

**I-866-OUR-VOTE
(1-866-687-8683)****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.

VOTER REGISTRATION FORMS**1) Where can voter registration forms be obtained?**

There are several ways to get a voter registration form. The form can be downloaded from the Secretary of State's website at <http://sos.mt.gov/elb/forms/voters/register.pdf>. Application forms also are available from local election offices, post offices, libraries, a number of civic organizations, and governmental agencies. A registration form is also available in state phone books, and some fast food restaurants have printed the forms on their placemats. A registration form must be attached to each driver's license application. If the applicant wishes to register to vote, the Motor Vehicle Division of the Montana Department of Justice must accept the registration and forward the form to the election administrator.

2) Are there restrictions on registering to vote using a photocopied voter registration form?

No. Photocopies of voter registration forms are accepted, provided that the signature on the form is original. The Montana Voter Registration Application should only be on a form or forms prescribed by the Secretary of State.

3) Are there restrictions on the use of the National Voter Registration Form?

The National Voter Registration Form can be used in Montana.

If using the National Voter Registration Form in Montana, the political party affiliation and race/ethnicity fields may be left blank.

4) Are there restrictions regarding the use of registration form information?

Yes. Records pertaining to voter registration are public records and are available for inspection. Also, the Secretary of State or a local election administrator is required to furnish upon written request of any individual qualified to vote under state law, for noncommercial use, a copy of the official precinct registers, a current list of registered voters, or mailing labels for registered voters.

However, driver's license numbers, whole or partial security numbers, and certain information, described below, that is protected from general disclosure pursuant to Mont. Code Ann. § 13-2-115 may not be provided unless required by a court order. If a law enforcement officer or reserve officer requests in writing that, for security reasons, the officer's residential address and the officer's spouse's residential address (if not the same as the officer's) not be disclosed, the Secretary or State or an election administrator may not include the address on any generally available list of registered voters but may list only the voters' names.

In addition, upon the request of an individual, the Secretary of State or an election administrator may not include the individual's residential address on any generally available list of registered voters but may list only the individual's name if the individual: (i) proves to the election administrator that the individual, or a minor in the individual's custody, has been the victim of partner or family member assault, stalking, custodial interference, or other offense involving bodily harm or threat of bodily harm to the individual or minor; or (ii) proves to the election administrator that a temporary restraining order or injunction has been issued by a judge or magistrate to restrain another person's access to the individual or minor.

5) Are there restrictions regarding pre-filling information on registration forms?

No. There are no restrictions regarding pre-filling information on registration forms.

COMPLETING VOTER REGISTRATION FORMS

6) How long must you live in a county before you are eligible to register to vote?

An individual must have been a resident of the Montana county in which the person intends to register for a minimum of thirty (30) days prior to a primary or general election. The term of residence must be computed by including the day of the election. An individual who is qualified to vote under state law who changes residence to a different county within the state during the thirty (30) days preceding an election may either vote in person or by absentee ballot in the precinct and county where previously registered or update their registration information and vote in their new county of residence, subject to compliance with late registration procedures. An individual who has already been sent an absentee ballot may change their voter registration information only with respect to the next election, and may not receive another ballot from the county in which the individual is newly registered.

7) Are there any restrictions on registering to vote using a P.O. Box, college campus, or dorm address?

Yes. Individuals registering to vote must provide the election administrator with their current street address, rural address or, if neither of those addresses is available, other specific geographic location information from which the location of their residence may be easily determined by the election administrator. The election administrator may not register any individual who fails to provide this information.

8) If I enter or leave the state because of work or school, can I register to vote?

Yes, college students or those coming to the state for work may register and vote where they go to school or work provided that they consider that location to be their residence. For voter registration purposes, an individual's residence is where the individual's habitation is fixed and to which, whenever the individual is absent, the individual has the intention of returning. The place where an individual's family resides is presumed to be that individual's place of residence. However, an individual who takes up or continues a residence at a place other than where the individual's family resides with the intention of remaining is a resident of the place where the individual resides.

9) Are there any identification requirements to register to vote?

Yes. An individual that is registering to vote is required to provide their driver's license number or, if the individual does not have a driver's license, the last four digits of their social security number. If the individual is registering in person at their local election office and does not have a driver's license or social security number, the individual is required to provide either (i) a current and valid photo identification, including but not limited to a school district or postsecondary education photo identification or a tribal photo identification, with the individual's name, or (ii) a current utility bill, bank statement, paycheck, government check, or other government document that shows the individual's name and current address. If the individual is registering by mail and does not have a driver's license or social security number, the individual is required to enclose with the registration form a copy of one of

the foregoing forms of identification. If such identification is not furnished, an individual will be provisionally registered pending receipt and verification, at any time up to and including the election date, of one of the required forms of identification.

10) Are there any identification requirements in order to vote?

Yes. Montana voters must provide one of the following forms of identification at the polling place in order to vote: (i) a current and valid photo identification showing the individual's name, including, but not limited to, a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification; or (ii) a current utility bill, bank statement, paycheck, notice of confirmation of voter registration, government check, or other government document that shows the individual's name and current address.

Identification is presumed to be current and valid unless proved otherwise. A driver's license or identification card is presumed to be current and valid if issued by any motor vehicle agency, regardless of its status. Any other photo identification is sufficient if it includes the name and photo of the individual. If the voter does not present one of these forms of identification at the polling place, that person can vote by casting a provisional ballot. A voter casting a provisional ballot must sign an affirmation swearing that, to the best of their knowledge, they are eligible to vote in the election and precinct and are aware of the penalty for false swearing (which will apply to any voter making a false affirmation).

A provisional ballot cast by a registered voter (other than one who is provisionally registered) will be counted if the signature on the affirmation matches the signature on the voter's registration card. A provisionally registered voter who casts a provisional ballot has until 5 p.m. on the day after the election to provide valid identification information either in person, by facsimile, by electronic mail, or by mail postmarked no later than the day after the election. A provisionally registered voter who votes by mail is required to enclose with the ballot a copy of one of the required forms of identification. If such identification is not included, the mail-in ballot will be handled in the same manner as a provisional ballot.

11) What are the rules regarding missing or illegible information on registration forms?

The voter registration form requires the applicant to provide the following information: full name, the applicant's former name (if changed), date of birth, Montana driver's license number (or, if the applicant does not have a Montana driver's license, the last four digits of their social security number), the county and address within the county where the applicant lives, mailing address (if different), telephone number, and the city, county and state in which the applicant was last registered. An individual who fails to provide a Montana driver's license number, the last four digits of their social security number, or an alternative form of identification (**see Question 10**) will be provisionally registered pending receipt and verification, at any time up to an including election day, of one of the required numbers or alternative forms of identification. An individual who fails to provide any other required information will be registered as "pending" in the statewide voter registration database, but not be registered unless and until the required information is provided.

12) Can a person whose name has changed since registering vote on Election Day?

Yes. An individual who is registered to vote under a name that has been legally changed is required to notify the election administrator of the change by using a transfer form provided by the election administrator or by completing a registration form. If a registration form is used, it must be clearly marked "for change of name" in the space provided on the form for that purpose. If the individual fails to notify the election administrator of the change, the individual may vote at their polling place under their former name unless their registration has been cancelled (e.g., because the individual has failed to respond to certain confirmation mailings and fails to vote in two consecutive federal general elections). The individual is required to state their correct residence address and name when offering to vote and

complete a transfer form or new registration to make the necessary correction before being allowed to sign the precinct register and vote.

REGISTERING OTHERS TO VOTE

13) What are the laws regarding third-party registration?

The Montana Code does not contain any provisions regarding third-party registration. Voter registration applications submitted by mail must be sent to the election administrator, postage paid, no later than fifteen (15) days after being signed.

14) Are there any laws regarding submission of voter registration forms by individuals receiving compensation?

No. There are no express provisions of the Montana Code prohibiting the submission of voter registration forms by individuals receiving compensation.

15) Is training required for voter registration drives?

No. There is no express training requirement under the Montana Code.

16) Are volunteers or staff of voter registration drives required to be county or state residents?

No, they are not.

REGISTRATION DEADLINES

17) What is the deadline to register to vote?

Voter registration forms submitted by mail must be postmarked on or before the date that is thirty days prior to the election. For the 2008, general election, this date is Sunday, October 5. A form that has been properly executed and postmarked on or before such date must be accepted if it is received within three days after the deadline. An individual may still register in person at their local election office at any time up to and including Election Day. Such offices are open for in-person voter registration between the hours of 8 a.m. and 5 p.m. on all regular working days, but will close at noon on the day before Election Day. A list of local election offices can be found on the Secretary of State's web site at: <http://sos.mt.gov/elb/forms/elections/electionadministrators.pdf>.

18) Must organizations or individuals engaged in voter registration drives submit their forms within a certain period of time?

No. The Montana Code does not contain any provisions regarding third-party registration. Voter registration applications submitted by mail must be sent to the election administrator, postage paid, no later than fifteen (15) days after being signed.

19) Is Election Day registration allowed?

Yes. Except for school elections, an individual may register to vote in person at their local election office at any time prior to the close of the polls on Election Day.

20) Does state election law allow for early or absentee voting?

Any registered voter may vote by absentee ballot, even if they are able to vote in person on Election Day. A provisionally registered voter must enclose in the outer return envelope either (i) a copy of the voter's 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 or (ii) a current utility bill,

bank statement, paycheck, notice of confirmation of voter registration, government check, or other government document that shows the individual's name and current address.

A voter may apply for an absentee ballot during the period beginning 75 days before the day of the election and ending at noon on the day before the election. The application may be submitted by mail or in person at the voter's local election office.

Applications for absentee ballots can be picked up at the voter's local election office or at the Secretary of State's Office, and a voter may also request that the application be mailed to them.

The form can be downloaded from the Secretary of State's website at <http://sos.mt.gov/ELB/forms/voters/absenteeballot.pdf>.

VOTER REGISTRATION LEGISLATION

21) Is there any pending legislation that affects voter registration? If so, where is it in the legislative process?

We are unaware of any pending legislation.

22) What applicable statutes are possibly affected?

If you would like to read the statutes that generally apply to voter registration, they are under Title 13, Chapter 2 of the Montana Code Annotated, specifically:

- § [13-2-101](#) to § [13-2-124](#) on registrars;
- § [13-2-201](#) to § [13-2-222](#) on registration procedures;
- § [13-2-301](#) to § [13-2-304](#) on close of registration;
- § [13-2-401](#) to § [13-2-404](#) on cancellation of registration;
- § [13-2-501](#) to § [13-2-515](#) on transfer of registration; and
- § [13-2-601](#) to § [13-2-603](#) on effect of registration.

23) Are there any helpful elections official contacts?

For more information, call the toll-free voter hotline at 1-888-884-VOTE (8683) or contact the Montana Secretary of State at:

Montana Secretary of State
Elections and Government Services Division
State Capitol, Room 260
1301 6th Avenue
Helena, MT 59620
(406) 444-4732
soselection@mt.gov

24) What web resources are available?

The Montana Secretary of State's website has a page dedicated to providing information on the voter registration process, as well as on voter eligibility, voting by absentee ballots and special provisions for military and overseas voters: http://sos.mt.gov/ELB/Voter_Information.asp.

The National Campaign for Fair Elections is another resource:
<http://www.nationalcampaignforfairelections.org/pages/montana>.