

MONTANA

VOTER REGISTRATION

These resources are current as of 9/3/14. We do our best to periodically update these resources and welcome any comments or questions regarding new developments in the law. Please email us at advocacy@afj.org.

What's New in This Guide

The following changes/additions have been made since the previous version of this guide:

- ◆ Legislative Referendum No. 126 on the November 2014 ballot, if approved by voters, would eliminate Election Day voter registration.
- ◆ Third party registrars may not mail or advise applicants to mail a voter registration application to any address other than the county election administrator in the applicant's county of residence.

This guide summarizes key aspects of laws governing voter registration on the *state* level. It is not intended to provide legal advice or to serve as a substitute for legal advice.

In some jurisdictions, city and/or county regulations may also apply to certain political activities. Check with the appropriate local jurisdiction before undertaking any activity.

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DEADLINES FOR REGISTRATION

- **Deadline for registering**
 - Regular registration closes 30 days before any election.
 - An application executed and postmarked on or before the day that registration closes is accepted up to three days past deadline.
 - Elector can still vote if misses deadline, but must comply with late registration requirements, discussed immediately below.

[MCA § 13-2-301](#).

- **Does state offer Election Day registration?**

Important Note: Legislative Referendum No. 126 on the November 2014 ballot, if approved by voters, would eliminate Election Day voter registration. Instead, late registration would close at 5 p.m. on the Friday before the election.

- Yes. See [MCA § 13-2-304](#); *But see Important Note*, above
 - Can still vote if the election administrator in *county of residence* receives and verifies application information prior to close of polls on Election Day; however, if elector has been sent absentee ballot, can't change voter registration information unless voted original ballot has not been received at the election office and the original ballot is marked as void by the issuing county in the statewide voter registration system prior to the change.
 - Late registration is closed from noon to 5 p.m. on the day before the election. Voter registration applications can be dropped off during this time, but voters need to return to the election office on Election Day to receive a ballot.
 - There is no late registration in school elections, [unless a school election is conducted on the same day as an election other than a school election]. *Bracketed language will be void if Legislative Referendum No. 126 is approved.*
- **Does state allow by-mail registration?**
 - Yes. See [MCA § 13-2-110](#).
 - Applicant must complete, sign and mail application, postage paid, to the election administrator in the county in which the applicant resides.
 - Elector must satisfy the identification requirements, discussed below.
 - **May voter register before turning 18?**
 - Yes, if they will be 18 on or before election day. [MCA § 13-2-205](#); [ARM 44.3.2010](#).

PHOTO ID REQUIREMENTS

- **Required for registration?**
 - Individuals applying for voter registration either by mail or in person must provide the applicant's Montana driver's license number; or if the applicant does not have a Montana driver's license, the applicant shall provide the last four digits of the applicant's social security number.
 - If an applicant does not have a Montana driver's license or social security number, the applicant must provide an alternative form of identification. If applying in person, the alternative form of identification must be *an original version* presented to the election administrator; if applying by mail, it must be a *copy* enclosed with the application. Acceptable alternative forms of identification are:
 - 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
 - current utility bill, bank statement, paycheck, government check, or other government document that shows the individual's name and current address.

[MCA § 13-2-110.](#)

- **Required for voting? If so, what kinds of ID?**
 - Yes, generally. Before an elector is permitted to receive a ballot or vote, the elector must present to an election judge a *current photo identification* showing the elector's name. Acceptable forms of photo identification include (but are not limited to) a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification.
 - If the elector does not present a current photo identification, the elector must present a current utility bill, bank statement, paycheck, notice of confirmation of voter registration issued pursuant to [§ 13-2-207](#), government check, or other government document that shows the elector's name and current address.

[MCA § 13-13-114](#); [ARM 44.3.2101](#).

- **Requirement to provide proof of citizenship to register and/or vote?**
 - No. Although a person shall not be permitted to register until he attains United States citizenship, there is no requirement for a voter to present proof of citizenship to register and/or vote. The statutory provision only requires that the voter be a citizen. [MCA § 13-2-206](#).

VOTER REGISTRATION DRIVES

Important Note: The “Montana Third-Party Voter Registration Integrity Act” was enacted in 2013. It prohibits third-party registrars from mailing voter registration applications and campaign literature together in an envelope that resembles a mailing from an election office. It also restricts “caging,” discussed below.

- **Does state accept national form? Any restrictions?**
 - Yes, so long as it contains the information required under Montana law for voter registration. The Montana Secretary of State has promulgated a rule requiring election administrators to use a standard voter registration application. [ARM 44.3.2004](#). However, statute only requires certain information to be submitted. [MCA § 13-2-110](#). If the national form includes all information required by statute, there is no statutory prohibition against the election administrator processing that form. [MCA § 3-2-110\(5\)\(a\)](#).
- **May groups “cage” completed registration forms (i.e. ask voters to mail them back to the group, which will then send them to the appropriate elections registrar(s))? If so, may they copy the forms or any of data included on them?**
 - Groups may not ask voters to mail voter registration applications (or absentee ballot applications) back to the group. A third-party registrar may not mail or advise an applicant to mail a voter registration application (or absentee ballot application) to any address other than that of the election administrator in the applicant’s county of residence. [MCA § 13-35-604](#).
 - A third-party registrar is a person, other than an election official, who is supporting an organized effort to register voters or assist voters in applying for absentee ballots. [MCA § 13-35-602](#).
 - There is no statutory or administrative rule prohibiting making copies of completed voter registration applications when groups collect them from applicants (but not by mail, see above) before submitting them to the appropriate election office. It is advisable, however, for groups to redact driver’s license, identification card, and partial social security numbers on copies.
- **May a group “pre-fill” some or all of the form (e.g. name, address) before sending/giving it to a would-be registrant?**
 - Yes, subject to the “form” issue discussed, above. A voter registration application must be signed by the applicant.
- **May voter registration drive workers assist a voter in completing their registration form?**
 - Yes, subject to the “form” issue discussed above.

- **Does state require training of voter registration workers?**
 - No.
- **Does state require registration of voter registration drives?**
 - No.
- **Any requirement that group must provide information to voters about how they may contact the group to determine the status of their registration?**
 - No.
- **May group pay voter registration drive workers? If so, is it permissible to pay on a per-voter-registered basis?**
 - There is no Montana statute or administrative rule prohibiting paid voter registration drive workers or pay on a per-voter-registered basis.

CONTACT INFORMATION FOR STATE AND LOCAL AGENCIES

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FOR FURTHER ASSISTANCE

For assistance regarding these resources or for more information about federal law, please contact our attorney one-on-one counseling service:

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