



ADMINISTRATIVE RULES OF MONTANA



44.3.2113 PROVISIONAL VOTING PROCEDURES AT THE POLLING PLACE AND AT THE ELECTION ADMINISTRATOR'S OFFICE - CASTING A BALLOT

- (1) The election administrator shall direct election officials in each precinct to mark, in a location specified by the election administrator in the records maintained by election officials, a notation for each individual who has chosen to cast a provisional ballot or set of provisional ballots, as applicable.
- (2) Consistent with 13-13-601, MCA, an election official shall give to an individual who has chosen to cast a provisional ballot the following, in the forms prescribed by the secretary of state:
 - (a) provisional ballot instructions, which must be filled out by an election official in the areas specified;
 - (b) a provisional ballot outer envelope, which must be filled out by an election official in the areas specified;
 - (c) a provisional ballot secrecy envelope; and
 - (d) a regular ballot.
- (3) The individual shall, upon receipt of the forms in (2):
 - (a) read the provisional ballot instructions;
 - (b) fill out the specified areas of the provisional ballot outer envelope; and
 - (c) allow an election official to review the provisional ballot outer envelope that has been filled out by the individual.
- (4) An election official, upon receiving the provisional ballot outer envelope from the individual, shall:
 - (a) ensure that the individual completed all required information on the provisional ballot outer envelope; and
 - (b) inform the individual that the individual may provide additional information at the individual's option.
- (5) After the individual and the election official complete the requirements in this rule, the election official shall allow the individual to:
 - (a) sign the precinct register;
 - (b) vote the ballot;

- (c) place the ballot in the provisional ballot secrecy envelope, and in a primary election, place the unvoted party ballot in an unvoted ballot envelope;
 - (d) place the provisional ballot secrecy envelope in the provisional ballot outer envelope; and
 - (e) return the provisional ballot outer envelope to an election official, who shall place the provisional ballot outer envelope into an unverified provisional ballot container, and who shall in a primary election, place the unvoted party ballot into an unvoted ballot box or into the provisional ballot outer envelope. The location where the unvoted party ballot is placed must be consistent within a county and must be consistent with direction given by the election administrator.
- (6) Consistent with 13-15-107, MCA, an election official shall handle a provisional ballot outer envelope which holds a ballot cast provisionally by an individual whose voter information is verified by the end of election day as follows:
- (a) remove the provisional ballot outer envelope from the unverified provisional ballot container;
 - (b) mark it to indicate the reason(s) why it was verified and removed;
 - (c) ensure the ballot is removed from the provisional ballot secrecy envelope, deposited with other ballots in a manner that allows for the secrecy of the ballot to the greatest extent possible, and counted as any other ballot;
 - (d) place the provisional ballot outer envelope in the verified provisional ballot container; and
 - (e) mark in the location specified by the election administrator that the ballot has been counted as any other ballot.

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

Implementing statute(s): 13-13-114, 13-13-601, 13-15-107, MCA

History: NEW, 2004 MAR p. 93, Eff. 1/16/04; AMD, 2010 MAR p. 1319, Eff. 5/28/10; AMD, 2010 MAR p. 1545, Eff. 6/25/10; AMD, 2012 MAR p. 760, Eff. 4/13/12.