gov

Guidance to County Election Administrators and School Clerks on Cooperative Duties and Responsibilities for School District Elections

The following guidance was drafted jointly by the Secretary of State and the Office of Public Instruction to give guidance to county election officials and school districts about the duties and responsibilities of both when conducting school elections. The guidance is not meant to be a comprehensive review of statutes, rules and processes, but is directed at issues that come up frequently and is meant to help create uniformity in the administration of school elections.

Pre-Election

1. *The governing body resolution calling for the election must be provided by the school clerk to the county election administrator within 3 days after the resolution is passed.*
2. *If the election is to be run by mail, the individual administering the election must submit the mail ballot plan to the secretary of state so that it is received by that office no later than 60 days before the election.*
 - a. *A separate plan for each type of election must be submitted.*
3. *If the election is to be conducted by mail, the school clerk must transmit to the county election administrator a copy of the mail ballot written plan as soon as the plan is approved by the secretary of state.*
4. *Notice of the close of regular registration and the option for late registration is to be published as specified in 20-20-204 (1)(a) (House Bill 84). Notice of school election is to be published as specified in 20-20-204 (1)(a) (HB 84) between 10 and 40 days prior to the election. If the county is running the election, the school clerk must coordinate with the county regarding the publication of notices (publication of notices is the responsibility of the school district, regardless of who is conducting the election).*
5. *County election administrators must provide to school clerks who are conducting school elections:*
 - a. *A district register and list of registered electors in the district for a poll election, or*
 - b. *list of registered electors and labels for electors to be mailed ballots for a vote-by-mail election*
 - c. *list of all absentee electors and an extract of mailing addresses and/or mailing labels for electors on the absentee list for a poll election*

- d. *a report showing signatures of registered voters in the district for absentee/mail ballot signature verification*

Late Registration

6. *Regardless of who is administering the election, county election administrators will conduct late registration for school elections beginning the day after regular registration closes and ending at 8 pm on election day, or until everyone in line to register by 8 pm has registered.*
 - a. *Late registration is temporarily closed at noon the day before election day, and reopens on election day.*
 - b. *County offices will be open for late registration on election day through 8 pm.*
7. *School clerks conducting elections must allow anyone who is in line at the polls or anyone in line to vote at the school clerk's office on election day (if the late registrant at the clerk's office has a Certificate of Late Registration form from the county election office) by 8 pm to receive a ballot and vote.*
8. *School clerks conducting either mail ballot or poll elections will provide ballots in-person to late registrants who provide the Certificate of Late Registration, during regular office hours, and until 8 pm on election day (including those in line to vote by 8 pm on election day).*
 - a. *Office hours during the late registration period must be clearly noticed to the public in the notice of the election published pursuant to 20-20-204 (1)(a) and through supplemental postings if necessary.*
 - b. *The Certificate of Late Registration form will include the registrant's signature for verification purposes, and the form should be retained by the school clerk as part of the official register.*

Post-Election

9. *The governing body of the school district holding the election is responsible for the canvass of the votes for the election.*
 - a. *Canvass may not occur until the Tuesday following election day to allow for counting of provisional ballots after 3 pm the Monday following election day.*
10. *The governing body of the school district holding the election is responsible for any recount that occurs.*
11. *A recount must be held at the regular meeting place of the governing body.*
 - a. *The school clerk is the secretary to the recount board.*
12. *The school clerk, if conducting the election, must provide registration forms and/or any other documentation, including absentee signature envelopes that update a voter's record, to the county election administrator immediately following the election.*
13. *The county election administrator, if conducting the school election, must provide to the school clerk before the scheduled canvass, the certified tally sheets and other materials, including sealed ballot containers.*

14. *The school clerk securely retains all information from the election including sealed ballots, according to the state records retention schedule at http://sos.mt.gov/Records/Forms/local/Local_Schedule3.pdf.*
15. *If a county election administrator is conducting the election, and the ballots contain special district election offices or issues, the county election administrator securely stores all information including ballots, according to the state records retention schedule, and provides a list of all items pertaining to the school election being retained to the school clerk.*
 - a. *In the event of a recount, the county election administrator must securely provide all necessary records to the school clerk, including sealed ballots with a seal log.*
 - b. *After the school conducts the recount, except as outlined in (c), the school clerk shall securely seal and store all records including sealed ballots, according to the state records retention schedule.*
 - c. *If the ballots that contain the school races or issues being recounted also contain special district election offices or issues, the school clerk shall return such sealed ballots, the ballot seal log and other materials to the county election administrator for storage after the recount.*

Appendix - Polling Place Relocation Procedures Checklist

FOR USE BY CHIEF ELECTION JUDGE OR POLLING PLACE MANAGER AT POLLING PLACE IN CASE OF EMERGENCY

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

If so, evacuate voters and judges, then call 911 immediately.

2. If there is not an immediate safety threat:

- Contact the County Clerk and Recorder/Election Administrator at (insert phone number): _____
- Evacuate voters in a calm manner. Let voters who have a ballot finish voting, unless threat is imminent
- Seal and secure ballots for transport
- Before you turn off voting machines, note the number of ballots on each machine so that the number can be verified at the new location
- Secure voting equipment and prepare for transport
- Transport equipment and supplies to your designated relocation area using bi-partisan teams of judges
- 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 County Clerk and Recorder/Election Administrator when relocation is complete

Appendix - Polling Place Activity Guidelines for Election Administrators

THE FOLLOWING INFORMATION IS MEANT AS A GUIDE FOR ELECTION ADMINISTRATORS AND ELECTION JUDGES REGARDING POLLING PLACE ACTIVITIES ON ELECTION DAY

Election Day is for the voter. As a general rule, no person can obstruct the polling place or engage in solicitation of a voter in any manner that interferes with the election process or obstructs the access of voters to or from the polling place. Most unlawful polling place conduct is a misdemeanor.

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

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

In the polling place (room where voting takes place): voters, election judges, and poll watchers.

At the polling place (building where voting takes place): petition signature gatherers and opponents.

Outside the building (entrance to the building): exit pollsters.

At least 100 feet from any entrance to the building: individuals advocating the success or defeat of a candidate or issue on the ballot that day.

What you should do:

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

1. Evaluate the polling place **beforehand** to determine the nearest open space where petition signature gatherers and opponents can gather without obstructing voters or interfering with the election process. The placement of the signature gatherers and opponents **MUST** allow open passage. This may be a hallway or outside of a building.
2. Request that poll watchers/observers or signature gatherers approach the voter **only after s/he has voted**.
3. Alert law enforcement that assistance may be needed on Election Day.
4. The Chief Election Judge or his/her designee must control the behavior of the non-electors at the polling place to prevent obstructions. They should be instructed to call the election administrator at the first sign of trouble and you should call law enforcement if necessary. Any non-electors at the polling place should be given instruction that conduct must be **orderly, and that it cannot interfere with the election process or obstruct access to the polls**.
6. Review the “Poll Watchers and Election Observers Guide” included in the [Election Judge Handbook](#).

Appendix - Polling Place Supplies Checklist

- | | |
|---|---|
| <input type="checkbox"/> Absentee Elector Lists | <input type="checkbox"/> List of Registered Electors at the Polling Place |
| <input type="checkbox"/> Absentee Secrecy and Affirmation Envelopes | <input type="checkbox"/> Maps -- Precinct Maps, Road Maps, etc. |
| <input type="checkbox"/> Absentee Applications | <input type="checkbox"/> Model 100 Reconciliation Forms |
| <input type="checkbox"/> AutoMARK Tally Sheets (for Tracking # of Electors) | <input type="checkbox"/> Official Seals (for Voting Material Containers) |
| <input type="checkbox"/> Ballots | <input type="checkbox"/> Poll Location List |
| <input type="checkbox"/> Challenge Forms | <input type="checkbox"/> Pollbook |
| <input type="checkbox"/> Checklist for Opening of Polls | <input type="checkbox"/> Pollbook Work Sheets (for Reconciling Ballots) |
| <input type="checkbox"/> Checklist for Closing Polls | <input type="checkbox"/> Polling Place Elector ID Forms (Required) |
| <input type="checkbox"/> Curbside Voting Materials | <input type="checkbox"/> Precinct Register |
| <input type="checkbox"/> Election Judge Handbooks | <input type="checkbox"/> Provisional Ballot Envelopes |
| <input type="checkbox"/> Election Judge Time Sheets | <input type="checkbox"/> Registration Cards |
| <input type="checkbox"/> Emergency Contact Lists | <input type="checkbox"/> Sample Ballots |
| <input type="checkbox"/> Envelopes for Close of Polls | <input type="checkbox"/> Security Seals and Seal Log |
| <input type="checkbox"/> Envelopes for Hand-Count Ballots (if any) | <input type="checkbox"/> Signs for Electors with Disabilities |
| <input type="checkbox"/> Envelopes for Spoiled and Unvoted Ballots | <input type="checkbox"/> Sticky Notes |
| <input type="checkbox"/> Erroneous Omission Forms | <input type="checkbox"/> Tissues |
| <input type="checkbox"/> List of All Registered Electors | <input type="checkbox"/> Title 13 Election Law Books |
| <input type="checkbox"/> List of Challenges | <input type="checkbox"/> Toilet Paper |
| <input type="checkbox"/> List of Election Judges | <input type="checkbox"/> Voter Information Pamphlets |
| <input type="checkbox"/> List of Model 100 Ballot Tabulator Messages | <input type="checkbox"/> Voting Instructions and Warning Posters |
| <input type="checkbox"/> 100-Foot String to Avoid Electioneering | <input type="checkbox"/> Letter Openers |
| <input type="checkbox"/> AutoMARK Secrecy Sleeves | <input type="checkbox"/> Light Bulbs |
| <input type="checkbox"/> Badges and Name Tags | <input type="checkbox"/> Magnifying Glass and Magnifying Sheet |
| <input type="checkbox"/> Black Medium-Point Pens | <input type="checkbox"/> Numbered Security Ties |
| <input type="checkbox"/> Calculators | <input type="checkbox"/> "Official Ballot" Stamps |
| <input type="checkbox"/> Candy | <input type="checkbox"/> Ovals for M-100 Ballots |
| <input type="checkbox"/> Cell Phones/Phone Cards/Quarters for Phone Booths | <input type="checkbox"/> Paper Clips |
| <input type="checkbox"/> Clean Cotton Cloth | <input type="checkbox"/> Pencil Sharpeners |
| <input type="checkbox"/> Clipboards | <input type="checkbox"/> Pens and Pencils |
| <input type="checkbox"/> Coffee | <input type="checkbox"/> Permanent Marker |
| <input type="checkbox"/> Duct Tape | <input type="checkbox"/> Plastic and Wire Cutters |
| <input type="checkbox"/> Envelope Dampeners | <input type="checkbox"/> Plastic Electrical Cord Adapters |
| <input type="checkbox"/> Extension Cord | <input type="checkbox"/> Poll Booths |
| <input type="checkbox"/> Extra AutoMARK Ink Cartridge | <input type="checkbox"/> Poster Tack |
| <input type="checkbox"/> Eye Drops | <input type="checkbox"/> Pressurized Can of Air |
| <input type="checkbox"/> Feather Duster | <input type="checkbox"/> Reading Glasses |
| <input type="checkbox"/> Finger Adhesive | <input type="checkbox"/> Red Felt-Tip Pens |
| <input type="checkbox"/> First Aid Kit | <input type="checkbox"/> Rubber Bands |
| <input type="checkbox"/> Flashlight and Extra Batteries | <input type="checkbox"/> Rubber Thumbs |
| <input type="checkbox"/> Food for Election Judges | <input type="checkbox"/> Rulers |
| <input type="checkbox"/> Games | <input type="checkbox"/> Scissors |
| <input type="checkbox"/> Hand Sanitizer and Lotion | <input type="checkbox"/> Scotch Tape |
| <input type="checkbox"/> Highlighters | <input type="checkbox"/> Signature Line Rectangle (for Blind/Low-Vision) |
| <input type="checkbox"/> "I Voted" Stickers | <input type="checkbox"/> Slim Jim for Vehicle Door Locks |
| <input type="checkbox"/> Ink Pads | <input type="checkbox"/> Spindles |
| <input type="checkbox"/> Isopropyl Rubbing Alcohol Cleaning Pads | <input type="checkbox"/> Staple Remover |
| <input type="checkbox"/> Keys | <input type="checkbox"/> Thumb Tacks |
| <input type="checkbox"/> Lanyards | <input type="checkbox"/> Tool Kits |
| <input type="checkbox"/> Large Pens with Rubber Grips | <input type="checkbox"/> Voting Systems |

