



ADMINISTRATIVE RULES OF MONTANA

44.3.2304 PROCEDURES FOR ABSENTEE AND MAIL BALLOT VOTING - DETERMINING THE SUFFICIENCY OF IDENTIFICATION OF PROVISIONALLY REGISTERED ELECTORS

- (1) After completion of the signature verification procedures in 13-13-241 or 13-19-309, MCA, as applicable, the election administrator shall determine prior to an election whether a provisionally registered absentee or mail ballot elector has enclosed in the outer signature envelope, together with the voted ballot in the secrecy envelope, sufficient identification as defined in ARM 44.3.2302 to allow the ballot to be counted.
 - (a) If the identification enclosed in the outer signature envelope is insufficient, an election administrator, election deputy, or election worker shall follow procedures described in 13-13-241, MCA, and these rules to allow a provisionally registered absentee or mail ballot elector who failed to provide proper identifying information in the outer signature envelope to verify eligibility to vote:
 - (i) a ballot cast by an elector whose voter identification information is insufficient or whose name does not appear on the precinct register must be handled as a provisional ballot under 13-15-107, MCA;
 - (ii) an election administrator, election deputy, or election worker shall notify the absentee or mail ballot elector by mail or by the most expedient method available that the elector's identification was insufficient and that the elector's ballot will be treated as a provisional ballot until the elector provides sufficient identification under ARM 44.3.2302;
 - (iii) if the elector is notified by mail, an election administrator, election deputy, or election worker shall provide a self-addressed signature envelope along with a description in the form prescribed by the Secretary of State of the identification necessary for the absentee or mail ballot elector to reclassify the provisional ballot as a regular ballot; and
 - (iv) to the extent applicable, an election administrator, election deputy, or election worker shall handle absentee and mail ballot elector provisional ballots in the same manner as specified under the procedures for provisional ballots cast at the polling place in ARM 44.3.2113, 44.3.2114, and 44.3.2115.
 - (b) Upon receipt of one of the forms of required identification defined in ARM 44.3.2302, if the identification provided is verified through a voter verification process or another form of identification provided in ARM 44.3.2302 is sufficient:
 - (i) an election administrator, election deputy, or election worker shall mark on the absentee or mail ballot signature envelope that sufficient identification was provided by the elector; and

- (ii) the county election administrator or designee shall register the elector as a legally registered elector.
- (c) An election administrator, election deputy, or election worker who receives identification information shall retain in a sealed package the copy of identification provided by the provisionally registered absentee or mail ballot elector. The sealed package containing the copy of identification may not be opened without a court order.

Authorizing statute(s): 13-13-603, MCA

Implementing statute(s): 13-13-114, 13-13-201, 13-13-241, MCA

History: NEW, 2004 MAR p. 93, Eff. 1/16/04; AMD, 2006 MAR p. 1741, Eff. 7/7/06; AMD, 2006 MAR p. 2671, Eff. 10/27/06; AMD, 2010 MAR p. 1545, Eff. 6/25/10; AMD, 2011 MAR p. 2428, Eff. 11/11/11; AMD, 2013 MAR p. 1628, Eff. 9/6/13; AMD, 2022 MAR p. 169, Eff. 1/29/22; AMD, 2025 MAR, Notice No. 2025-50, Eff. 10/25/25.