

**Disclaimer:**

This guide is designed for informational purposes only. It is not legal advice and is not intended to create an attorney-client relationship. The Election Protection Coalition does not warrant any information contained in this guide, nor does the Coalition suggest that the information in this guide should be used as a basis to pursue legal advice or decision making.

**Questions Involving Access to the Ballot:**

**1. It is after 7:00 AM and the polling place is not open.**

Immediately contact the Election Administrator to report the problem. You can find information on Election Administrators at <http://sos.mt.gov/ELB/forms/elections/electionadministrators.pdf>.

If the polling place is open at 7:00 a.m. but the voting machines have not arrived, call headquarters immediately. Voters should be permitted to vote by paper ballots (preferably) or by provisional ballots if there are no machines available.

**2. It is 8:00 PM and my precinct is closed or closing and they will not let me vote.**

Immediately contact the Election Administrator to report the problem. You can find information on Election Administrators at <http://sos.mt.gov/ELB/forms/elections/electionadministrators.pdf>.

**Identification and Provisional Ballots:**

**1. I do not have any identification with me. Can I vote?**

If you do not have proper photo identification, including but not limited to a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification, you can present a current utility bill, bank statement, paycheck, notice of confirmation of voter registration issued, government check, or other government document that shows your name and current address.

If you provide the information listed above, you may sign the precinct register and must be provided with a regular ballot to vote. If the information provided differs from information in the precinct register but an election judge determines that the information provided is sufficient to verify your identity and eligibility to vote, you may sign the precinct register, complete a transfer form or new registration form to correct the elector's voter registration information,

and vote. An election judge shall write "transfer form" or "registration form" beside the name of any elector submitting a form.

If the information presented is insufficient to verify your identity and eligibility to vote or if your name does not appear in the precinct register, you may sign the precinct register and cast a provisional ballot.

If you fail or refuse to sign your name or if you are disabled and a fingerprint, an identifying mark, or a signature by a person authorized to sign for you is not provided, you may cast a provisional ballot.

**2. I am a registered voter who is not on the rolls at my precinct. Can I vote?**

If you are registered, eligible and in the correct polling place, ask the poll worker to call the county clerk and confirm your registration. If you are still not on the rolls, you can vote provisionally. This is a LAST resort, as provisional ballots will only be counted if the county clerk can later verify your registration status before the election is certified.

**3. Poll workers are turning voters away if they don't have photo ID.**

Contact a Commander immediately to report the problem. An attorney will be dispatched to the polling place. Make sure the voter has some other form of identification like a current utility bill or other document showing the voter's current name and address. Encourage the voter to go back inside the polling place and demand the right to vote by a REGULAR ballot.

**4. I have been offered a provisional ballot. What should I do?**

Provisional ballots are a LAST resort.

If a voter is offered a provisional ballot, the poll worker must provide them with information regarding how to vote provisionally, what information must be provided by the voter to verify their eligibility and how to determine whether their ballot is to be counted. The voter will be required to sign an affirmation that, to the best of their knowledge, they are eligible to vote in the election and precinct.

BY 5 PM ON THE DAY AFTER the election, the voter will then need to:

(a) present in person at the office of the election administrator, or send by facsimile or electronic mail, a photo ID, current utility bill, paycheck, bank statement or other document showing the voter's current name and address; or

(b) mail a copy of the same in a self-addressed return envelope provided to the voter by the poll worker on the day of the election. Please note that if the voter chooses to mail in their documentation, the documents will not be returned.

## **Where to Vote:**

### **1. Where do I vote (for voter's who have not moved)?**

You can look up polling locations at [www.vote411.org](http://www.vote411.org).

### **2. I have moved within the same PRECINCT and have not updated my address for voter registration purposes. Where should I vote?**

If the voter has moved within the same precinct, the voter should go to the appropriate polling place for that precinct. If the voter registration list still lists the voter's old address, the voter will be asked to update their registration. If the updated address is within the precinct, the voter must be permitted to vote.

### **3. I have moved to a different precinct within the same COUNTY and I have not updated my address for voter registration purposes. Where should I vote?**

The voter should go to the county courthouse and complete a Transfer Form. Alternatively, the voter can go to the polling location that corresponds to their new address and vote a provisional ballot.

### **4. I have moved from one county to another and have not updated my address for voter registration purposes. Where should I vote?**

The voter should go to the county courthouse in the voter's NEW COUNTY, complete and sign a new voter registration form and vote a provisional ballot.

## **Assistance at the polls:**

### **I. I am physically disabled and need assistance; will my polling place be accessible?**

Montana law requires that each polling place to have at least one specialized voting machine that will enable people with disabilities to vote independently. If a voter reports that a polling place is not accessible to the handicapped, alert a Commander.

**2. I am blind; physically disabled or cannot read English and require assistance at the polls in order to vote. Can I get assistance at the polls?**

The Secretary of State's office and the 56 counties of Montana have teamed up to offer the ES&S AutoMARK™, breakthrough ballot-marking technology that allows voters with disabilities and other special needs to mark a ballot privately and independently when using an optical scan voting system.

The ES&S AutoMARK™ voter assist terminal is a ballot-marking system designed to provide privacy and accessibility to voters who are blind, vision-impaired, or have a disability or condition that would make it difficult or impossible to mark a ballot in the usual way. The technology also provides language assistance to voters who are more comfortable speaking a different language or who need help to better understand written instructions.

When a disabled elector enters a polling place, an election judge shall ask the elector if the elector wants assistance. An election judge or an individual chosen by the disabled elector may aid an elector who, because of physical disability or inability to read or write, needs assistance in marking the elector's ballot.

The election judges shall require a declaration of disability by the elector. The declaration must be made under oath, which must be administered by an election judge. The elector may be assisted by two judges who represent different parties. The judges shall certify on the precinct register opposite the disabled elector's name that the ballot was marked with their assistance. The judges may not reveal information regarding the ballot.

Instead of assistance, the elector may request the assistance of any individual the elector designates to the judges to aid the elector in the marking of the elector's ballot. An individual designated to assist the elector shall sign the individual's name on the precinct register beside the name of the elector assisted. The individual chosen may not be the elector's employer, an agent of the elector's employer, or an officer or agent of the elector's union. If a poll worker refuses to allow a disabled or language minority voter to bring a person of their choice into the voting booth, alert a Commander.

### **Miscellaneous Issues:**

**1. I have been approached by candidates or others at the polls.**

All poll monitors, including Election Protection volunteers, must stay at least 100 feet from the entrance to the polling place; they can solicit you if they comply with this rule. If they are violating the 100-foot requirement, alert a Commander.

**2. What if I requested an absentee ballot but I want to vote in person on Election Day?**

As long as the voter has NOT already submitted the absentee ballot, and is otherwise qualified, they should be allowed to vote in person by REGULAR ballot.

**3. There are people at the polls trying to intimidate voters.**

Contact a Commander immediately. An attorney will be dispatched to the polling place. If the voter agrees, put them on hold while you call the Commander so they can send an attorney to the location immediately. Then, gather as much information from the voter as possible. Also, alert the call center manager.

**4. I have a felony conviction. Can I vote?**

Yes. Montana law permits convicted felons to vote so long as they are not currently serving a felony sentence of incarceration. This includes those who are on probation, on parole, or who have completed a felony sentence of incarceration in the past.

**5. I am a college student, can I vote where I go to school?**

College students may register and vote where they go to school provided that they consider that location their voting residence. A voting residence is the residence the student claims as their home; the residence which qualifies them to vote on a particular ballot. Montana law presumes that the residence of one's family is one's residence, but a voter can override that presumption by showing that they intended to claim a different residence as their home. Students must be held to the SAME eligibility requirements as any other voter in the jurisdiction. If a student has been turned away at the polls, ascertain if they have fulfilled all of the registration requirements (age, criminal status, durational residency requirements) and that they have registered on time for this election.

If a properly registered student is turned away at the poll, contact a Commander to dispatch an attorney to the location and contact the appropriate election official.