Absentee Voting Checks and Balances in Montana

American elections serve as a model for the world, thanks to our rigorous system of checks and balances and our neighbors serving as election workers faithfully carrying out those duties.

Working in teams made up of people from both parties, poll workers and election officials count, canvass, and audit votes – whether they are cast in-person, by mail, or by service members overseas. These election workers verify voters' identities. They inspect ballots. They resolve errors. They confirm that every legal ballot is counted as voters intended them.

When these checks and balances are complete, then the final phase of our election process happens: certification. This is the straightforward step in the process when election officials declare the winners.

This memo outlines the numerous safeguards in Montana that assure only eligible absentee votes are counted, from rigorous voter verification at the application stage to election officials meticulously reviewing ballots when they are returned. For greater detail about the post-election process and a detailed timeline, please visit our website.

Finally, this is nonpartisan educational research intended for 501(c)(3)-compliant purposes only. It is *not* to be used for any partisan, political, or electioneering activities by any organization.

All Montana Voters are Eligible to Vote by Absentee Ballot

Any registered voter in the state of Montana may request an absentee ballot.[1] A voter may request a ballot for a single election or request to be placed on the permanent mail voting list to receive a mail ballot before each election.[2] The application must include the voter's name, date of birth, and signature.[3] The current form also requires the voter's residence and mailing addresses.

All Absentee Voters Are Verified Before Being Sent a Ballot

The election administrator reviews each application for an absentee ballot to ensure that the information provided on the application matches the information in the voter's registration record. Specifically, the election administrator must compare the signature on

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[1] MCA 13-13-201(1)
[2] MCA 13-13-212
[3] MCA 13-13-212(1)(a)

the application with the voter's signature on the registration form.[4] If the application does not include a signature, or if the signature on the application does not match the voter's signature on the registration form, the election administrator must notify the voter of the issue as soon as possible and give them an opportunity to provide the correct information to verify their identity and eligibility.[5] A voter must fix any errors on their mail ballot application by noon on the day before the election, which is the deadline to receive a mail ballot.[6]

If the election administrator approves the ballot application, they mail the voter a ballot package at their mailing address.[7] Before the election administrator sends a mail ballot package to the voter, they must remove the numbered ballot stubs and store them in numerical order with the mail ballot application.[8] Election administrators must also keep a record of all absentee ballots that have been issued, including the ballot numbers of the absentee ballots issued and the names of the voters receiving the mail ballots.[9]

Returned Ballots are Verified by Election Professionals

With few exceptions, Montana voters must return their absentee ballots by the close of polls on Election Day.[10] Ballots may be returned by mail or in person at the election office or a polling place within the voter's county.[11] Voters using emergency absentee voting due to sudden illness or a health emergency may also return a ballot to the absentee election board, which is composed of two members from different political parties.[12] In an all-mail election, which Montana authorizes for some small elections, voters may return their mail ballots at any staffed places of deposit designated by the election administrator.[13]

Voters must sign their mail ballot envelope prior to returning it.[14] Upon receipt of an absentee ballot, the election administrator must compare the voter's signature on the ballot envelope with the voter's signature on either their mail ballot application form or registration form. If the signatures match and the voter is legally registered to vote, the election administrator must handle the voted mail ballot as an in-person, Election Day ballot.[15] The verified ballot envelopes are opened and the mail ballots are kept in the secrecy envelopes at the election administrator's office until election workers begin ballot processing, either one or three days before Election Day, depending on the size of the jurisdiction.[16]

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[4] MCA 13-13-213(3)(a)
[5] MCA 13-13-245(1)
[6] MCA 13-13-211(1)
[7] MCA 13-13-214(1)(a)
[8] MCA 13-13-214(3)
[9] MCA 13-13-233(2)-(3)
[10] MCA 13-13-201(3). Montana allows extra time for eligible military and overseas voters to return their ballots. See MCA 13-21-226.
[11] MCA 13-13-201(2)
[12] MCA 13-13-201(2)(e)(iii); MCA 13-13-229(2); MCA 13-13-225(2)
[13] MCA 13-19-104; MCA 13-19-307
[14] MCA 13-13-201(2)(d)
[15] MCA 13-13-241(1)(b)
[16] MCA 13-13-241

If the returned ballot does not include a signature, if the signature on the ballot envelope does not match the voter's signature on the application or registration form, or if there is any question about the validity of the returned mail ballot, the election administrator must notify the voter of the issue as soon as possible and give them an opportunity to provide the correct information to verify their identity and eligibility.[17] A voter must fix any errors on their mail ballot envelope by the close of polls at 8 p.m. on Election Day.[18] Absentee ballots not cured by 8 p.m. on Election Day are treated as provisional ballots, and voters have until 5 p.m. on the day after the election to verify their identity and have the ballot counted.[19] To confirm a signature or the validity of a mail ballot, a voter may provide proof of identification either by mail, fax, email, or in person — or they may request and receive a replacement ballot.[20] If the election administrator receives a mail ballot for which a request was not made, the election administrator must reject the ballot.[21]

Voters Can Confirm Ballot Status Through Online Ballot Tracking

Montana provides online ballot tracking for state and federal primaries and general elections only.[22] This system allows voters to track the status of their returned absentee ballot online. Voters can enter their identifying information on the [portal maintained by the secretary of state](#) to access up-to-date information about the mailing, receipt, and approval status of their completed ballot. Additionally, a voter who needs to fix a signature issue on a returned ballot can download the form through this portal. The introduction of this feature has added even greater transparency to the mail ballot voting process in Montana.

Additional Steps Ensure Ballots Counted as Voters Intended

There are a number of additional checks and balances that apply to absentee and in-person ballots in Montana. These include:
- Election officials test tabulation equipment before the election to make sure it is working correctly;
- Voters insert ballots directly into tabulation equipment at polling locations using tabulation equipment;
- Counties that hand count ballots use bipartisan teams of election workers to do so;
- Before the county canvass, bipartisan teams of election workers conduct a hand count audit of randomly selected precincts to ensure the accuracy of automatically tabulated results; and

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[17] MCA 13-13-241(5)-(6); MCA 13-13-245(1)
[18] MCA 13-13-245(2)
[19] MCA 13-13-245(3); MCA 13-15-107
[20] Ibid.
[21] MCA 13-13-232(3)
[22] Counties may offer tracking for other elections, but it is not statutorily required.

- The board of county canvassers conduct the county canvass at a meeting open to the public.