
Montana

Help America Vote Act (HAVA) Complaint Process Guide

Provided by

VOTER
REFERENCE 
FOUNDATION

State Guide to HAVA & Election Complaint Process

This is a guide to your state's laws relating to the Help America Vote Act (HAVA) and other election related complaints.

The statutes/codes cited in this guide may not be the most recent version. States may have more current or accurate information. We make no warranties or guarantees about the accuracy, completeness, or adequacy of the information contained in the individual state guides or the information linked to on the state site.

This guide was last updated on 03/07/2024.

CONTENTS:

[What is the Help America Vote Act \(HAVA\)?](#)

[How do I file a HAVA complaint?](#)

[How do I file a non-HAVA election complaint?](#)

[Who do I contact regarding election-related complaints?](#)

What is the Help America Vote Act (HAVA)?

[Link to HAVA Statute](#)

[Link to Election Assistance Commission](#)

According to the EAC.gov website:

The Help America Vote Act (HAVA) of 2002 was passed by the United States Congress to make sweeping reforms to the nation's voting process. HAVA addresses improvements to voting systems and voter access that were identified following the 2000 election. HAVA mandates that EAC test and certify voting equipment, maintain the National Voter Registration form and administer a national clearinghouse on elections that includes shared practices, information for voters and other resources to improve elections.

HAVA creates new mandatory minimum standards for states to follow in several key areas of election administration. The law provides funding to help states meet these new standards, replace voting systems and improve election administration. HAVA also established the Election Assistance Commission (EAC) to assist the states regarding HAVA compliance and to distribute HAVA funds to the states. EAC is also charged with creating voting system guidelines and operating the federal government's first voting system certification program. EAC is also responsible for maintaining the National Voter Registration form, conducting research, and administering a national clearinghouse on elections that includes shared practices, information for voters and other resources to improve elections. HAVA requires that the states implement the following new programs and procedures:

- Provisional Voting
- Voting Information
- Updated and Upgraded Voting Equipment
- Statewide Voter Registration Databases
- Voter Identification Procedures
- Administrative Complaint Procedures

How do I file a HAVA complaint?

[Link to HAVA Complaint Process](#)

[Link to Form](#)

If you believe that a violation of Title III of the Help America Vote Act of 2002 is occurring, or is about to occur, please state the specific acts committed by the person or entity named in this complaint, along with a reference to the section of HAVA alleged to have been violated.

The [completed form](#) should be notarized and returned to the Secretary of State Office.

How do I file a non-HAVA election complaint?

[Link to Process](#)

[Link to Form](#)

The following methods are available for reporting a potential election law violation:

- Contact a member of the SOS elections staff at (406) 444-9608.
- Fill out and complete a report of the activity you witnessed using the [prescribed form](#) and submit it to the Secretary of State's Office using one of the following contact methods.

Mail To: Secretary of State, Fair Elections Center, P.O. Box 202801, Helena, Montana 59620-2801

Fax: (406) 444-2023

Email: fairelections@mt.gov

Who can I contact regarding an election related complaint?

Secretary of State - Montana Elections Division	
Physical Address:	State Capitol, Room 260 1301 6th Avenue Helena, MT 59602
Mailing Address:	Secretary of State Fair Elections Center P.O. Box 202801 Helena, MT 59620-2801
Phone Number:	406-444-9608
Fax Number:	406-444-2023
Email Address:	fairelections@mt.gov
Website:	https://sosmt.gov/elections/fairelections/
Montana Election Administrators:	Montana Election Administrator Contact Information