

Checks and Balances in Montana: The Post-Election Day Process

American elections are run by local and state officials alongside tens of thousands of our friends and neighbors from both political parties. These bipartisan teams count, canvass, and audit every ballot — whether in person or by mail — verifying identities, inspecting ballots, and ensuring each is counted as intended. This rigorous process leads to the final step: certification. This is the straightforward phase of the process, in which election officials declare the winners.

This memo outlines the checks and balances in Montana that ensure all state and local rules are followed. Importantly, 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.

Counting: Technology and Bipartisan Oversight Work to Double-Check Results for Accuracy

Montana law mandates specific processes for counting votes manually or with automatic tabulation equipment. Each of these processes requires participation by a bipartisan team of election officers and includes equipment testing and reconciliation of results.

Quality-Tested Technology Leads to Trustworthy Results

Ballots can be counted using automatic tabulation equipment at each polling location or at a central counting location.¹ Montana law requires that all voting systems be publicly tested and certified no more than 30 days before an election. Additionally, the secretary of state will ensure that at least 10% of each type of voting system has been randomly tested and certified at least once every year.²

Voters will typically insert their own ballots into the tabulation equipment at the polling location, and the equipment must be programmed to indicate whether further action

¹ Mont. Code § 13-15-206

² Mont. Code § 13-17-212

is needed before the ballot is tabulated.³ Montana law requires the use of paper ballots.⁴

Transparent Processes for Handling Ballots Instill Confidence

Automatic tabulation of absentee ballots at a polling location may begin one day before Election Day.⁵ On Election Day, automatic tabulation must begin and continue without adjournment until all available ballots have been counted.⁶ Vote counting is open to the public for observation.⁷

Nine Montana counties hand count paper ballots.⁸ For a manual count of ballots, one election judge on the board (whether it be a counting board or absentee ballot counting board) will read each ballot while two other judges on the board each record on an official tally sheet the number of votes cast for each individual. After the vote count is complete, the tally sheets of the two judges recording the votes must be compared. If the two tallies match, the judges record the results in the official records. If the tallies do not match, the count must be conducted again until the two tallies match.⁹

The election judges count the number of ballots to ensure the number of ballots corresponds with the number of names in the poll book and the number on the ballot reconciliation report.¹⁰ After all valid votes have been counted and totaled, the judges record the totals in the official results records.¹¹

Some counties also have an absentee ballot counting board. In those counties, absentee ballots are counted separately from other ballots. Absentee ballots are delivered to the absentee ballot counting board, where they may be opened and prepared for tabulation up to three business days before the election.¹² In counties where there is no absentee ballot counting board, absentee ballots are counted along with other ballots.

Both Parties Participate Throughout the Process

On Election Day, once polls have closed, the election judges copy the total votes cast for each candidate and ballot measure from the tabulators onto the election return forms. Election judges are selected from lists provided by county committees of the political

³ 2024 Montana Election Handbook at 29.

⁴ Mont. Code § 13-17-103

⁵ Mont. Code § 13-15-104

⁶ Mont. Code § 13-15-101

⁷ *Id.*

⁸ Mont. Sec'y of State website: "County Voting Systems"; <https://sosmt.gov/elections/systems> (Accessed on July 16, 2026).

⁹ Mont. Code § 13-15-206

¹⁰ Mont. Code § 13-15-201

¹¹ Mont. Code § 13-15-206

¹² Mont. Code § 13-15-104

parties, and each board of election judges must include judges from all parties that submit lists.¹³ One copy of the election returns form is immediately posted for public viewing at the counting location, and another is returned to the election administrator. Both forms must be signed by the election judges performing the count.¹⁴ The county election administrator must first provide results to the secretary of state's election night reporting system and then provide the initial results to the public. The election administrator continues to provide updated results at least once every three hours until completion.¹⁵

Audits Ensure State Laws Are Followed, and Results Are Accurate Prior to Canvassing

Montana requires a manual ballot audit of federal election results for every county that uses automatic tabulation. After unofficial results are made available to the public, but at least one day before the official county canvass, the county audit committee conducts a random-sample audit of at least 10% of the precincts in each county or a minimum of two precincts in each county, whichever is greater.¹⁶ For the audit, three election judges hand count each race in the precincts selected for the audit.¹⁷ The election judges compare the hand-count audit results to the tabulator results. If those totals are within 0.5% or five ballots, whichever is greater, the election is deemed official.¹⁸

Montana law also requires a manual ballot audit in counties that count all ballots by hand tabulation. However, the law is silent on how the audit must proceed, only specifying that the secretary of state must implement rules for the process.¹⁹

Canvassing: Limited Discretion for Review

Canvassing is the process of compiling vote totals reported in returns from throughout a jurisdiction. In Montana, canvassing occurs at the county and state level. Under Montana law, canvassers can petition for a recount of votes or an inspection of ballots if they find an error in a specific precinct's tabulation when counting ballots.²⁰

County Canvass: County Board Publicly Reviews Results and Resolves Any Errors

For elections in Montana, the governing body of a county is considered to be the board of county canvassers and has the duty to conduct the county canvass.²¹

¹³ Mont. Code § 13-4-102

¹⁴ Mont. Code § 13-15-101

¹⁵ *Id.*

¹⁶ Mont. Code § 13-17-503

¹⁷ Mont. Code § 13-17-506

¹⁸ Mont. Code § 13-17-507

¹⁹ Mont. Code § 13-17-503

²⁰ Mont. Code § 13-15-403

²¹ Mont. Code § 13-15-401

The board meets within 14 days after each election to complete the canvass of returns, which must be open to the public.²² At the meeting, the board must open the returns, audit the tally books or other records of votes cast, determine the vote for each individual, compile totals, and declare or certify the results. If the canvassing board finds an error in a precinct or precincts affecting the accuracy of vote totals, the board immediately investigates the discrepancy until it is reconciled or determined to have no impact on the outcome of the election. The investigation must conclude within two days. The board may require the election administrator to conduct a recount in one or more races as part of the investigation.²³

After the board has signed off on the results, the secretary of the board prepares a canvass that lists the total number of electors voting in each precinct or district and the total in the county, the name of each individual receiving votes, the office for which the votes were received, and the votes by precinct or district for each individual.²⁴

The board then declares elected the individuals having the highest number of votes cast for each county and precinct office.²⁵ The secretary of the board will send the certified county election returns to the secretary of state by certified mail.²⁶

State Canvass: State Officers Publicly Review and Compile County Results

Within 27 days after the election, the state auditor, superintendent of public instruction, and attorney general meet as the board of state canvassers in the office of the secretary of state and determine the vote.²⁷

The state canvass must also be public. The board must open the returns from each county, audit the records from each county for errors, determine the vote for each individual, compile the totals, and declare and certify the results.²⁸ The secretary of the board prepares a report of the canvass that lists the total number of electors voting in each county and in each legislative house district and the total in the state, the name of the individual receiving votes, and the office for which votes were received.²⁹ The board declares elected the individual with the highest number of votes and delivers certified copies of the report to the governor.³⁰

Certification: The Voters Have Spoken

²² *Id.*

²³ Mont. Code § 13-15-403

²⁴ Mont. Code § 13-15-404

²⁵ Mont. Code § 13-15-405

²⁶ Mont. Code § 13-15-501

²⁷ Mont. Code § 13-15-502

²⁸ Mont. Code § 13-15-505

²⁹ Mont. Code § 13-15-506

³⁰ Mont. Code § 13-15-507

Once the state canvass is complete, winning candidates receive a certificate of election. For races that are determined by the county canvass, the board of county canvassers issues the certificate of election to winning candidates.³¹

The board of county canvassers certifies the vote for the offices of president and vice president of the United States, congressional offices, state or district offices voted for in more than one county, and members of the legislature to the board of state canvassers via certified mail.³² The state canvassing board compiles the county returns and declares the winner receiving the highest number of votes for each office.³³ The governor issues commissions to the individuals elected.³⁴

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³¹ Mont. Code § 13-15-405

³² Mont. Code § 13-15-501

³³ Mont. Code § 13-15-507

³⁴ Mont. Code § 13-15-504