

ELECTIONS IN MONTANA

Questions & Answers

Provisions of the Montana Constitution, the Montana Code Annotated, and Administrative Rules adopted by the Secretary of State address election security and voter identification and privacy. They prescribe certain protections and protocols; require swearing of oaths, training, and equipment requirements; and provide directives to local election administrators. The Montana Code Annotated provides penalties for violations of the laws.

VOTER REGISTRATION

Q: Who is eligible to vote?

A: Montana's constitution and state laws establish the eligibility requirements to become a qualified elector in Montana. A person must register as provided by law and by rules promulgated by the Secretary of State (SOS). [Montana Code Annotated \(MCA\) 13-1-111](#) provides that to register to vote, a person must be 18 years of age or older on or before the next election; a resident for at least 30 days of the state of Montana and the county in which the person intends to vote; and a citizen of the United States.

An applicant may not be registered to vote by an election administrator unless the applicant provides, and the election administrator verifies, the required information which includes a Montana driver's license number; state ID card number; or the last four digits of the person's social security number. If an applicant is unable to provide that information, other acceptable forms of identification are a military ID card; a tribal photo ID card; a United States passport; or Montana concealed carry permit. An applicant may alternatively provide any other form of photo identification including but not limited to a school district or postsecondary education photo ID, along with a current utility bill, bank statement, paycheck, government check, or other government issued document that shows the applicant's address.

The person must provide the person's address of residence, mailing address, and previous registration information to ensure cancellation of registration in the person's former jurisdiction. The applicant's residential address or other residential geographic information an applicant provides must be easily verifiable or an applicant's registration status will be considered incomplete.

Finally, the individual must swear, under penalty of state and federal law, that the individual is a citizen of the United States who meets the voter eligibility requirements:

I affirm under penalty of perjury that the information on this application is true, that I am a citizen of the United States, that I will be at least 18 years old on or before the next election, that I will have been a resident of Montana for at least 30 days prior to the next election, and that I am not serving a felony conviction in a penal institution nor have been found to be of unsound mind by a court. I understand that if I have given false information on this application, I may be subject to a fine or imprisonment, or both, under federal and/or state law.

Falsification of information on a person's voter registration form constitutes a violation of law, including deceptive election practices as provided in [MCA 13-35-207](#). The penalties include a fine, imprisonment, or both.

To receive and cast a ballot in person, a registered elector must present to an election judge a Montana driver's license; a Montana state ID card; a tribal photo ID card; a United States passport; or a Montana concealed carry permit. Alternatively, an elector may present a utility bill, bank statement, paycheck, government check, or other government document along with a photo ID showing the elector's name. A school district or postsecondary education photo ID is an acceptable form of photo identification.

Federal laws prohibit a noncitizen from casting a ballot in federal elections for President or congress. Some of the penalties for violation of federal law include deportation, exclusion from the United States, and prison time and fines, as provided in [8 USC § 1182](#) and [§1227](#), and [18 USC § 611](#).

See SOS [Administrative Rules of Montana \(ARM\) 44.3.2005](#) for additional information regarding voter registration application requirements.

Q: Can voters register under fake names or register multiple times?

A: No. It is illegal to register under fake names, register multiple times, or register on behalf of other people. Such unlawful registration can result in a fine, imprisonment, or both.

To ensure that voter registrations are tracked and prevent people from registering multiple times, the SOS maintains a single, official, centralized statewide voter registration system that meets federal requirements. State law ([MCA 13-2-108](#)) and SOS rules ([ARM 44.3.1102](#)) provide specific requirements for election administrators (instruction manuals, user guides, and technical manuals) regarding maintenance of the system, accuracy of the information, and requirements for entering information into the system as well as protecting electors' information.

SOS rules require election administrators to coordinate with the Social Security Administration, the state's Motor Vehicle Division of the Department of Justice, and any other appropriate agency to verify voter registration information.

Election administrators must use an applicant's provided identification information as a unique identifier in addition to the voter registration number assigned to the elector.

Q: How are voter addresses maintained, for example when a voter moves?

A: [MCA 13-2-220](#) requires that rules adopted by the SOS) include procedures that election administrators must follow annually to ensure electors' accurate addresses. These procedures include:

1. Comparing the list on an annual basis of registered electors against the National Change of Address files and providing confirmation notice to the electors' addresses that appear to have changed;
2. Mailing a non-forwardable, first-class "return if undeliverable—address correction requested" notice to all registered electors of each jurisdiction to confirm addresses;
3. Sending a targeted mailing to electors who failed to vote in the preceding general federal election, applicants who failed to provide adequate address information on voter registration forms, and provisionally registered electors.

4. Sending a forwardable confirmation notice to voters whose ballot is returned undeliverable. Mail ballots themselves are non-forwardable, and a ballot will only be resent if the completed confirmation notice is received by the election department. If a confirmation notice is returned undeliverable, the voter is placed on the inactive list.

Electors who fail to respond or confirm addresses or who have provided an address from which notification is returned as undeliverable are moved to the inactive list. Persons on the inactive list do not receive mail or absentee ballots.

A voter can be reactivated by submitting a Voter Registration Application to the election department.

Q: How are voters assigned to a precinct?

A: The county governing body establishes precinct boundaries and, if the governing body modifies a boundary, it must provide the legal description and map of the new boundaries to the election administrator ([MCA 13-3-101](#) through [MCA 13-3-103](#)).

Measures are taken using the statewide voter registration list, precinct maps, and legal descriptions to assign voters to the appropriate districts and prepare a precinct register for each precinct in the county for use by the election judges. For all elections other than mail ballot elections, the election administrator must prepare from the statewide voter registration list a precinct register for use by the election judges. Precinct register requirements are enumerated in [MCA 13-2-116](#).

- **Fun Fact:** Mail ballot elections are not allowed for regularly scheduled federal, state, or county election; nor for a special federal or state election or a regularly scheduled or special election when another election in the political subdivision is taking place at the polls on the same day ([MCA 13-19-104](#)). This is not to be confused with absentee voting. (For more information on absentee voting, see “**What is absentee voting and how does it work in Montana?**”)

Q: What is the process for a deceased voter?

A: Montana has numerous checks and balances among county coroners, the Department of Public Health and Human Services (DPHHS), the SOS, and county clerk and recorders. Below is a summary of these processes:

1. All deaths are reported to the DPHHS Office of Vital Statistics by the county coroner.
2. Each month DPHHS prepares a list for the SOS which is then integrated into the voter registration database. The list includes all reported deaths and the associated date of death. (Quarterly reports are required; however, Montana exceeds that requirement.)
3. The list is forwarded to each county election administrator. The county election administrator must then cancel the applicable registrations upon receipt of the list, upon receipt of a voter's death certificate, or upon publication of a newspaper obituary. As a practical matter, election officials regularly check obituaries and update their voter rolls. Montana's election administrators also have access to the vital statistics system and can verify any deaths.

Exception: If an elector dies after casting the elector's absentee ballot before election day, [MCA 13-13-204](#) requires the election administrator to count the deceased elector's vote if it is returned and meets all the absentee ballot security requirements.

Montana also has criminal penalties for casting the ballot of a deceased person provided in [MCA Title](#)

[45, chapter 7, part 2](#). These penalties include a fine, imprisonment, or both. State law also provides for penalties for other offenses including false swearing, unsworn falsification, and/or tampering with public records or information ([MCA 13-35-207](#)). This activity may also be considered fraudulent registration under [MCA 13-35-209](#).