



# Statewide Petitions

## The Basics of Receiving, Reviewing, Processing and Certifying Statewide Petitions

Montana Secretary of State Linda McCulloch  
Elections and Government Services

*Updated June 2016*

# Processing Basics

- This Quick Reference sheet was provided at the 2016 Workshop.



## Quick Reference: Petition Processing

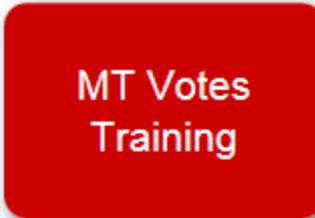
Montana Secretary of State Linda McCulloch  
Elections and Government Services Division  
[soselections@mt.gov](mailto:soselections@mt.gov) • [sos.mt.gov](http://sos.mt.gov)

- 1) For **basic steps** on handling ballot issue and candidate petitions, visit <http://sos.mt.gov/Elections/Officials/documents/Petition-Processing.pdf>. For detailed steps on preprocessing and processing signature sheets in **MT Votes**, visit [sos.mt.gov/Elections/Officials](http://sos.mt.gov/Elections/Officials). Look under "MT Votes Training" for "Petition Processing."
- 2) Check to make sure that **both the petition and affidavit** are included in the documents submitted to your office.
- 3) If **possible, link the circulator** to a voter record in MT Votes; if the circulator is not registered to vote, enter the circulator's information manually if it is not already in the system.
- 4) **Check each signature.** A signature may be counted so long as the signature, taken as a whole, bears sufficient similarity to the signature on the registration form as to provide reasonable certainty of its authenticity.
- 5) For statewide ballot issue petitions and statewide candidate or state district candidate petitions, certify the petition using the **MT Votes PM-009 certification report**, attach the signed certification report to the original affidavit and original signed petition(s), make copies for your office records, and mail the originals to the SOS by certified mail to PO Box 202801, Helena, MT 59620-2801 so that they are received by the deadline.
- 6) Call **406-444-5346** or email [soselections@mt.gov](mailto:soselections@mt.gov) if you have questions about statewide ballot issue petitions or statewide candidate or state district candidate petitions.

Count Signature	Do <u>Not</u> Count Signature
Sufficiently Similar Signature	Non-Matching Signature
Inactive Registrant	Provisional Registrant
Late Registrant	Pending-Incomplete Registrant
Address or Phone # do not match VR record	No Address and No Phone #
Registered in your county	Not registered in your county

# Processing Basics

- This training covers processing signatures on petition sheets that are received in your office.
- For a step-by-step walk through on setting up and processing petitions in **MT Votes**, go to our website at the following:  
<http://sos.mt.gov/Elections/Officials>, under the MT VOTES training button, and click on [Petition Processing](#).

A red rounded square button with the text "MT Votes Training" in white.

MT Votes  
Training

# Receiving Petitions

- Every sheet or set of up to 25 petition sheets submitted together must be accompanied by a **signature gatherer affidavit**.
- If affidavits are submitted at the bottom of a pile of petition sheets, contact the sponsor or signature gatherer to have them sort them out.
  - You do not have to sort out which petitions belong with which signature gatherer – this is the responsibility of the sponsor and signature gatherer.



## Affidavit of Petition Signature Gatherer

An affidavit must be attached to each sheet or section submitted to the election administrator. Separate sheets of a petition may be fastened to this affidavit in sections of not more than 25 sheets.

AFFIDAVIT FILED WITH ELECTION ADMINISTRATOR

I, \_\_\_\_\_  
(printed name of person who is the signature gatherer)

swear that I gathered the signatures on the petition to which this affidavit is attached on the stated dates, that I believe the signatures on the petition are genuine, are the signatures of the persons whose names they purport to be, and are the signatures of Montana electors who are registered at the address or have the telephone number following the person's signature, and that the signers knew the contents of the petition before signing the petition.

\_\_\_\_\_  
Date on which the first signature **attached** was gathered

*(Do NOT sign on the line below before gathering the signatures on the petition(s) that you attach to this affidavit.)*

\_\_\_\_\_  
Signature of petition signature gatherer

\_\_\_\_\_  
Address of petition signature gatherer

\_\_\_\_\_  
City, state and zip code

NOTARY OR AUTHORIZED OFFICER – DO NOT FILL OUT THIS SECTION UNTIL AFTER THE SIGNATURES GATHERED HAVE BEEN ATTACHED TO THIS AFFIDAVIT

State of Montana  
County of \_\_\_\_\_

Signed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_  
*Printed Name of Signature Gatherer*

*Where to file Petition and Affidavit:*  
County Election  
Administrator's Office  
A list of county election  
offices may be found at:  
[sos.mt.gov/elections](http://sos.mt.gov/elections)

\_\_\_\_\_  
Signature of Notary or Public Official

\_\_\_\_\_  
Printed Name of Notary Public

Notary Public for the State of \_\_\_\_\_

Residing at: \_\_\_\_\_

My commission expires: \_\_\_\_\_, 20\_\_\_\_

[SEAL/STAMP]

# Affidavit of Signature Gatherer

# Sample Petition Signature Sheet

For County  
Election Office  
Use Only

	Training Note: Counted or Not?	Signature	Date Signed	Residence Address or P.O. Address or Home Phone	Printed Last Name, First and Middle Initials	Legis. Rep. Dist. #	Rsvd
1	Not counted: All information is illegible	<del>Vladimir Putin</del>	1-7	<del>WpZzK0nA0</del>	<del>A0Kk00W</del>		
2	Not counted: Not registered in Montana	Vladimir Putin	1-7	1 Crimea Way, Kiev, Russia	Putin, V		
3	Counted: Even though the signature on file is <i>Gerry Tall</i> , count if the signature on file, when taken as a whole, matches the one on file	G. R. Tall	1-7	100 South Western, Helena, MT 59601	Tall, G.R.		Signers do not fill in this section; it is for optional election office use only
4	Not counted: Elector provided no residence address, PO Box, or phone #	Skip Tracy	1-7		Tracy, S.M.		
5	Not counted: Attempted duplicate of Signature 3	G.R. Tall	1-7	100 South West, Helena, MT	Tall, G.R.		
6	Counted: Even though no town or city listed, as long as you can identify the voter	Sherry Bobbins	1-7	100 Mountain Ave.	S.C. Bobbins		
7	Not counted: Not registered in county indicated below.	Moe White	1-7	100 Yell Lane, Billings, MT	White, M. R.		
8	Counted: Even though address does not match address on file, since signature matches	Ed Anders	1-7	100 1st, Helena, MT 59101	Anders, E.		

# Reviewing Signatures



- See preceding sample petition signature sheet for examples of issues with signatures on petitions:
  1. If the signature and other identifying information on the petition is illegible, the signature **cannot** be counted.
  2. If the signer is not registered to vote in Montana, nor in your county, the signature **cannot** be counted.
  3. If, for example, the person signed their registration card with their full name, but signs the petition with initials and their last name, **count** it if the signature taken as a whole is sufficiently similar to the one on file.

# Reviewing Signatures (continued)



- See preceding sample petition signature sheet for examples of issues with signatures on petitions:
  4. If the signer provides neither an address nor a telephone number (one or the other must be provided), the signature **cannot** be counted.
  5. If the signer has already signed the same petition (duplicate signature), the second signature **cannot** be counted. MT Votes will flag a duplicate signature.
  6. If the signer provides a residence address but not the city or town, you can still **count** the signature unless there is another reason to reject it.

# Reviewing Signatures (continued)



- See preceding sample petition signature sheet for examples of issues with signatures on petitions:
  7. If the signer is registered in a different county than your county, the signature **cannot** be counted.
  8. If the address or phone number provided by the signer does not match the one on file, but the signature matches and there is no other reason to disqualify the signature, you can still **count** the signature.

# Reviewing Signatures (continued)

- Check each petition signature against the signature on file.
- You should **accept** a petition signature even if, despite minor technical issues, you believe that the signature is genuine.
  - A blank address/telephone field should result in the signature being rejected, but a non-matching address/telephone should not lead to rejection unless the signature otherwise cannot be verified.
- You should **not accept** a petition signature if there is a major technical issue or if, after your best efforts at signature verification, you believe it does not match the signature on file.

# Reviewing Signatures (continued)

- You do **not** accept the signatures of **provisionally registered** electors, since they are not legally registered.
  - When you check a signature, MT Votes will show provisionally registered electors, but they are flagged as provisionally registered.
- You **accept** the signatures of **inactive** electors, since they are legally registered.
  - You do not automatically activate them based on their signing of the petition, although you can send them a voter registration application in order to assist them in activating.

# Processing Petitions

- When you receive petitions, keep them in the order that you receive them.
- In MT Votes, be sure to process as **one submittal** each petition sheet or set of up to 25 sheets submitted with **one affidavit**.
  - When you come to a new affidavit, even from the same signature gatherer, process it as a new submittal.

# Certifying Petitions to Secretary of State

- For statewide ballot issue petitions or legislative, state district, or statewide candidate petitions, complete and send PM-009 petition certification report to the SOS (*see screen shots that follow this slide*).
- Remember to send PM-009 reports and the original certified statewide signed petitions with original affidavits to the Secretary of State's office by **certified** mail within 4 weeks of your receipt of them.
  - For legislative, state district, and statewide candidate petitions, process them so that they are received by the SOS **within 1 week**.
- Before you send the original signed petitions, affidavits of signature gatherers and your certification(s), you **must** make copies to keep in your office.

# PM-009 Petition Certification Reports

County: State of Montana      **Petition Certification - Statistics by House District**      Date : 03/07/2016  
User Name : Miller, Alan      Report No. : PM-009

To the Honorable Secretary of State of the State of Montana:

I, \_\_\_\_\_, Election Administrator, of the County of STATE OF MT, certify that I have examined the attached \_\_\_\_\_ sheets of the petition **I-171 - Initiative No. 171 - 03/10/2014** in the manner prescribed by law and I believe that

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**Petition Summary:**

HouseDistrict No :	<u>HD_059</u>	Total :	2
		<b>Grand Total :</b>	<b>2</b>

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HouseDistrict No :	<u>HD_059</u>
Total :	2

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**Grand Total : 2**

signatures 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.

Date signed : \_\_\_\_\_

- **To print the PM-009 certification of petitions, go to Reports and Labels in Montana VOTES.**

# PM-009 Petition Certification Reports (continued)

The screenshot shows the 'Reports' window of the PM-009 Petition Certification Reports software. The interface includes a left-hand navigation menu, a main form area with various filters, and a list of reports at the bottom. Six blue arrows with red numbers point to specific elements:

- 1st:** Points to the 'Petitions' link in the left-hand navigation menu.
- 2nd:** Points to the 'PM-009 Petition Certification - Statistics by House District' report in the list.
- 3rd:** Points to the 'Petition Type' dropdown menu, which is set to 'Initiative / Referendum'.
- 4th:** Points to the 'Petition Name' dropdown menu, which is set to 'Initiative Referendum No. 124'.
- 5th:** Points to the 'Petition Submittals' section, which includes a checkbox for 'All Submittals' and a large empty text area.
- 6th:** Points to the 'Run Report' button at the bottom right of the window.

The main form area contains the following fields:

- County:** Beaverhead
- Petition Type:** Initiative / Referendum
- Petition Name:** Initiative Referendum No. 124
- Petition Submittals:**  All Submittals
- Petition Signatures:** All
- Status:** All
- Date Range:** From: [ ] To: [ ]

The list of reports at the bottom is as follows:

CODE	NAME
PM-003	Petition Processing Statistics
PM-004	Petitions
PM-005	Petition Signers
PM-006	Petition Signature Statistics
PM-007	Petition Summary Results Verification
PM-008	Petition Signature Page Line Statistics
PM-009	Petition Certification - Statistics by House District
PM-010	Duplicate/Triplicate Signature For Petition
PM-011	Petition Signers / Changed Counties
PM-012	Unfinished Submittals

The 'Sort Order' section on the right shows: PETITION, DISTRICT, SUBMITTAL-CODE. Below the list are 'Folder', 'Browse', 'Export', 'Cancel', and 'Run Report' buttons.

- In **Reports and Labels**, Click on "Petitions," then PM-009 Report, then choose the Petition Type and then Petition Name. Next, choose only the submittals you wish to certify. Then click "Run Report."

# PM-009 Petition Certification Reports

County: Yellowstone		Petition Certification - Statistics by House District		Date : 06/24/2014	
User Name : Patton, Susan				Report No. : PM-009	

To the Honorable Secretary of State of the State of Montana:

I, Bret Rutherford, Election Administrator, of the County of YELLOWSTONE, certify that I have examined the attached \_\_\_\_\_ sheets of the petition **I-174 - Initiative No. 174 - 05/29/2014** in the manner prescribed by law and I believe that \_\_\_\_\_

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**Petition Summary:**

HouseDistrict No : <u>HD_043</u>	Total : 1
HouseDistrict No : <u>HD_046</u>	Total : 3
HouseDistrict No : <u>HD_051</u>	Total : 1
HouseDistrict No : <u>HD_054</u>	Total : 2
<b>Grand Total : 7</b>	

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HouseDistrict No : <u>HD_043</u>	1	Signatures in Submittal	22
<b>Total : 1</b>			
HouseDistrict No : <u>HD_046</u>	3	Signatures in Submittal	22
<b>Total : 3</b>			
HouseDistrict No : <u>HD_051</u>	1	Signatures in Submittal	22
<b>Total : 1</b>			
HouseDistrict No : <u>HD_054</u>	2	Signatures in Submittal	22
<b>Total : 2</b>			
<b>Grand Total : 7</b>			

signatures are valid, and I further certify that the affidavit of the certifier (sheet) of the petition is attached to the back of each sheet (section) of the petition is attached to the back of each valid signature.

Date signed : 6-24-14

*Skip Tracy*  
Signature

SEAL

Montana VOTES

Page : 1/3

Montana Secretary of State  
2014-174 Ballot Box 333  
Reviewed for statutory requirements  
by CR  
Tabulated 1/1 Signatures

- Remember to date and sign the above PM-009 report, affix the county seal, and make a copy of the certifications, signed petitions and affidavits.

# Where to Send Certified Petitions

- For statewide ballot issue petitions or legislative, state district, or statewide candidate petitions, send **original** petition sheets, **original** affidavits and the **original** PM-009 Certification Report by **certified mail** to:

Secretary of State

Attn: Alan Miller

PO Box 202801

Helena, MT 59620-2801

# FAQs



- What if a petition is **normally double-sided**, with lines on the front and lines on the back, but we receive a petition that **does not include lines on both the front and back**?
  - **Process** the petition if:
    - There are lines only on the front, and there is either a reverse side with signature lines or a blank back
    - There are lines on the front, a completely blank reverse side, but the sheet with lines that would normally appear on the reverse side is attached to, or immediately follows, the front side, or the matching reverse side can be definitively linked to a front side
  - **Do not process** the petition if:
    - There is a reverse side that is separate from and cannot be matched to a front side.

# FAQs



- What if a petition has extra signed lines **manually added**?
  - Process the petition if:
    - The extra lines are on the front
    - The extra lines are on the reverse, if the ballot issue title, warning, and preprinted lines are all on the reverse
  - Do not process the petition if:
    - The signed extra lines are on the reverse, but the ballot issue title, warning, and/or preprinted lines are missing

# FAQs



- What if an **affidavit** does not have the **address** of the signature gatherer?
  - We do not police the address itself, but if the address is **completely missing**, or if the address area has **nonsense information** such as General Delivery, do not process the petition, and write on it the reason for not processing.
  - Also, the address provided is not legally required to be a residence address; it may instead be a **post office address**.
  - If the address provided is **out-of-state**:
    - If the petition is a **candidate petition or local petition**, ignore this since state law does not require that the signature gatherers for these petitions be in-state residents.
    - If the petition is a **statewide ballot issue petition**, notify the Secretary of State.

# FAQs



- Are there circumstances under which a **signature gatherer** has to be a **registered voter**?
  - There is no such requirement in law for any kind of petition. Although a signature gatherer must be a **resident**, it is not the responsibility of county election administrators or the Secretary of State to police this requirement or to require that the signature gatherer be registered.
  - If the signature gatherer is not a registered voter, you will not be able to link to the signature gatherer, so you will need to enter the Circulator information manually in MT VOTES.

# FAQs

- Can a signature gatherer sign the signature gatherer's own petition?
  - Yes, although the signature gatherer still has to provide a signature gatherer affidavit.



# FAQs

- Do signature gatherers have to be 18?
  - There is no such requirement in law. Although presumably the signature gatherer must be competent to sign the affidavit, county election administrators and the Secretary of State are not responsible for policing the competency or ages of signature gatherers.



# FAQs



- What if we receive **copies** of the signed petitions or **copies** of the affidavits?
  - You do not need to process these, since the law requires originals. If you receive these, note on the document the fact that it is a copy.
  - The only exception is if the originals follow the faxes or photocopies within 7 days of the final deadline for submission, but this is rare.

# FAQs



- What if we receive the petition **after the applicable deadline?**
  - There is no allowance in statute for a postmark for petitions. The process for when county election officials receive statewide or state district petitions after the applicable deadline is as follows:
    - 1) Date stamp the petition, and write on the petition itself that it was received late.
    - 2) Do not process the petition at all in MT VOTES.
    - 3) Make a copy for your records.
    - 4) Send the original to our office.

# FAQs



- What should we do if we do not process a petition, due to material defects such as noted in certain FAQs in this presentation?
  - If you do not process the petition, write on the petition the reason it was not processed, make a copy of the petition and affidavit, and send the originals in to our office without the PM-009 certification report.
  - If you are considering not processing a petition, but are not certain whether to do so, please contact the Secretary of State's office.

# FAQs

- What should we do if someone is **not registered in our county**, but is registered in the **state**?
  - You do not accept these signatures, since by law **you can only accept signatures of people who are registered in your county**.
  - You should enter the name in MT VOTES so that it is tracked, and, at your option, you can use the statewide search to link to the voter, but you are not required to do the latter.



# FAQs

- What if the first date of signature gathering does not match the first date on the petition?
  - At the county level, you do not need to check the first date of signature gathering.



# FAQs



- What if someone marks the “Yes” or “No” oval on the petition, or puts wording such as “No” after a signature?
  - These do not affect whether the petition signatures are counted.
  - Although we do not recommend marking the “Yes” or “No” oval, this does not invalidate the petition.
  - If a person wants to withdraw a signature, they can do so by filling out a notarized withdrawal form, not by writing “No” or similar wording next to their signature.

# FAQs



- What if a signer provides none of the following: mailing, residence, or phone number?
  - A **completely blank** address/phone number field should result in rejection of the signature
  - Hash marks are acceptable as a way of indicating that the address/phone number above is the same
  - If the address provided only includes the **city or town**, it is up to the discretion of the county election official whether to accept it
  - If the address/phone number is **written across two signers' signature blocks**, accept it if it is clear that the address/phone number belongs to both signers

# FAQs



- What if a signature gatherer sends in a photocopy, fax, or **scanned email** by the deadline? Do they have to follow it up with the **original**?
  - If the petitions are received by photocopy, fax, or scanned email by the statutory deadline, then the **originals must be received by one week after the statutory deadline**
  - If the originals are not received by one week after the statutory deadline, do not process the signatures, but make a copy and send the materials in with a note that the signatures were not processed because the originals were never received

# FAQs

- What if a signature gatherer does not provide an **original affidavit** by the deadline?
  - The **original** affidavit must be received by the deadline (unless the petitions are received by photocopy, fax, or scanned email by the deadline, and the originals are received by one week after the deadline); if not:
    - Do not process the signatures in MT Votes.
    - Stamp it with the date it was received, if you have not done so already.
    - Write a note on the petition sheet that it was received without a notarized affidavit.
    - Make a copy for your records.
    - Send the original to our office.



# FAQs



- What if a signature gatherer provides **one affidavit for two ballot issues**?
  - A signature gatherer is not permitted to submit one affidavit for two ballot issues; you can pair the affidavit with one of the ballot issues (if, for example, the affidavit is first and the petitions follow in the order of I-178, then CI-115, then I-178, you can attach the affidavit to the two sets of I-178 petitions). For the rejected set(s) of ballot issue petitions:
    - Do not process the signatures in MT Votes.
    - Stamp the sheet with the date it was received, if you have not done so already.
    - Write a note on the petition sheet that it was received without a notarized affidavit.
    - Make a copy for your records.
    - Send the original to our office.

# FAQs



- What if a signature gatherer submits **26 or more sheets** of a petition, with only one signature gatherer affidavit?
  - A signature gatherer can submit one affidavit with up to 25 sheets; if more sheets are submitted, then the first 25 sheets should be accepted, and only the additional sheets should be rejected. For these rejected sheets:
    - Do not process the signatures in MT Votes.
    - Stamp the sheet with the date it was received, if you have not done so already.
    - Write a note on the petition sheet that it was received without a notarized affidavit.
    - Make a copy for your records.
    - Send the original to our office.

# For Petition Questions



- If you are not sure of the answer to a **statewide** petition question, email [soselections@mt.gov](mailto:soselections@mt.gov) or call (406) 444-5346.
- For a legal question on a **local** petition, refer to 7-5-101 through 7-5-140, MCA, and ask your city or county attorney for assistance. If they do not know the answer or are unsure, have them call our office's legal counsel at (406) 444-5375.