

**2026 ELECTION**  
**GUIDE**



**BALLOT  
COUNTING &  
TABULATION**





# Ballot Counting and Tabulating

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*Disclaimer: This guide does not cover all election duties and responsibilities. Election Administrators and Election Judges are obligated to follow Montana law.*

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# General Counting / Tabulating Procedures

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## General Counting/Tabulating Procedures

In general, the counting of ballots may not begin before election day. However, the counting of absentee ballots **via automatic tabulation** is allowed one day prior to election day. ([13-15-104, MCA](#))


On election day, tabulation must begin and continue without adjournment until all available ballots that can be legally counted have been tabulated, except pending unresolved resolution board ballots, provisional ballots, and military and overseas voter ballots. ([13-15-101, MCA](#))

The vote count must be open to public observation. No one may interfere with the count and anyone observing the count may not discuss the results at any time prior to the close of the polls on election day. ([13-15-101](#) and [13-15-207, MCA](#))

The election judges, ideally one from each political party having ballot access, will take the ballots out of the ballot box to determine whether each ballot is single. ([13-15-201, MCA](#))

 **Note:** *If two or more ballots are folded together to look like a single ballot, lay them aside until the count is complete. Compare the count with the poll books and if a majority believes the ballots folded together were voted by one elector, they must be rejected; otherwise, they must be counted. ([13-15-201\(5\), MCA](#))*

The election judges will count the number of ballots to ensure the number of ballots corresponds with the number of names in the poll book and with the number on the ballot reconciliation report.

 **Note:** *If the total number of ballots does not reconcile with the poll book, the judges must include on the ballot reconciliation report form a written statement stating how many ballots were missing or in excess and any reason of which they are aware for the discrepancy. All judges must sign the report. ([13-15-201\(3\), MCA](#))*

- Ballots not endorsed by the official stamp are void and may not be counted unless the judges agree the stamp is missing because of election judge error. Such ballots shall be marked "unstamped by error" on the back and must be initialed by all judges. ([13-15-201\(4\), MCA](#))
- If an elector does not mark a candidate or a judicial retention or issue choice, the valid votes for other candidates or issues on the same ballot shall be counted.

- Total the write-in votes and tally as follows:
  - Count and tally write-in votes only for candidates who have filed a declaration of intent;
  - Count and tally write-in votes only if the intent of the elector is clear, subject to applicable administrative rules;
  - Count only write-in votes by one of the variations on the write-in candidate’s declaration of intent; **and**
  - Count only write-in votes where the oval or designated voting area has been filled in.

! See also the *Determining a Valid Write-In Vote* section, page 27.

*Exception! See the Determining a Valid Vote on a Federal Write-In Absentee Ballot* section, page 31.

- If an absentee ballot counting board has been appointed, the absentee ballots must be delivered to the absentee ballot counting board and counted as provided in law. ([13-15-104, MCA](#))

! See also the *Absentee Ballot Counting Board* section, page 19.

- If an absentee ballot counting board has not been appointed, and if early preparation of absentee ballots was not conducted and/or if absentee ballots were received after early preparation was conducted, the election judges open each absentee ballot secrecy envelope and remove the ballot. A ballot must be rejected if, in the envelope, there are more marked ballots than the number of ballots allowed to be voted for each election.

! See also the *Handling Unvoted Primary Ballots or Multiple Ballots* section, page 32. ([13-15-201\(2\), MCA](#))

Once tabulation has been completed, the results must be immediately publicly declared. *If the election has at least one statewide race or statewide ballot issue, the election administrator's public reporting of the results **must first be provided to the Secretary of State's election night reporting system.***

After the results are finalized, the election results return form (signed by all election judges completing the count) must be displayed at the place of counting and a copy returned to the Election Administrator. ([13-15-101\(3\), MCA](#) and [ARM 44.3.1801](#))

## Early Counting of Ballots on Election Day

Counting votes cast may begin before the polls close, if directed by the Election Administrator. Election judges, ideally one from at least two parties, shall meet at a place designated by the Election Administrator. Judges tabulating ballots shall be in a separate room from where ballots are being cast.

The Election Administrator may appoint additional election judges as marshals to be responsible for exchanging ballot boxes and poll books and monitoring the counting board room and election observers.

When votes are being counted prior to the close of the polls, in addition to the official oath taken and subscribed to by the election judges, the members of the counting board shall complete and sign the following affirmation:

***“I, \_\_\_\_\_, will not discuss the results of the early counting of votes at any time prior to the closing of the polls on election day.”*** ([13-15-207\(4\)\(a\), MCA](#))

Election observers may not disclose any results learned before the close of polls on election day under penalty of law. Observers of early counting shall complete and sign the following affirmation:

***“I, \_\_\_\_\_, will not discuss the results of the early counting of votes at any time prior to the closing of the polls on election day.”*** ([13-15-207\(4\)\(a\), MCA](#))

The vote count must be open to public observation and continue without adjournment until votes for all candidates and ballot issues have been counted ([13-15-101, MCA](#)). The county canvass board must meet within 14 days of the election to canvass the returns.

## Handling Voting Machine Errors During the Count

([ARM 44.3.1714](#))

Pursuant to administrative rules, during tabulation, if an Election Administrator or counting board believes the voting machine is not operating correctly, the count must be paused and the machine retested.

To retest the machine, a ballot test deck and ballot key are necessary. If feasible, use the test deck and key from the public/election day test. If your county has a backup machine to use in place of the machine in question, you may use the backup machine after that machine has been tested.

**Do not use the machine with a potential problem until it has been tested and verified to be working as required.**

### To Retest the Machine:


1. Ensure all potentially impacted ballots are set aside by themselves.
2. Print off the results and include them with the ballots.
3. Zero out the results of the machine and print a zero report.
4. Run test ballots through the machine and verify the results against the ballot key.
5. If a discrepancy is noticed, and the discrepancy cannot be corrected, or if a majority of the counting board agrees the machine may not be functioning correctly, officially remove the machine from use and recount all ballots that ran through the machine. The system involved in the discrepancy may not be used in another election until it has been examined and tested by a computer software expert in consultation with a voting machine vendor and approved by the Secretary of State.
6. If no discrepancy is noticed, the machine may be put back into use.

**Be sure to zero out results and print a zero report before resuming the count.**

Follow the appropriate procedures for verifying that pre-test ballots are counted in addition to post-test ballots.

## Counting Ballots by Hand

When counting ballots by hand, the procedure outlined in [13-15-206, MCA](#) will be followed.

 **Note:** In a *primary election*, ballots shall be separated and stacked by party prior to the beginning of the count. ([13-10-311, MCA](#))

If the elector's choice in a race cannot be determined, that race shall not be counted. Any part of the ballot that is sufficiently plain to determine the elector's intention should be counted.

 See also the *Determining Valid Votes* section, page 24. ([13-15-206, MCA](#))

Do not include a rejected ballot or vote in the count. ([13-15-206, MCA](#))

Place the ballots in the ballot container and seal as required: Seal all unvoted ballots and other books and supplies as directed by the Election Administrator.

Complete seal logs as necessary.

1. Enter in the tally book ([13-15-206, MCA](#)):
  - the names of all individuals who received votes (if the names are not pre-printed);
  - the offices for which they received votes (if the offices are not pre-printed);
  - the total votes received by each individual; **and**
  - the total votes cast on each ballot issue.
2. Compare the tally sheets to ascertain their correctness. ([13-15-206, MCA](#))
3. Enter in the poll book the total number of ballots cast and complete the poll book reconciliation form.
4. Sign the certificates in the poll book/tally book immediately after the votes are counted and the ballots are sealed in the proper envelopes. ([13-15-204, MCA](#))
5. Return the sealed ballot box, and/or envelopes, the Chain of Custody and Security Seal Log forms, and all records and supplies to the Election Administrator. ([13-15-205, MCA](#)).

# Voting Systems

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## DS200®/DS300® Voting Systems

### Setup for Models DS200® and DS300® Ballot Tabulators

1. Ensure the tabulator was programmed for the polling location by examining the report the tabulator will print out when the election is opened.
2. If the Election Administrator has indicated that this machine was randomly selected as part of the required election day testing, follow the instructions provided by the Election Administrator and refer to the appropriate testing checklist and certification form in the Uniform Voting Systems Guide.
3. Take the tabulator from the transportation case and place the machine on the system ballot box. Thread the power cord in through the back of the ballot box and insert the female end into the tabulator.
4. Counties may have M100® ballot boxes retrofitted to accommodate the new machines. These changes include a metal “plunger” that secures the DS200® and DS300® into place.
5. Using the brass ballot box key, unlock and lift the metal tab which covers the ballot box’s ballot entrance slot (located in the back of the box’s recessed area and marked with “LIFT TO OPERATE”) so that the slot is exposed.
6. Slide the tabulator until it is against the back of the ballot box, ensuring that the diverter connector at the back of the tabulator slides into its mate on the ballot box. Ensure the metal plunger is up and the tabulator can’t move forward or backward. You can access the bottom of the plunger from the Auxiliary Bin.
7. Plug the male end of the cord into a wall outlet.




**Warning!** *Only plug the tabulator into a grounded, three-pronged electrical outlet. Plug only one tabulator into an outlet, if possible.*

8. Open the lid of the tabulator. It will automatically power on.
9. Ensure the security seals have not been tampered with and the numbers on the seals match the numbers on the *Ballot and Election Materials Chain of Custody and Security Seal Log*.

10. Open the access door located above the printer and insert the USB drive into the USB port. Place the removed security seal on the Security Seal Log and record the required information. If the tabulator has not powered on, press the Power button located next to the USB drive. **Secure the door with a tamper-resistant security seal.**
11. The system will initialize and a screen with the following options will appear: “Open Polls” and “Shutdown.”
12. Press “Open Polls.” Depending on the options set for your election definition, the tabulator can automatically print a status report, a zero totals report, or a zero certification report.
13. On the reports selection screen, choose either “Totals” or “All precincts” to generate the Zero Report. **Once the start-up reports are complete, close, lock, and seal the switch door.**
14. Check both Ballot Compartment side doors and verify the ballot compartments are empty. **Close, lock, and use a security tie to secure both doors.** Register security tie numbers (and every replacement tie number, as necessary) in the poll book.

## DS200®/DS300® Ballot Tabulator Use


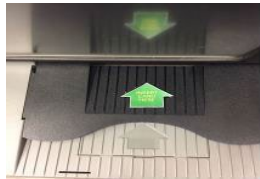
Electors will place their marked ballot into the DS200® or DS300® ballot tabulator. After the elector has done so, the Ballot Judge should be available to answer questions or if there is a problem. Ensure the elector does not leave until the ballot has been accepted.

 **Note:** *Once the ballot is deposited into the ballot tabulator, it cannot be retrieved.*


For problems you cannot resolve, request help from the Chief Election Judge or the Polling Place Manager. Have the serial number of the precinct counter available and provide that information to the person resolving the problem.

If this is the only precinct counter in the polling place and it is malfunctioning, remove the security seal, open, and use the emergency bin until a precinct counter replacement has arrived. Once a replacement unit arrives, make sure the emergency bin is empty of all ballots and reseal the bin. Ensure you log the removed and the replaced security seals in the Chain of Custody and Security Seal Log.


## DS200®/DS300® Troubleshooting Chart

Problem	Probable Causes	Possible Solution
“Election Definition Not Found”	The USB memory drive is missing, blank, or is not installed correctly.	<ul style="list-style-type: none"> <li>✓ Ensure the USB memory drive is installed correctly in one of the slots available.</li> <li>✓ If the tabulator is still unable to detect the card, contact ES&amp;S for another USB memory drive.</li> </ul>
The upper right-hand corner display shows a red X through the power icon.	The tabulator is not plugged into the AC power cord, or the wall outlet is defective.	<ul style="list-style-type: none"> <li>✓ Check that the power cord is plugged in securely to the outlet and to the machine.</li> <li>✓ Test all outlets.</li> <li>✓ Check the tabulator power cord for damage. Replace the cord if damaged.</li> </ul>
The reports are generating, but no printing is visible on the paper.	The tabulator printer uses thermal paper and heat transfer to print the information. No visible print means the paper roll is inserted incorrectly.	<ul style="list-style-type: none"> <li>✓ Reinsert the paper roll. Reprint report(s) as necessary.</li> </ul>
What do I use to clean the exterior of the tabulator including the touch screen?	Dirt, grime, fingerprints, etc.	<ul style="list-style-type: none"> <li>✓ The tabulator touch screen can be cleaned with isopropyl alcohol wipes or isopropyl alcohol on a soft cloth.</li> </ul>
Where do I insert the ExpressVote® ballot card into the tabulator?	<p>The paper guide mounts into the input tray on the front cover. The paper guide is a solid unit that accommodates the 8.5” ballots below the guide and 4.26” vote summary cards in the slot above.</p> 	<ul style="list-style-type: none"> <li>✓ The touch screen animation shows election judges where to insert the paper ballot or ExpressVote® ballot card into the tabulator.</li> <li>✓ The animation alternates between the paper ballot and ExpressVote® ballot card screens.</li> </ul> 

## Central Tabulators: Models DS450®/DS850®/DS950®

 *Judges working with voting equipment must be trained on the operation of the specific equipment.*

1. Ensure the operator of the tabulator has been trained for the specific equipment and has the proper access information to conduct tabulation.
2. Run zero totals on the tabulators before proceeding; print the zero report.
3. Ensure the correct ballot output trays are set to receive write-ins, overvotes, and blank ballots.
4. You will receive ballots from the Inspection Board, if used, or from the Election Administrator or their designee.
5. Enter the appropriate precinct number and time on the Tabulating Log.

 **Note:** *Once you start scanning a batch, the tabulator will not stop until it has scanned every ballot in the batch.*

6. When the batch is complete, refer to the monitor to ensure it has successfully run.
  - If the ballots have been counted and processed, move the ballots in the bottom tray to your counted ballot area.
  - The middle tray will include your write-in ballots and will need to be moved to the write-in area.
  - The top tray will include all ballots that were not processed. Ballots in this tray either need to be rescanned or moved to their respective places (blank ballots basket, overvote basket, etc.).

 **Refer to the DS450®/DS850®/DS950® monitor for more information about why ballots in the top tray were not processed.**

7. When the precinct is complete, ensure the ballots are sealed and the *Ballots and Election Materials Chain of Custody and Security Seal Log* is properly completed, signed, and returned with the ballots.
8. When all ballots for a precinct are run, feed **one by one** into the tabulator, any ballots the tabulator did not read.
9. At the end of the night, run resolution and/or resolved and duplicated ballots through the tabulator to ensure all resolved ballots are counted. Follow all instructions provided by the Election Administrator on these procedures.

## ExpressVote® Voter Assistance Terminal Ballot Cards

The specific procedures for handling ExpressVote® ballot cards will vary depending on the type of tabulation equipment. Please consult with your Election Administrator regarding which option is used.

There are four options to track and reconcile ExpressVote® ballot cards:


1. If the ExpressVote® ballot cards have attached stubs, the ballot cards are handled and issued just like a regular ballot. The stub number is tracked and recorded in the poll book.
2. If the tabulation machines are not configured to read an ExpressVote® ballot card, the ballot card is handled as a transcription ballot. ([13-3-208\(3\), MCA](#)) The ballot card is placed in a secrecy envelope and placed in the ballot box (or other depository designated for these ballots by the Election Administrator). The ExpressVote® ballot card issued is noted in the poll book. The secrecy envelope containing the ballot card is sent to the transcription board for transcribing and tabulation.
3. If the ExpressVote® ballot card doesn't come with a stub or if it will be hand-counted, the ballot card is processed as a regular ballot. However, for each ExpressVote® ballot card issued, a corresponding regular ballot and ballot stub number is issued and marked in the poll book with a notation that the ballot voted was an ExpressVote® ballot card. The blank unvoted regular ballot is marked by an election judge as "Voted by ExpressVote" and placed into a depository designated by the Election Administrator. The corresponding stub is placed in the appropriate container. The voted ExpressVote® ballot card is placed in the ballot box.
4. A county may use an alternative option to track, record, and manage ExpressVote® ballot cards. This alternative procedure must be approved 45 days in advance of the election in writing by the Secretary of State's office. Please consult with your Election Administrator if your county is using an alternative ExpressVote® ballot card tracking option.

# Tabulation Boards

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## Tabulation Boards

At the discretion of the Election Administrator, any of the following boards, **if used**, may be combined, and the members given other duties. If a county does not have all or some of the boards described below, the Election Administrator, when needed, will assign the duties to their election judges who must be trained on those duties.

 *The following Boards require specialized training and forms as provided by the Election Administrator. Suggested procedures for the Boards are outlined.*

### Observation Board

An Observation Board will assist with pre-election testing of tabulators to verify the accuracy of the programming. The test shall be repeated immediately before the start of the official count of the ballots and repeated after the official ballot count is completed.

This Board should be familiar with the correct procedures for processing ballots, as well as general operating procedures.

### Receiving Board

A Receiving Board is responsible for ballot transfer cases that will be delivered to this board by two judges from each precinct during the early count period and/or at the close of polls.

1. Track receipt on the log provided, noting the following:
  - precinct number;
  - time received;
  - number on the seal; **and**
  - condition of the seal (intact or broken). If the seal is broken or there appear to be other irregularities, note this in the log and notify the Election Administrator.
2. Break the seal and compare the seal number with the number on the ballot report that is inside the transfer case. If the numbers are different, notify the Election Administrator.
3. Each precinct judge must sign the log in the space provided.
4. The Receiving Board members must initial in the space provided.
5. When the described tasks are complete, the transfer case is passed to the Inspection Board.

## Inspection Board

The Inspection Board is responsible for inspecting ballots before tabulation. Ballots from only one precinct at a time are inspected.

1. Fill in the Inspection Board log, noting the following:
  - precinct number; **and**
  - time received.
2. Open the transfer case and remove the ballots and ballot log.
3. Inspect the ballots for damage and for ragged edges. Check for the official ballot stamp on the ballots. Notify the supervisor if the stamp information is missing. If you decide a ballot needs duplicating, transfer that ballot to the duplication table.
4. Fill in the log, noting the number of ballots to be duplicated.
5. All board members must initial the log in the space provided.
6. The ballots will be prepared for insertion into the tabulating equipment.

## Duplication Board

The Duplication Board is charged with duplicating ballots that are damaged due to tears, folds, or other reasons that prevent the ballot from going through the tabulating machine. If a county using tabulators does not have a designated Duplication Board or Resolution Board, the county must have judges trained to perform the duties described below, including at least three judges assigned to duplicate ballots.


Ballots will be delivered to the Duplication Board by either the tabulator operator or Inspection Board Judge.

1. Fill in the log provided, noting the following:
  - precinct number;
  - time received; **and**
  - number of ballots to be duplicated.
2. Duplicate the damaged ballots using the following procedures:
  - Retrieve the ballot from the precinct, duplicate the elector's choices on the new ballot.
  - Place the damaged ballot in a basket to be sealed later that evening.
  - One board member duplicates while the other two judges observe closely.
  - With a red pen or stamp, mark both damaged and duplicated ballot with:
    - precinct number; **and**
    - judges' initials.

## Write-in Board

Ballots will come from the tabulator operator or a designee.

1. Review only the write-ins you are instructed to review by the Election Administrator.
2. Tally votes for the write-ins on tally sheets provided to you by the Election Administrator.
3. All judges must initial the tally sheets.


 For additional instructions on counting write-in votes, **see the *Determining a Valid Write-In Vote* section, page 27.**

## Resolution Board

The Resolution Board is charged with duplicating ballots or, in limited cases, fixing ballots that cannot be read by the tabulator. If a county using tabulators does not have a designated Resolution Board, the county must have judges trained to perform the required duties, including at least three judges assigned to resolve ballots that cannot be counted by the tabulator.

The Board will consist of three election judges. If possible, at least two judges shall be members of different qualified political parties.

1. Ballots rejected by the machine will be received from the tabulator operator. If the tabulator is unable to read a ballot, the ballot will be duplicated on a new ballot that reflects the voter’s intent and can be read and counted by the tabulator.

 **See also the *Determining a Valid Vote* section, page 24.**

2. Enter the precinct number and the reason the ballot was rejected by the machine into the log. Enter the decision reached by the board as to whether the elector’s intent could be determined. All judges will initial the ballot and the log in red ink.
3. Blank ballots could indicate the elector used a writing tool that was not detected by the tabulator. The Resolution Board will use a writing tool provided by the Election Administrator to mark the elector’s original ballot so it can be counted by the tabulator. One judge will mark while the other two observe. The judges will initial the ballot with a red ink pen. A log will be kept of the precinct number and status of the ballot.
4. After all ballots that have been processed by the Resolution Board, the resolved ballots will be presented to the tabulator operator or designated official to be counted.

## Election Results Board

It is the responsibility of the Election Results Board to prepare the final, unofficial election results for votes counted at the counting center.

The duties are as follows:

1. When a report having precinct totals for each candidate and each ballot issue comes from the tabulator operator or designated official, tape it to the appropriate precinct Election Results.
2. Copy, distribute, and post the Election Results sheet in the counting center.


## Absentee Ballot Counting Board

([13-13-241](#), [13-15-104](#), and [13-15-207, MCA](#))

*(For counties **WITH** an appointed Absentee Ballot Counting Board. See the Delivery and Recording of Absentee Ballots and Processing Absentee Ballots Delivered to the Polls from the Election Office sections, page 21, for detailed information pertaining to counties that do **NOT** have an appointed Absentee Ballot Counting Board.)*

Absentee ballots may be counted one day prior to election day by tabulator. If hand counting, absentee ballots must be counted on election day.

At the Election Administrator's discretion, absentee ballots may be opened and prepared for tabulation up to three business days before the election.

 **Note:** *For counties with less than 8,000 registered electors or less than 5,000 absentee electors at the close of regular registration, absentee ballots may be opened and prepared no sooner than one business day before the election.*

Election judges and any individuals having access to information may not disclose any results of early absentee counting at any time prior to the closing of the polls on election day.

When votes are being counted prior to the close of the polls, in addition to the official oath taken and subscribed to by the election judges, the members of the counting board will complete and sign the following affirmation:

*"I, \_\_\_\_\_, will not discuss the results of the early counting of votes any time prior to the closing of the polls on election day." ([13-15-207\(4\)\(a\), MCA](#))*

If counting is to begin before the polls close, the counting board must be in a room separate from where ballots are being cast to ensure election results cannot be provided before the close of polls.

- The board will start the count of all absentee ballots for all precincts at the time set by the Election Administrator.
- Election observers must also complete and sign the following affirmation administered by the Chief Election Judge:

*“I, \_\_\_\_\_, will not discuss the results of the early counting of votes any time prior to the closing of the polls on election day.”* ([13-15-207\(4\)\(a\), MCA](#))

### Rejected Absentee Ballots

([13-15-108](#) and [13-13-245, MCA](#))

An absentee ballot is invalid if:

- problems with the ballot have not been resolved; **or**
- identifying marks are placed on the ballot by the elector, which must result in the immediate rejection of the ballot without notice to the elector; **or**
- more than one ballot is enclosed in a single signature or secrecy envelope.

#### **Exceptions!**

- *There are multiple elections being held at the same time and the envelope contains only one ballot for each election.*
- *The signature envelope contains ballots from the same household, each ballot is in its own secrecy envelope, and the signature envelope contains a valid signature affirmation for each elector who has returned a ballot.*

 **See also *Handling Unvoted Primary Ballots or Multiple Ballots*, page 32.**

Absentee ballots rejected by the counting board must be enclosed in an envelope marked "REJECTED BALLOT(S) OF ABSENTEE ELECTORS." Include the application, if any, and all envelopes. The rejected ballots must then be secured in a container in which the voted ballots are to be placed or within the same secure area. The container must be sealed, dated, and marked.

## Unopened Absentee Ballot in Ballot Box

([13-13-244, MCA](#))

If a signature envelope containing an absentee ballot is found unopened in the ballot box and the envelope has not been marked "Rejected," it shall be opened and the ballot counted after verification of the signature.

! See the *Processing Absentee Ballots Delivered to the Polls from the Election Office* section below.

## Delivery and Recording of Absentee Ballots

([13-13-233\(3\)](#) and [13-13-204\(1\), MCA](#))

(This section is for counties that do ***NOT*** have an appointed Absentee Ballot Counting Board. For the counties that ***DO***, please reference page 21 for instructions.)

The Chief Election Judge shall receive in supplies a container with voted absentee ballots, received by the Election Administrator prior to election day, with a certificate stating:

- the number of absentee ballots delivered,
- the number of ballots retained for late absentee voting, **and**
- the names and number of electors receiving an absentee ballot.

! See *The Provisional Judge* guide for additional information on absentee and provisional ballots.

## Processing Absentee Ballots Delivered to the Polls from the Election Office

([13-13-241, MCA](#))

Signature verification will likely take place at the election office before the ballots are delivered to the polls from the election office. If a county is tabulating absentee ballots at a central location, the county election office will not deliver absentee ballots to the polls.

- If signature verification is not completed by the election office prior to the absentee ballots being delivered to the polling place, compare the information provided by the elector on the absentee ballot request form or voter registration form with the affirmation on the elector's signature envelope. The signature must match, and the affirmation must be completed.


- If the signature does not appear to match or the affirmation is not complete, and if, after the elector is notified pursuant to [13-13-241\(5\), MCA](#), the elector fails to affirm or provide the signature/affirmation by the close of polls, handle the ballot as a **provisional ballot**.

 **See also *The Provisional Judge* guide.**

1. Open the verified absentee ballot signature envelope without opening the secrecy envelope.
2. If the elector is listed in the register **and is not listed as provisionally registered**, handle the ballot as a **regular ballot** by either placing the secrecy envelope in the voted ballot box or by placing the secrecy envelope in a container specified by the Election Administrator for absentee ballots delivered to the polls.
3. If the elector is listed in the register as provisionally registered, confirm that evidence of eligibility, an elector identification form, or copies of ID are enclosed as required.

 **See also *The Provisional Judge* guide.**

4. After opening the absentee ballot signature envelope and if the ballot has not been placed in a secrecy envelope, without unfolding the ballot or permitting it to be examined, place the ballot in a secrecy envelope, and place the secrecy envelope in the proper ballot box.

 **Note:** *In a **primary election**, unvoted absentee ballots, if returned, must be deposited in the unvoted ballot box without being removed from the "For Unvoted Party Ballot(s)" envelopes.*

5. Place emptied absentee ballot signature envelopes in the envelope or container marked for that purpose.

# Determining Valid Votes

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## Determining a Valid Vote

([ARM 44.3.2402](#))

Before being counted, each questionable vote on a paper ballot set aside under [13-15-206, MCA](#), must be reviewed by the designated board.

### Manually Counting and Recounting Paper Ballots

If an elector does not mark a candidate, judicial retention choice, or issue choice, the valid votes for other candidates or issues on the same ballot shall be counted. The following general rules shall apply in a count or recount of paper ballots:

- (a) More than one designated voting area has been marked and at least one mark has been erased, but residue is or is not left. The election officials shall cause a vote to be counted for the designated voting area that has been marked:

✓ valid vote

- Yes  
 No

(Erasure has been attempted.)

- (b) One designated voting area is marked, and at least one other designated voting area is marked with a heavy mark, and no erasure has been attempted. The election officials shall cause this to be designated as an overvote (**for write-in vote determinations, refer to the *Determining a Valid Write-In Vote* section, page 27**):

- Yes  
 No

X overvote

(No erasure has been attempted.)

- (c) The designated voting area has been marked for one candidate or ballot issue choice, and a partially completed mark is made in at least one other designated voting area. The mark may or may not have some erasure, although for the purpose of this rule, erasure is not required. If the intent of the elector is not clear, the election officials shall cause this to be designated as an overvote:

- Yes  
 No

X overvote

(Erasure may or may not have been attempted.)

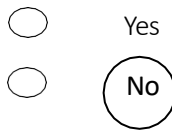
- (d) The designated voting area has been marked for one candidate or ballot issue choice and a hesitation mark is present within at least one other designated voting area. The election officials shall cause a vote to be counted for the designated voting area that has been marked:

*✓ valid vote*



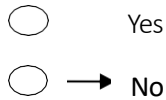
- (e) The designated voting area has not been marked according to instructions, but the designated voting area, candidate, or ballot issue choice is circled, underlined, checked, or otherwise clearly marked. The election officials shall cause a vote to be counted for the marked choice:

*✓ valid vote*

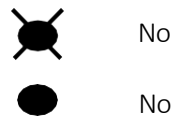
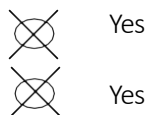


- (f) The designated voting area has not been marked according to instructions, but there is a connective line or arrow between the candidate or ballot issue choice and the designated voting area to indicate the vote. The election officials shall cause a vote to be counted for the marked designated voting area:

*✓ valid vote*



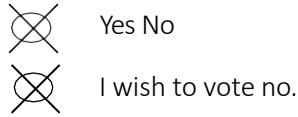
- (g) More than one designated voting area has been marked, but no clear mark is used to indicate the intended candidate or ballot issue choice. This includes, but is not necessarily limited to, instances in which more than the allowable choices are marked, and an "X" has been marked in either or both designated voting areas. The election officials shall cause this to be designated as an overvote:



*X overvote*

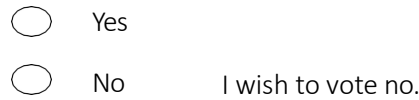
- (h) More than one designated voting area has been marked, but a clear word, mark, or statement is used to indicate the intended vote. The election officials shall cause a vote to be counted for the designated voting area indicated as the intended vote:

*✓ valid vote*

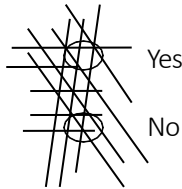


- (i) A word or statement has been used to indicate the intended vote instead of marking the designated voting area according to instructions. The election officials shall cause a vote to be counted for the designated voting area indicated as the intended vote:

*✓ valid vote*



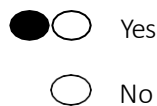
- (j) All of the designated voting areas are crossed out. The election officials shall cause this to be designated as an undervote:



*X undervote*

- (k) A mark is made outside the designated voting area but close enough to the designated voting area to determine voter intent, and the designated voting area is not marked. The election officials shall cause a vote to be counted for the designated voting area determined as the intended vote:

*✓ valid vote*



- (l) A ballot is marked with different colors or types of marking instruments. The election officials shall cause votes to be counted as marked by the voter unless it is determined that the ballot is otherwise not valid:

*✓ valid vote*



## Determining a Valid Write-In Vote

([13-10-211](#), [13-15-206](#), and [13-21-206, MCA](#) and [ARM 44.3.2403](#))

A write-in vote for a declared write-in candidate may be counted **only**:

- If the oval, box, or other designated voting area on the ballot is marked; **and**
- If the write-in vote identifies an individual by a designation the declared write-in candidate listed on the candidate's filing form (*except as noted for absent military or overseas electors voting a Federal Write-In Absentee Ballot*).

Write-in votes for candidates who **have not filed** a declaration of intent as a write-in **may not** be counted.

Any elector may write in the name of a candidate, regardless of whether the candidate has filed a declaration of intent. The ballot should be accepted, even if the write-in vote for that candidate will not be counted.

The Election Administrator will provide copies of filing forms listing name variations to ballot tabulating judges.

## Manually Counting and Recounting Paper Ballots with Write-In Votes:

If an elector does not mark a candidate, judicial retention choice, or issue choice, the valid votes for other candidates or issues on the same ballot shall be counted. The following rules will apply to determining a valid write-in vote in a count or recount of paper ballots (*and must be read in conjunction with the Determining a Valid Write-In Vote section, page 27*):

- (a) A name is written in, but the designated write-in voting area is not marked, and no other candidate is selected. The election officials shall cause this to be designated as an **undervote**:

Art Jones  
 Ben Smith  
 Steve Johnson

*X undervote*

- (b) No candidate name or office is written in, but the designated write-in voting area is marked, and no other candidate is selected. The election officials shall cause this to be designated as an **undervote**:

Art Jones  
 Ben Smith  
 \_\_\_\_\_

*X undervote*

- (c) A printed candidate is selected by marking the designated voting area, and no name is written in, but the designated write-in voting area is marked. The election officials shall cause a vote to be **counted** for the printed candidate:

*✓ valid vote*

Art Jones  
 Ben Smith  
 \_\_\_\_\_

- (d) A printed candidate is selected by marking the designated voting area, any individual's name is written in, and the designated write-in voting area is marked. If the name written in is different from the name of the printed candidate selected, the election officials shall cause this to be designated as an **overvote**:

*X overvote*

Art Jones  
 Ben Smith  
 Bob Miller

*✓ valid vote*

Art Jones  
 Ben Smith  
 Art Jones

If the name written in is the same as the name of the printed candidate selected, the designated board shall cause a vote to be counted for the printed candidate selected.

- (e) If the designated voting area for a printed candidate is marked and the same name is written, but the designated write-in voting area is not marked. The election officials shall cause a vote to be counted as a vote for the marked designated voting area:

<input checked="" type="radio"/>	Art Jones	✓ valid vote
<input type="radio"/>	Ben Smith	
<input type="radio"/>	<u>Art Jones</u>	

- (f) Comments are written that do not indicate a clear vote, and no candidate is marked. The election officials shall cause this to be designated as an undervote:

<input type="radio"/>	Art Jones	X undervote
<input type="radio"/>	Ben Smith	
<input type="radio"/>	<u>I'm not sure.</u>	

- (g) The designated voting area for a printed candidate is marked, a comment is written in, and the corresponding designated write-in voting area is or is not marked. The election officials shall cause this to be counted as a vote for the printed candidate unless the comment creates uncertainty about who the choice is or directs the election official not to count the vote for the printed candidate selected. In the latter case, the election officials shall cause this to be designated as an undervote:

<input checked="" type="radio"/>	Art Jones	<input checked="" type="radio"/>	Art Jones
<input type="radio"/>	Ben Smith	<input type="radio"/>	Ben Smith
<input type="radio"/>	<u>Art is my choice</u>	<input checked="" type="radio"/>	<u>I'm not sure.</u>

✓ valid vote

X undervote

- (h) At least one printed candidate appears as a candidate for the office, and the designated voting area is not marked for any printed candidates, but a name is written in that is not the name of a declared write-in candidate, and the corresponding designated write-in voting area is or is not marked. The election officials shall cause this to be designated as an undervote:

<input type="radio"/>	Art Jones	X undervote
<input type="radio"/>	Ben Smith	
<input checked="" type="radio"/>	<u>Art Jones</u>	

## Determining a Valid Vote on a Voting System

([13-15-206, MCA](#))

When a ballot is processed in a tabulator and the voting system recognizes and counts the vote, it is a valid vote.

If the voting system cannot process the ballot because of the ballot's condition or if the voting system registers an unvoted ballot or an overvote, which must be considered a questionable vote, the entire ballot must be set aside and the votes on the ballot must be counted as provided under *Determining a Valid Vote* and *Determining a Valid Write-In Vote*, pages 24 and 27.

Before being counted, each questionable vote on a paper ballot set aside as noted above must be reviewed by the resolution or counting board. Questionable votes are to be evaluated according to the rules under *Determining a Valid Vote* and *Determining a Valid Write-In Vote* and [13-15-206\(3\) and \(4\), MCA](#).

- If a majority of the resolution or counting board members agree the elector's intent can be clearly determined under the rules, the vote is valid and must be counted according to the elector's intent.
- If a majority of the resolution or counting board members do not agree the elector's intent can be clearly determined under the rules, the vote is not valid and may not be counted.

If an Election Administrator or counting board has reason to believe a voting system is not functioning correctly, the Election Administrator or counting board must test the system in accordance with [13-15-209, MCA](#) and [ARM 44.3.1714](#).

### Determining a Valid Vote on an ExpressVote®

A vote on an ExpressVote® voter assist terminal consists of an elector's selection of candidates or choices on ballot questions appearing on the voting surface of the device (and via audio), followed by the elector causing a special ballot card to be marked by following the written or verbal instructions. The ballot card will show special bar codes to be used by a tabulation device and the candidates, questions, and issues voted in plain text. The card will not show all the possible choices on the ballot and will only show the voted candidate, question, and issue.

The ExpressVote® system also allows the elector to enter the name of a write-in candidate where applicable.

 See also the *Determining a Valid Write-In Vote* section, page 27.

Even if an elector does not mark a candidate, judicial retention choice, or ballot issue choice, the valid votes for other candidates or issues on the same ballot must be counted. The ExpressVote® will warn the voter about missing votes (undervotes), but will process and print the ballot card if the voter confirms their choices.

If an Election Administrator or counting board has reason to believe an ExpressVote® voting system is not functioning correctly, the Election Administrator or counting board must test the system in accordance with [13-15-209, MCA](#) and [ARM 44.3.1714](#).

## Determining a Valid Vote on a **Federal Write-In Absentee Ballot** ([ARM 44.3.2405](#))

A Federal Write-in Absentee Ballot (FWAB), or other ballot, cast electronically by a United States elector may be counted if it is transmitted by the elector to the Election Administrator before the close of polls on election day and is received by the Election Administrator before 5 p.m. on the day after the election. FWABs and other Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) ballots transmitted electronically by 8 p.m. on election day that are received after the close of polls are counted at the same time as provisional ballots are counted.

A mailed FWAB must be accepted until the sixth day after the election if it is sent by 8:00 p.m. on election night.

- A UOCAVA elector voting a FWAB for any election may designate a candidate by writing in the name of the candidate or by writing in the name of the political party for which the elector is voting. For a partisan election, a written designation of the political party must be counted as a vote for the candidate of that party.
- If the elector is voting in a primary election, the elector shall identify the elector's political party affiliation as provided for in the appropriate section of the ballot. A vote cast by writing in the name of a candidate who is not affiliated with the elector's selected party is void and may not be counted.
- A vote by a covered voter on a FWAB **may not** be voided for reasons of misspellings, abbreviations, or other minor variations of the candidate's name.
- If the elector receives the regular absentee ballot after the elector has marked and mailed a FWAB, the elector may mark and return the regular absentee ballot, and the regular absentee ballot is the ballot that will be counted.

## Handling Unvoted Primary Ballots or Multiple Ballots

In a partisan primary election, electors are provided with a ballot for all eligible parties holding a primary nominating election. Electors choose one party ballot to vote and enclose the voted ballot in the secrecy envelope provided. Unvoted party absentee ballots in a primary election may be disposed in accordance with instructions and no longer need to be returned to the Election Administrator.

**Q. How do you handle a situation where an elector returned a marked ballot in the secrecy envelope, but did not return the unvoted ballot(s)?**

**A.** Process the marked ballot as you normally would. Voters are no longer required to return the unvoted ballots in a primary election.

**Q. An elector enclosed all party ballots in the secrecy envelope; do you reject all ballots?**

**A.** If the judges can determine that only one-party ballot is marked, then that ballot may be counted. Place the unmarked ballot in an unvoted ballot envelope or area designated by your Election Administrator.

**Q. An elector enclosed all party ballots in the secrecy envelope and made marks on more than one party ballot. What do you do with those ballots?**

**A.** Because there is no way for an election judge to determine which party ballot the voter intended to have counted when multiple ballots have been marked, all ballots must be rejected.

**Q. Individuals with the same mailing address enclosed all their voted party ballots in one signature envelope, and the ballots are either in their own secrecy envelopes, OR are not in a secrecy envelope – what do you do?**

**A.** If each individual provided the required affirmation on the signature envelope, and each individual's ballot was placed in its own secrecy envelope, you may accept those ballots. However, if each ballot is not in its own secrecy envelope or each individual didn't provide the required affirmation on the signature envelope, the ballots must be rejected.

**Q. Upon opening the signature envelope, you found that a single, marked ballot was enclosed, but not in a secrecy envelope.**

**A.** Without looking at the marked ballot, place it in a secrecy envelope and process as usual.

**Q.** Upon opening the signature envelope, you found that more than one ballot was enclosed, but neither ballot is in a secrecy envelope.

**A.** Place both ballots in a single secrecy envelope for later processing by election judges (*see also the following questions*).

**Q.** Upon opening the signature envelope, you found that more than one ballot was enclosed, each ballot in its own secrecy envelope.

**A.** If the signature envelope contains a valid signature affirmation for each elector, the secrecy envelopes can be removed from the signature envelope and processed. If the signature envelope contains the signature affirmation of only one elector, the ballots must be rejected.

**Q.** What if you receive a secrecy envelope with two separate ballots in it?

**A.** A ballot must be rejected if in the secrecy envelope there is more than the number of ballots allowed to be marked for each election. However, this does not apply if:

1. There are multiple elections being held at the same time and the envelope contains only one ballot for each election; **or**
2. Only one of the ballots in the secrecy envelope is marked.

**Q.** What if voters in the same household return two 1<sup>st</sup> sheet ballots in one secrecy envelope, and two 2<sup>nd</sup> sheet ballots in another secrecy envelope?

**A.** By the time an error like this would be discovered (when secrecy envelopes are opened) you will not know if they came from the same household. The ballots must be rejected. This rejection is based on the premise there are more than the number of ballots allowed to be marked for the election.



# Closing the Tabulation Center

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## Close of the Tabulating Center

It will be the duty of the Election Administrator or their designee to collect all ballots, logs, and materials used for the counting center and place them in secure storage upon completion of the tabulation of ballots and certification of the results of the election.

- Before adjournment, enclose the specified items in the envelopes provided.

 See the *List of Envelopes for Ballots and Supplies*, page 37.

- If instructed, each election judge will sign their name across all seals affixed to the official envelopes. These envelopes, with the rest of the polling place supplies provided for the election, are returned to the Election Administrator. ([13-15-205, MCA](#))

## List of Envelopes for Ballots and Supplies

*All envelopes may not be used by your jurisdiction. Follow the instructions provided by your Election Administrator.*

- |                    |  |      |
|--------------------|--|------|
| Envelope No. 1     | Poll Books, tally books, precinct register. SEAL this envelope.  |      |
| Envelope No. 2     | Ballots not issued with numbered stubs attached.<br>this envelope.   | SEAL |
| Envelope No. 3     | All hand-counted voted ballots (including those not counted or rejected) and all detached stubs, unless in Envelope 4.<br>SEAL this envelope.  |      |
| Envelope No. 4     | <b>Primary election</b> – unvoted party ballots and all detached stubs, and all detached stubs from voted ballots. SEAL this envelope.<br><b>General election</b> – at your option, if detached stubs are not put in Envelope 3, place them in Envelope 4. SEAL this envelope. |      |
| Envelope No. 5 - 6 | (County custom use)  |      |
| Envelope No. 7     | Unofficial election return sheet, for hand-count ballots or precinct-tabulated ballots. Keys and time sheets.<br>NOT SEAL this envelope.   | DO   |
| Envelope No. 8     | Unopened and unexamined absentee ballots (if applicable).  |      |
| Envelope No. 9     | Absentee ballots sent from the Election Administrator to the Chief Election Judge, to be opened on election day.   |      |
| Envelope No. 10    | Empty absentee ballot envelopes and written requests for absentee ballots, if applicable. SEAL this envelope.  |      |
| Envelope No. 11    | DS200®/DS300® flash drive with corresponding printer report attached to card. SEAL this envelope.  |      |
| Envelope No. 12    | Supply envelope sent from the Election Administrator to the election judges.   |      |