Montana 2020

Frequently Asked Questions

Disclaimer: This guide is designed for informational purposes only. It is not legal advice and is not intended to create an attorney-client relationship. The Election Protection Coalition does not warrant any information contained in this guide, nor does the Coalition suggest that the information in this guide should be used as a basis to pursue legal advice or decision-making.

Note: This FAQ is not exhaustive. Situations or inquiries may arise that are not answered below. In those circumstances, contact your hotline captain or command center for assistance. Please make sure to record all of the voter’s contact information should follow-up be necessary.

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1. Am I registered to vote?

You can determine whether a voter is registered to vote by checking the Montana Secretary of State’s “My Voter Page” website (https://app.mt.gov/voterinfo/).

2. Where do I vote?

You can determine a voter’s proper polling place by checking the Montana Secretary of State’s “My Voter Page” website (https://app.mt.gov/voterinfo/). If a voter has moved recently and has not updated their voter registration, the volunteer should refer to Question #6.

3. When do the polls open and close?

Polling places must be open between the hours of 7 a.m. and 8 p.m. on Election Day. However, there is an exception for a polling place with fewer than 400 registered voters, which must be open from at least
noon to the earlier of 8 p.m. or until all registered voters in any precinct have voted, at which time that precinct must close immediately.\(^1\)

If you are a hotline volunteer and the polling place is not open at 7 a.m., contact your hotline captain. Advise voters to stay at the polling location and that someone is contacting an election official to address the issue.

If you are a field volunteer at a polling place and it is not open at 7 a.m., try to speak with the poll workers and find out why the polling place isn’t open and an estimated time of opening. Contact your hotline captain, who will notify the County Supervisor of Elections.

4. When is/was the voter registration deadline?

Close of regular voter registration for the November 3, 2020 general election is October 5, 2020, at 5 p.m if registering in person at the county election office or postmarked by October 5 if mailing registration. Late registration begins October 6, 2020, and lasts through the close of polls on Election Day, except between noon and 5 p.m. on the day before Election Day.\(^2\) Individual voters can late-register only at the county election office (https://sosmt.gov/Portals/142/Elections/Forms/electionadministrators.pdf) or a location designated by the election administrator. Registration forms postmarked by October 5 will be accepted for regular registration provided they are received by October 8.\(^3\) Any voter who will be 18 years of age or older on or before the next Election Day may register to vote.\(^4\)

The close of regular voter registration for the June 2, 2020 primary election is May 26, 2020. Registration forms postmarked by May 26 and received by May 29 are accepted for regular registration. Late registration begins May 27 and lasts through the close of polls on Election Day, except between noon and 5 p.m. on the day before Election Day. The COVID-19 pandemic and pending lawsuits in the State may have changed late registration.

The 2020 Election Calendar can be found here: https://sosmt.gov/wp-content/uploads/2020-Election-Calendar.pdf

In order to register, a voter will require either:

- Montana driver’s license or Montana ID number; or
- the last 4 digits of their Social Security number.

If the voter has neither of the above, they will need to provide (i) a current and valid photo ID, including but not limited to a school district or postsecondary education photo identification or a tribal photo identification, with the individual’s name on it; or (ii) a current utility bill, bank statement, paycheck, government check, or other government document that shows the individual’s name and current address. The alternative form of identification must be an original version, if registering in person, or a copy, enclosed with the registration application, if registering by mail.\(^5\) A voter will also need to provide a residence address or specific geographic location information from which residence may be determined. The residence must be in the county in which the voter is registering.\(^6\)

The Montana Voter Registration Application can be found here: https://sosmt.gov/Portals/142/Elections/Forms/Voter_Registration_Application.pdf?dt=1523469040559.
A person who registers to vote without providing the required ID is considered provisionally registered and the ballot will be considered a provisional ballot. See Question #11 regarding provisional ballots and Question #16 for details on absentee ballots from provisionally registered voters.

5. Can I vote without providing identification?

When voting at the polls, the voter must present a current ID, including but not limited to:

- A current photo ID showing the voter’s name (such as a driver’s license, state ID, school ID, or tribal ID); or
- A current utility bill, bank statement, paycheck, voter registration confirmation, government check or other government document (e.g., hunting license) showing the voter’s current name and current address.

If you do not have any of the items listed above, you can still vote by requesting and filling out a “Polling Place Elector ID” form. Even if the information provided by the voter differs from the information in the precinct registration a voter will be allowed to sign the precinct register, complete a new registration form and vote if the election official determines that the information sufficiently verifies the voter’s identity. Alternatively you can vote a provisional ballot. See Question #11 for details regarding provisional ballots.

6. I have moved and I didn’t update my voter registration, can I vote?

If the voter has moved, the voter should update their registration information. If the voter did not update their registration information, the answer to this question depends on where the voter has moved:

<table>
<thead>
<tr>
<th>Moved within the same precinct</th>
<th>Moved to a different precinct but within the same county</th>
<th>Moved to a different county</th>
</tr>
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<tbody>
<tr>
<td>The voter should go to the polling place for that precinct.</td>
<td>The voter is entitled to cast a regular vote at the polling place, an absentee ballot, or a mail ballot in the precinct where the voter is registered. The voter may only do this for the first election after their move. Furthermore, the voter must state their new address when offering to vote, and must complete a transfer form or new registration form to make the necessary correction before being allowed to vote in a polling place election.</td>
<td>The voter must register in the new county of residence in order to vote. However, a voter who moved to a different county 30 days or less before an election may (i) vote in person or by absentee ballot in the precinct and county where previously registered; or (ii) update the voter’s registration information and vote in the voter’s new county of residence.</td>
</tr>
</tbody>
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7. What should I do if there are equipment problems at my precinct?

Montana law does not have specific rules regarding malfunctioning voting equipment. Voters should immediately notify the election officers if the voting equipment breaks down while the polls are open. Additionally, a voter should ask if an emergency paper ballot is available.

If you are a hotline volunteer and learn of equipment not working properly at a polling place, notify your hotline captain, who will notify a voting machine expert or speak with election officials.
If you are a field volunteer at a polling place and the equipment is not working properly, notify your hotline captain, who will notify a voting machine expert. Remember, a voter can use an emergency paper ballot, and should request one if it is not offered.

8. I am a registered voter who is not on the rolls at the precinct where I currently am. Can I vote where I am?

If your name does not appear in the precinct register book and your eligibility to vote cannot otherwise be established, you are entitled to cast a provisional ballot. However, casting a provisional ballot is a last resort, and before doing so you should attempt to determine whether you are in fact voting in the correct precinct and why your name is missing from the precinct register book. A provisional ballot is only counted when cast at the precinct in which the voter is registered. See Question #11 for details regarding provisional ballots.

9. My name isn’t popping up on the list of registered voters – could it have been removed?

Your name can only be removed from the list of registered voters if:

1. you submit a written request for cancellation;
2. you die;
3. you are of unsound mind as established by a court;
4. you are incarcerared for a felony;
5. a certified court order directing the cancellation of your registration is filed with the election administrator;
6. notice is received from the Secretary of State or from another county or state that you have registered in another county or state;
7. you fail to respond to certain confirmation mailings, are placed on the inactive list, and then fail to vote in two consecutive federal general elections; or
8. you are not:
   a. 18 years of age or older;
   b. a resident of the state of Montana and of the county in which you offer to vote for at least 30 days, except when you changed residence to a different county 30 days or less before an election; or
   c. a citizen of the United States.

Any voter whose name was removed from the statewide voter registration system on the basis of a determination of ineligibility, but subsequently becomes eligible to vote, must re-register in order to have his/her name restored to the statewide voter registration system.

If the situation cannot be resolved, the voter can cast a provisional ballot. See Question #11 for details regarding provisional ballots.

Note that you can take steps to help determine why a voter’s name is not popping up on the list of registered voters:

- Check the voter’s registration status using the registration lookup tool to make sure the voter is registered to vote and at the right place. (See Question 1)
- Has the voter moved recently? Could the voter be registered at an old address? Check that address in the registration lookup tool. (See Question 1 and Question 6)
Has the voter changed their name recently, or could the voter be registered under a different name? Check that name (and any variations of the voter’s name, especially for hyphenated names, which sometimes trip up databases) in the registration lookup tool. (See Question 1)

• When/where did the voter register to vote? Was that before the deadline?

• Try entering your information into the website 2-3 times in case the system is malfunctioning.

10. I have a criminal conviction. Can I vote?

It depends. A person convicted of a felony does not have the right to vote while the person is serving a sentence in a penal institution. Once released from the penal institution, the person is again eligible to vote. Felons can vote if on probation or parole. Once released from the penal institution, a felon should re-register to vote. This is because the law allows a person incarcerated for a felony to be removed from the list of registered voters. See Question #9.

11. I have been offered a provisional ballot. What should I do?

Ask why you were offered a provisional ballot. You should only be offered a provisional ballot when:

• You presented no ID or the ID presented was not accepted as a current ID (see Question #5); or

• Your name does not appear in the precinct register book and eligibility to vote cannot otherwise be established (see Question #9); or

• Insufficient information is included in a mailed ballot.

Casting a provisional ballot is a last resort, and before doing so you should attempt to determine whether you are in fact voting in the correct precinct, why your name is missing from the precinct register book, or why the ID presented was not accepted. A provisional ballot is counted only when cast at the precinct in which the voter is registered.

In order for a provisional ballot to be counted you have until 5 p.m. the day after Election Day to provide valid ID or eligibility information either in person, by facsimile, by electronic means, or by mail postmarked no later than the day after Election Day. A provisional ballot cast due to insufficient identification must be counted if the signature on your affirmation and the signature on your registration form match. A provisional ballot must also be counted if the election administrator verifies your identity or eligibility. However, if the signatures do not match or you fail to provide valid identification by the deadline then the ballot will be rejected. The election administrator must provide an individual who cast a provisional ballot but whose ballot was or was not counted with the reasons why the ballot was or was not counted. Provisional ballots cast by voters whose eligibility is not determined by the end of Election Day may not be counted until 3 p.m. on the sixth day after Election Day.

12. I am a college student. Can I register to vote where I go to school?

Yes. College students who meet the following registration qualifications may register to vote: (i) 18 years old or older on or before the next election; (ii) a citizen of the United States; (iii) have lived in Montana for at least 30 days; (iv) not be a convicted felon serving a sentence in a penal institution; and (v) not have been judged in a court of law to be of unsound mind.

If you are a Montana resident attending college in Montana, you may:

• Choose to vote in your county of permanent residence, either by going to the polls or by absentee ballot; or
• Register in the county where you are going to college and vote in that county.

If you are an out-of-state student attending college in Montana, you may:
- Choose to become a resident of Montana if you have resided in Montana for at least 30 days, and vote in the county where you are going to school; or
- Vote in your home state. You cannot vote in both states.\(^\text{24}\)

13. I am physically disabled and need assistance. Will my polling place be accessible?

A disabled voter is one that suffers from a temporary or permanent physical impairment such as impaired vision, impaired hearing, or impaired mobility.\(^\text{25}\)

If a voter reports that a polling place is not accessible to the disabled or elderly (65 years or older), alert the hotline captain. If you cannot enter the polling place because of your disability or seniority, election judges should bring your ballot to you in your automobile to complete. Also, if you are assigned to an inaccessible polling place, you have the right to ask in writing seven days prior to Election Day to be reassigned to the nearest accessible polling place.\(^\text{26}\) You can also ask to vote by absentee ballot at a designated voting station at the county election administrator’s office. More information on voters with disabilities can be found at: [https://sosmt.gov/elections/disabilities/](https://sosmt.gov/elections/disabilities/); and [https://sosmt.gov/elections/faq/#voting-systems-equipped-for-people-with-disabilities](https://sosmt.gov/elections/faq/#voting-systems-equipped-for-people-with-disabilities).

14. I am blind, physically disabled, or cannot read English and require assistance in order to vote. Can I get assistance at the polls?

Yes. Montana law requires that each polling place have at least one specialized voting machine (called “voter interface device”) that will enable people with disabilities to vote independently.\(^\text{27}\) Any disabled voter who needs assistance voting is entitled to have some person of their choice, other than the voter’s employer, an agent of the employer, or an officer or agent of the voter’s union, mark the voter’s choices or assist the voter in marking their choices on the ballot.\(^\text{28}\) More information on voters with disabilities can be found at: [https://sosmt.gov/elections/disabilities/](https://sosmt.gov/elections/disabilities/); and [https://sosmt.gov/elections/faq/#voting-systems-equipped-for-people-with-disabilities](https://sosmt.gov/elections/faq/#voting-systems-equipped-for-people-with-disabilities).

15. I don’t know how to use the voting equipment. Can I get help?

Instructions on how to prepare a ballot or use a voting system must be posted in each voting station provided for the preparation of ballots. The instructions must be in easily read type, 18 point or larger, and explain:
- (a) How to obtain ballots for voting;
- (b) How to prepare ballots, including how to:
  - i. Cast a valid vote, including a valid vote for a write-in candidate;
  - ii. Correct a mistake;
  - iii. Ensure the proper disposition of the ballot after the elector is finished voting;
- (c) How to obtain a new ballot in place of one spoiled by accident; and
- (d) How to vote provisionally pursuant to 13-13-601 of the Montana Code.\(^\text{29}\)

Additionally, sample ballots, clearly marked “sample” across the face, must be posted at each voting station and in conspicuous places around the polling place.

16. Can I vote absentee or vote in person before Election Day?
Yes. Absentee voting does not require a reason. Any registered or provisionally registered voter is entitled to vote by absentee ballot via mail or in person (a provisionally registered voter would vote a provisional absentee ballot).

A voter may apply for an absentee ballot by filling out an application for absentee ballot available online (https://sosmt.gov/wp-content/uploads/Application-for-Absentee-Ballot.pdf) or by making a written request which must include the applicant’s birth date and signature. The application for an absentee ballot must be submitted to the election administrator of the applicant’s county of residence before noon on the day before Election Day. Election administrators must make absentee ballots available beginning 30 days prior to Election Day for those voting absentee in person, and 25 days prior to Election Day for mailing ballots if the election is to be conducted on a primary or general Election Day.

For both in person and mailed in absentee ballots, the voter must return the ballot with appropriate enclosures by regular mail or by delivering it in person to:

- The county election office;
- A polling place within the voter’s county; or
- The absentee election board or an authorized election official.

In order for the ballot to be counted it must be received prior to 8 p.m. on Election Day. A voter may at any time request that an absentee ballot be mailed for each subsequent election (including when the voter registers to vote).

A provisionally registered elector may also enclose in the outer signature envelope a copy of the elector’s identification required to register. See Question #4 regarding acceptable identification.

17. What if I requested an absentee ballot but I want to vote in person on Election Day?

As long as the voter has not already submitted the absentee ballot, the voter will be allowed to cast a provisional ballot. See Question #11 for details regarding provisional ballots.

18. Does my state have Same Day Registration? If so, what is the process?

Yes. Refer to Question #3 above for details of late registration.

19. What rules apply to people campaigning or “hanging around” my polling place? Can people approach me?

Montana law prohibits campaigning or electioneering on Election Day within any polling place or within 100 feet of any entrance to the building in which the polling place is located. In this context, campaigning or electioneering means soliciting support or opposition to a candidate or issue to be voted on at the polling place in question. Offering or distributing food, drink, or other material benefit by a candidate, a candidate’s family member, or a worker or volunteer for a candidate’s campaign to encourage recognition, support, or opposition to a candidate or issue is similarly prohibited. A person may not buy, sell, give, wear, or display at or about the polls on Election Day any badge, button, or other insignia designed or which tends to aid or promote the success or defeat of any candidate or ballot issue to be voted upon in the election, though voters are not specifically prohibited from bringing election materials into the polling place for their own use. On Election Day, no person is permitted to obstruct the doors or entries of any polling place or otherwise interfere with the election process or obstruct the access of voters to or from the polling place.
If you see a violation, inform a polling place official.

20. Someone is formally challenging my right to vote. What do I do?

A voter’s right to vote may be challenged at any time by any registered voter. The challenging voter must fill out and sign an affidavit stating the grounds of the challenge and providing evidence in support. If your right to vote is challenged, you may fill out and sign an affidavit refuting the challenge. If you were not present when the challenge was made, you must be notified of who made the challenge and its grounds, and must be given an explanation as to what information may be provided to respond. You must also be provided a copy of the challenger’s affidavit and any supporting evidence.

If your right to vote is challenged prior to the close of voting registration, the election administrator must question both you and the individual making the challenge and may question others to determine whether the challenge is sufficient or not. If the challenge is made after registration is closed or on Election Day, you may cast a provisional ballot. See Question #11 for details regarding provisional ballots.

Additional information on voter challenges may be found here: https://sosmt.gov/elections/official-forms/#challenge-forms.

21. Can I vote in the primary election?

Yes. The presidential primary in Montana is “open”, meaning that voters may select one party ballot from any party. There is no party registration in Montana. Individuals who vote in a primary election are given all the parties’ ballots, and can choose in private which party ballot they wish to vote. Voters in a primary election cannot vote more than one party’s ballots.

23. What do I need to know about COVID-19 and the primary and general elections?

The pandemic caused by the novel coronavirus COVID-19 has forced elections officials and states to grapple with a new reality, including how to conduct safe and inclusive elections. On March 12, 2020, Montana’s Governor Steve Bullock declared a state of emergency in Executive Order 3-2020. The Executive Orders permit all counties to conduct mail-ballot elections – not just counties with a certain population threshold. The State has started reopening its economy and Governor Bullock has announced plans to start the second phase of reopening on June 1. Medical experts anticipate a spike in COVID-19 cases because of the reopening.

In March 2020, civil rights groups filed a lawsuit challenging the State’s new Ballot Interference Prevention Act, which placed restrictions on who can collect absentee ballots and how many ballots can be collected and returned to county elections offices – reducing what used to be 80 ballots to only 6 ballots. The plaintiffs argued that Native American voters who live on reservations rely on voting rights organizations to return ballots because of the far distances between county elections commissions and reservations. The plaintiffs also argued that the absentee return deadline, received by 8 p.m. by election day, should be extended and that elections commissions should count all absentee ballots postmarked on or before election day and received by the deadline for federal write-in ballots for military and overseas voters.

On May 20, a federal judge blocked enforcement of the Ballot Interference Prevention Act and extended the deadline for absentee ballot return. On March 27, the Montana Attorney General’s Office filed a stay of the federal court’s decision in the Montana Supreme Court arguing that last-minute changes to election
administration were disruptive, and in particular, that the extension of the absentee return deadline was a legislative decision. The State asks the Supreme Court to stay the federal district court’s order and allow the State to conduct the June 2 primary election according to current state laws.

Volunteers receiving calls from Montana should advise voters to get in their absentee ballots by 8 p.m. on Election Day and not wait until later – given that the state of the law is up in the air and the Montana Supreme Court’s decision may alter the federal court ruling.
4 Mont. Admin. R. § 44.3.2010.
7 Mont. Admin. R. § 44.3.2110(2)(b).
10 Mont. Admin. R. § 44.3.2010.
24 How To Register To Vote, Montana Secretary of State, https://sosmt.gov/elections/vote/.
33 Mont. Code Ann. § 13-13-205(1)(a) (There is only a 20 day requirement for special purpose district or school district elections.).
42 Mont. Code Ann. § 13-10-301(2).
43 Governor Steve Bullock, *EO 02-2020 Emergency Declaration*, Mar. 12, 2020, 