

Example of the flow of ballots to the polls, through the tabulators, and to a secure endpoint, including handling of absentee ballots.

Yellowstone County

1. Ballots are printed by Election Systems & Software (ES&S), a 3rd party, or in house. [The Ballot Certification Report](#) is used in conjunction with the [Chain of Custody and Seal Log for Ballots](#) when transferring ballots to polling places.

13-12-210. Number of ballots to be provided for each precinct. (1) The election administrator shall provide each election precinct with sufficient ballots for the electors registered, plus an extra supply to cover spoiled ballots.

(2) The election administrator shall keep a record in the administrator's office showing the exact number of ballots that are delivered to the election judges of each precinct.

2. Once the polls have closed, the Election Judges use the [Ballot Reconciliation Report](#) to certify the number of voted ballots to be transferred back to election department in conjunction with the [Chain of Custody and Seal Log for Ballots](#).

13-15-205. Items to be delivered to election administrator by election judges -- disposition of other items. (1) Before they adjourn, the election judges shall enclose in a strong envelope or package, securely fastened:

- (a) the precinct register;
- (b) the list of individuals challenged;
- (c) the pollbook;
- (d) both of the tally sheets.

(2) The election judges shall enclose in a separate container, securely sealed, all unused ballots with the numbered stubs attached.

(3) The election judges shall enclose in a separate container, securely sealed, all ballots voted, including those not counted or allowed, and detached stubs from all counted or rejected absentee ballots. This envelope must be endorsed on the outside "ballots voted". At the primary election the unvoted party ballots must be enclosed in a separate container, securely sealed, and marked on the outside "unvoted ballots".

(4) Each election judge shall sign the judge's name across all seals.

(5) The return form provided for in 13-15-101 must be returned with the items provided for in this section but may not be sealed in any of the containers.

(6) The containers required by this section must be delivered to the election administrator by the chief election judge or another judge appointed by the chief judge in the manner ordered by the election administrator.

(7) The election administrator shall instruct the chief election judge in writing on the proper disposition of all other election materials and supplies.

3. When absentee ballots are prepped for count prior to election day, the [Early Absentee Ballot Preparation Reconciliation](#) is used to log ballots once they are removed from secrecy envelopes.

13-15-201. Preparation for count -- absentee ballot count procedures. (1) Subject to 13-10-311, to prepare for a count of ballots, the counting board or, if appointed, the absentee counting board shall take ballots out of the box to determine whether each ballot is single.

(2) The board shall count all ballots to ensure that the total number of ballots corresponds with the total number of names in the pollbook.

(3) If the board cannot reconcile the total number of ballots with the pollbook, the board shall submit to the election administrator a written report stating how many ballots were missing or in excess and any reason of which they are aware for the discrepancy. Each judge on the board shall sign the report.

(4) A ballot that is not marked as official is void and may not be counted unless all judges on the board agree that the marking is missing because of an error by election officials, in which case the ballot must be marked "unmarked by error" on the back and must be initialed by all judges.

(5) If two or more ballots are folded or stuck together to look like a single ballot, they must be laid aside until the count is complete. The counting board shall compare the count with the pollbooks, and if a majority believes that the ballots

folded together were marked by one elector, the ballots must be rejected and handled as provided in 13-15-108, otherwise they must be counted.

- (6) Only valid absentee ballots may be counted in an election conducted under this chapter.
- (7) For the purpose of this chapter, a marked absentee ballot is valid only if:
 - (a) the elector's signature on the affirmation on the signature envelope is verified pursuant to 13-13-241; and
 - (b) it is received before 8 p.m. on election day, except as provided in 13-21-206 and 13-21-226.
- (8) (a) A ballot is invalid if:
 - (i) problems with the ballot have not been resolved pursuant to 13-13-245;
 - (ii) any 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
 - (iii) except as provided in subsection (8)(b), more than one ballot is enclosed in a single signature or secrecy envelope.
- (b) The provisions of subsection (8)(a)(iii) do not apply if:
 - (i) there are multiple elections being held at the same time and the envelope contains only one ballot for each election; or
 - (ii) 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 for each elector who has returned a ballot.

4. Both poll and absentee ballots are sealed and logged after tabulation and retained for 22 months.

13-1-303. Disposition of ballots and other election materials. (1) (a) Except for a federal election and as provided in 13-15-301(2), the voted ballots, detached stubs, unvoted ballots, and unused ballots from an election must be kept in the unopened packages received from the election judges for a period of 12 months. The packages may be opened only when an order for opening is given by the proper official either for a recount procedure or to process provisional ballots.

(b) The voted ballots, detached stubs, unvoted ballots, and unused ballots from a federal election must be retained in the unopened packages received from the election judges for a period of 22 months. The packages may be opened only as provided in subsection (1)(a) or for a postelection random-sample audit of vote-counting machines.

(c) An election administrator may dispose of the ballots as provided in subsection (2) if after the time periods provided for in this subsection (1), there is no:

- (i) contest begun;
 - (ii) recount pending; or
 - (iii) appeal of a decision relating to a contest, a recount, or a postelection random-sample audit.
- (2) Each election administrator shall prepare a plan for retention and destruction of election records in the county according to the retention schedules established by the local government records committee provided for in 2-6-1201.