



ADMINISTRATIVE RULES OF MONTANA



44.3.2511 ELECTRONIC TRANSMISSION OF VOTING MATERIALS

- (1) County election administrators shall allow covered voters to receive and transmit election materials electronically, as long as the security of transmission and identity of each elector is confirmed and facilities are available to maintain the accuracy, integrity, and secrecy of the ballot process. The following procedures shall be followed, wherever applicable, in regard to the receipt and transmission of election materials electronically:
 - (a) A county election administrator must use the secretary of state's electronic absentee system or the election administrator's own system that is secure from unauthorized access.
 - (b) When an election administrator receives a valid request for electronic transmission of a ballot from a covered voter, the election administrator shall, subject to (1), e-mail instructions to the elector on how to access the Secretary of State's electronic transmission system if the system is available for the election, or send a ballot electronically along with instructions to the elector, and a transmittal cover sheet that includes an elector affirmation. The original ballot, as applicable, shall be retained in a secure absentee envelope or container for that purpose.
 - (c) The election administrator shall keep an official log of all ballots transmitted and received electronically.
 - (d) If the received ballot is acceptable, the election administrator shall log in the receipt of the ballot and place it in the secure absentee envelope or container with the original ballot, if applicable, until the ballots are ready to be transcribed. The transmittal cover sheet with affirmation must be retained in a sealed envelope or container separately from the ballot.
 - (e) The receipt of electronically submitted ballots must be entered into the statewide voter registration system and a ballot shall be issued from the statewide voter registration system, if applicable, within three business days of receipt so that the covered voter may track the receipt of their ballot as required by federal law on the system designed for that purpose.
 - (f) No sooner than the time permitted for preparation of ballots pursuant to 13-13-241, MCA, the election administrator shall have the returned ballots transcribed, as applicable, using the procedure prescribed below.
 - (g) The voted ballot must be transcribed in a manner that ensures that no one transcribing the ballot has access to the name of the elector who voted the ballot.
 - (h) No less than three election officials shall participate in the transcription process to transfer the elector's votes from a received ballot, as applicable, to the standard ballot used in the precinct.

- (i) An electronically transmitted ballot identifying number shall be written on the original transcribed ballot, the electronically transmitted ballot, and in the official transcription log.
 - (j) The election officials who transcribed the electronically transmitted ballot shall sign the log for each ballot they transcribe.
 - (k) No one participating in the electronic ballot transmission or transcription process may reveal any information about the elector's identity or the votes on the elector's ballot.
- (2) Nothing in this rule shall prohibit a county election official from participating in any secure program for facilitating voting by covered voters which is sponsored by an agency of the federal government.

Authorizing statute(s): 13-21-104, MCA

Implementing statute(s): 13-13-241, 13-21-104, MCA

History: NEW, 2006 MAR p. 2671, Eff. 10/27/06; AMD, 2008 MAR p. 1329, Eff. 6/27/08; AMD, 2013 MAR p. 1700, Eff. 1/1/14; AMD, 2015 MAR p. 1286, Eff. 10/1/15; AMD, 2022 MAR p. 1768, Eff. 9/10/22.