



## ADMINISTRATIVE RULES OF MONTANA



### 44.3.2716 SIGNATURE VERIFICATION PROCEDURES

- (1) For the purpose of school district elections conducted by the school district clerk (election administrator) signature verification shall be conducted by the county election administrator. This is accomplished as follows:
  - (a) arrangements shall be made by the school district clerk (election administrator) for the transport of ballots to and from the county election administrator for signature verification in compliance with ARM 44.3.2714;
  - (b) unopened signature envelopes shall be counted by the school district clerk (election administrator) placed in transport boxes and the number of signature envelopes recorded on the ballot transport logs which are to be sealed inside the transport boxes;
  - (c) the county election administrator shall break the seal on the transport boxes and verify signatures on the signature envelopes;
  - (d) the county election administrator shall record on the transport box logs the number of signatures verified as valid and the number of those not validated. Such numbers must balance with the school district count recorded on the transport logs;
  - (e) the unvalidated signature envelopes shall be banded together, marked "to be voided and not counted" and placed in the transport boxes with the valid signature envelopes. The transport boxes shall be resealed and returned to the school district clerk (election administrator) for counting or disposition as provided by law;
  - (f) for a ballot not validated, the school district clerk (election administrator) shall designate it as a provisional ballot, give notice to the elector as provided in 13-19-313, MCA;
  - (g) cost of verifying signatures shall be charged to the school district at a rate to be agreed upon by the school district clerk (election administrator) and the county election administrator.
- (2) The ultimate test in signature verification is whether or not officials are convinced that the individual signing the affidavit is the same as the one whose name appears on the registration card. In making their determination, officials may include consideration of factors like:
  - (a) whether the capital letters match;
  - (b) whether letters tail off similarly;
  - (c) whether letter spacing is similar;
  - (d) whether the overall appearance is substantially similar; and
  - (e) whether the relationship of the signature to the signature line is similar.

- (3) Signatures are not required to be identical in either form or content. It is sufficient if a substantial similarity exists, so long as officials can determine that the signatures are the same individual. So, the use of a common name abbreviation, or substituting an initial in place of a first or middle name, will not necessarily invalidate the signature.
- (4) The official shall check and initial each envelope if so required by administrative procedures, as the signature is verified.

**Authorizing statute(s):** 13-19-105, MCA

**Implementing statute(s):** 13-19-304, 13-19-312, MCA

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**History:** NEW, 1985 MAR p. 1020, Eff. 7/26/85; AMD, 1987 MAR p. 2394, Eff. 12/25/87; AMD, 1990 MAR p. 308, Eff. 2/9/90; AMD, 2010 MAR p. 1319, Eff. 5/28/10; AMD and TRANS, from 44.9.312, 2012 MAR p. 760, Eff. 4/13/12.