



ADMINISTRATIVE RULES OF MONTANA



44.3.2204 PROCESSES AND PROCEDURES FOR EARLY PREPARATION OF ABSENTEE BALLOTS

- (1) The processes and procedures for early preparation of absentee ballots are conducted after completion of or in conjunction with the processes and procedures in 13-13-241(1) through (8), MCA.
- (2) The following processes and procedures, when implemented by the election administrator, are intended to ensure the security of ballots and secrecy of votes during the early preparation of ballots not sooner than the earliest time permitted by 13-13-241, MCA. The election administrator shall ensure that the early absentee ballot preparation area:
 - (a) permits observers to view all procedures;
 - (b) is arranged to ensure that observers do not interfere with the procedures, view the votes cast on individual ballots, or knowingly or unintentionally compromise the secrecy of the ballots;
 - (c) subject to (2)(a) and (2)(b), allows observers to be located not less than 10 feet or more than 20 feet from the boundaries of the area, or a distance determined by the election administrator based on space constraints if these distances are not feasible; and
 - (d) only allows access by the following, after they have taken and subscribed the official oath prescribed under Article III, section 3 of the Montana Constitution:
 - (i) officials preparing absentee ballots, who must have identifying badges so that observers can clearly identify who is authorized to prepare ballots; and
 - (ii) staff authorized by the election administrator.
- (3) The election administrator shall maintain the security of the observation area as specified in (2) and by:
 - (a) ensuring that all individuals in the observation area sign in before being permitted to be present;
 - (b) prohibiting electronic recording devices in the observation area; and
 - (c) contacting local law enforcement officials upon the occurrence of any potential or actual breach of security.
- (4) The election administrator shall maintain the secrecy of votes during the early preparation of absentee ballots by:
 - (a) following the procedures specified in (2) and (3);
 - (b) requiring that election officials and election workers open signature envelopes and secrecy envelopes in a manner to ensure that the identity of the voter cannot be connected to the

- voter's ballot, either by observers, by election officials, by election workers, or by any authorized staff participating in the early preparation process;
- (c) directing election officials and election workers to place the ballots in secure containers sealed with numbered security seals as necessary and when the early preparation process is completed;
 - (d) handling the ballot as provided in 13-15-201, MCA, for an elector who provides identifying information on the elector's ballot and announcing that an elector has provided identifying information, but not providing the elector's identity; and
 - (e) instructing election officials and election workers to secure all absentee voting materials consistent with the procedures specified in 13-15-205, MCA.
- (5) An absentee ballot early preparation reconciliation form:
- (a) must be in the form prescribed by the Secretary of State;
 - (b) must be provided upon request to any observer;
 - (c) must be completed as specified on the form; and
 - (d) when completed, must be posted in the early preparation area at the conclusion of early preparation procedures.
- (6) Immediately after early preparation of absentee ballots and until ballot counting begins, the prepared absentee ballots must be stored in secure containers with numbered security seals and:
- (a) must be placed in a secure location that prevents unauthorized access;
 - (b) must not be accessed except by at least two election officials acting together who:
 - (i) are authorized by the county election administrator;
 - (ii) have each taken and subscribed the official oath prescribed under Article III, section 3 of the Montana Constitution; and
 - (iii) sign a log sheet each time that they access the secured ballots.
- (7) Election administrators shall maintain and make available for public inspection a security log in a form prescribed by the Secretary of State that accurately tracks seals placed on and removed from any early preparation absentee ballot container.
- (8) Nothing in this rule shall be construed to permit an election official or election worker to count absentee ballots or other ballots before the time permitted by statute.

Authorizing statute(s): 13-13-241, MCA

Implementing statute(s): 13-13-241, MCA

History: NEW, 2011 MAR p. 2427, Eff. 11/11/11; AMD, 2022 MAR p. 1768, Eff. 9/10/22; AMD, 2025 MAR, Notice No. 2025-50, Eff. 10/25/25.