



ADMINISTRATIVE RULES OF MONTANA



44.3.2111 PROCEDURES AT THE POLLING PLACE FOR DETERMINING ELIGIBILITY TO VOTE - PRIOR TO CASTING A BALLOT

- (1) An individual who provides sufficient identification specified in ARM 44.3.2102, but whose name does not appear on the precinct register, shall be permitted to:
 - (a) provide information to an election official at the polling place to verify the individual's registration, subject to the following:
 - (i) an individual whose name is erroneously omitted from a precinct register or other election register may secure from the election administrator or designee a certificate of the error, stating the precinct in which the individual is entitled to vote, and present the certificate, which will entitle the individual to vote a regular ballot, to an election judge;
 - (ii) the certificate shall be marked "voted" by the election judges and returned by them with the precinct register. The individual shall sign the back of the precinct register or in a location specified by the county election administrator;
 - (iii) if the individual is for any reason unable to secure a certificate of error from the election administrator, the individual may vote by signing an oath that the individual's name was erroneously omitted, if the chief election judge of the precinct confirms such omission by contacting the election administrator or designee. The oath shall be marked "voted" by the election judges and returned by them with the precinct register. The individual shall sign the back of the precinct register or in a location specified by the county election administrator; or
 - (b) if the election official is unable to verify the individual's eligibility while the individual is at the polling place, sign the precinct register and cast a provisional ballot.
- (2) Consistent with 13-13-114, MCA, if the information provided by the elector differs from information in the precinct register, but an election judge determines that the information provided is sufficient to verify the voter's eligibility to vote pursuant to 13-2-512, MCA, the elector may sign the precinct register, complete a new registration form to update or correct the elector's voter registration information, and vote. An election judge shall write "registration form" beside the name of any elector submitting a form.
- (3) Consistent with 13-13-114 and 13-1-116, MCA, if the elector is not able to sign the elector's name to the precinct register, a fingerprint or other identifying mark may be used, or the elector may have an election administrator or election judge, or another person who has been designated by the elector as the elector's agent, provide a signature or identifying mark. If the elector fails or refuses to sign the elector's name or, if unable to write, fails to provide a fingerprint or other

identifying mark, the elector may cast a provisional ballot as provided in 13-13-601, MCA, and these rules.

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

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

History: NEW, 2004 MAR p. 93, Eff. 1/16/04; AMD, 2006 MAR p. 2671, Eff. 10/27/06; AMD, 2010 MAR p. 1545, Eff. 6/25/10; AMD, 2012 MAR p. 760, Eff. 4/13/12; AMD, 2013 MAR p. 1628, Eff. 9/6/13.