

HOUSE BILL NO. 88

INTRODUCED BY F. WILMER

BY REQUEST OF THE SECRETARY OF STATE

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING FOR YOUTH ELECTION JUDGES; ESTABLISHING CRITERIA FOR YOUTH ELECTION JUDGES; ESTABLISHING LIMITS ON THE NUMBER OF YOUTH ELECTION JUDGES AT POLLING PLACES AND ON COUNTING BOARDS AND SPECIAL ABSENTEE ELECTION BOARDS; AMENDING SECTIONS 13-1-101, 13-4-101, 13-4-102, 13-4-107, 13-13-226, 13-15-112, 20-20-109, AND 20-20-203, MCA; AND PROVIDING A TERMINATION DATE."

WHEREAS, County Clerks and Recorders and Election Administrators face increasing difficulties in recruiting qualified registered electors to serve as election judges; and

WHEREAS, observing and participating in the administration of elections provides young people with valuable lessons on the importance of the election process; and

WHEREAS, young people who are actively involved in the election process may be more likely to continue participating in that process when they are eligible to vote.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-1-101, MCA, is amended to read:

"13-1-101. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Active elector" means an elector whose name has not been placed on the inactive list due to failure to respond to confirmation notices pursuant to 13-2-220 or 13-19-313.

(2) "Active list" means a list of active electors maintained pursuant to 13-2-220.

(3) "Anything of value" means any goods that have a certain utility to the recipient that is real and that is ordinarily not given away free but is purchased.

(4) "Application for voter registration" means a voter registration form prescribed by the secretary of state that is completed and signed by an elector, submitted to the election administrator, and contains voter registration information subject to verification as provided by law.

(5) "Ballot" means a paper ballot counted manually or a paper ballot counted by a machine, such as an optical scan system or other technology that automatically tabulates votes cast by processing the paper ballots.

(6) "Candidate" means:

(a) an individual who has filed a declaration or petition for nomination, acceptance of nomination, or appointment as a candidate for public office as required by law;

(b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and retained contributions, made expenditures, or given consent to an individual, organization, political party, or committee to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure nomination or election to any office at any time, whether or not the office for which the individual will seek nomination or election is known when the:

(i) solicitation is made;

(ii) contribution is received and retained; or

(iii) expenditure is made; or

(c) an officeholder who is the subject of a recall election.

(7) (a) "Contribution" means:

(i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value to influence an election;

(ii) a transfer of funds between political committees;

(iii) the payment by a person other than a candidate or political committee of compensation for the personal services of another person that are rendered to a candidate or political committee.

(b) "Contribution" does not mean:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee or meals and lodging provided by individuals in their private residences for a candidate or other individual;

(ii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation;

(iii) the cost of any communication by any membership organization or corporation to its members or stockholders or employees; or

(iv) filing fees paid by the candidate.

(8) "Election" means a general, regular, special, or primary election held pursuant to the requirements

1 of state law, regardless of the time or purpose.

2 (9) "Election administrator" means the county clerk and recorder or the individual designated by a county
3 governing body to be responsible for all election administration duties, except that with regard to school elections
4 not administered by the county, the term means the school district clerk.

5 (10) "Elector" means an individual qualified to vote under state law.

6 (11) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift
7 of money or anything of value made for the purpose of influencing the results of an election.

8 (b) "Expenditure" does not mean:

9 (i) services, food, or lodging provided in a manner that they are not contributions ~~under subsection (7);~~

10 (ii) payments by a candidate for a filing fee or for personal travel expenses, food, clothing, lodging, or
11 personal necessities for the candidate and the candidate's family;

12 (iii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any
13 broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or

14 (iv) the cost of any communication by any membership organization or corporation to its members or
15 stockholders or employees.

16 (12) "Federal election" means a general or primary election in which an elector may vote for individuals
17 for the office of president of the United States or for the United States congress.

18 (13) "General election" or "regular election" means an election held for the election of public officers
19 throughout the state at times specified by law, including elections for officers of political subdivisions when the
20 time of the election is set on the same date for all similar political subdivisions in the state. For ballot issues
21 required by Article III, section 6, or Article XIV, section 8, of the Montana constitution to be submitted by the
22 legislature to the electors at a general election, "general election" means an election held at the time provided
23 in 13-1-104(1). For ballot issues required by Article XIV, section 9, of the Montana constitution to be submitted
24 as a constitutional initiative at a regular election, regular election means an election held at the time provided in
25 13-1-104(1).

26 (14) "Inactive elector" means an individual who failed to respond to confirmation notices and whose name
27 was placed on the inactive list pursuant to 13-2-220 or 13-19-313.

28 (15) "Inactive list" means a list of inactive electors maintained pursuant to 13-2-220 or 13-19-313.

29 (16) "Individual" means a human being.

30 (17) (a) "Issue" or "ballot issue" means a proposal submitted to the people at an election for their approval

1 or rejection, including but not limited to initiatives, referenda, proposed constitutional amendments, recall
2 questions, school levy questions, bond issue questions, or a ballot question.

3 (b) For the purposes of chapters 35 and 37, an issue becomes a "ballot issue" upon certification by the
4 proper official that the legal procedure necessary for its qualification and placement upon the ballot has been
5 completed, except that a statewide issue becomes a "ballot issue" upon preparation and transmission by the
6 secretary of state of the form of the petition or referral to the person who submitted the proposed issue.

7 (18) "Legally registered elector" means an individual whose application for voter registration was
8 accepted, processed, and verified as provided by law.

9 (19) "Mail ballot election" means any election that is conducted under Title 13, chapter 19, by mailing
10 ballots to all active electors.

11 (20) "Person" means an individual, corporation, association, firm, partnership, cooperative, committee,
12 club, union, or other organization or group of individuals or a candidate ~~as defined in subsection (6).~~

13 (21) "Place of deposit" means a location designated by the election administrator pursuant to 13-19-307
14 for a mail ballot election conducted under Title 13, chapter 19.

15 (22) "Political committee" means a combination of two or more individuals or a person other than an
16 individual who makes a contribution or expenditure:

17 (a) to support or oppose a candidate or a committee organized to support or oppose a candidate or a
18 petition for nomination; or

19 (b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

20 (c) as an earmarked contribution.

21 (23) "Political subdivision" means a county, consolidated municipal-county government, municipality,
22 special district, or any other unit of government, except school districts, having authority to hold an election for
23 officers or on a ballot issue.

24 (24) "Polling place election" means an election primarily conducted at polling places rather than by mail
25 under the provisions of Title 13, chapter 19.

26 (25) "Primary" or "primary election" means an election held throughout the state to nominate candidates
27 for public office at times specified by law, including nominations of candidates for offices of political subdivisions
28 when the time for nominations is set on the same date for all similar subdivisions in the state.

29 (26) "Provisional ballot" means a ballot cast by an elector whose identity or eligibility to vote has not been
30 verified as provided by law.

(27) "Provisionally registered elector" means an individual whose application for voter registration was accepted but whose identity or eligibility has not yet been verified as provided by law.

(28) "Public office" means a state, county, municipal, school, or other district office that is filled by the people at an election.

(29) "Random-sample audit" means an audit involving a manual count of ballots from designated races and ballot issues in precincts selected through a random process as provided in 13-17-503.

(30) "Registrar" means the county election administrator and any regularly appointed deputy or assistant election administrator.

(31) "Special election" means an election other than a statutorily scheduled primary or general election held at any time for any purpose provided by law. It may be held in conjunction with a statutorily scheduled election.

(32) "Statewide voter registration list" means the voter registration list established and maintained pursuant to 13-2-107 and 13-2-108.

(33) "Transfer form" means a form prescribed by the secretary of state that may be filled out by an elector to transfer the elector's registration when the elector's residence address has changed within the county.

(34) "Valid vote" means a vote that has been counted as valid or determined to be valid as provided in 13-15-206.

(35) "Voted ballot" means a ballot that is:

- (a) deposited in the ballot box at a polling place;
- (b) received at the election administrator's office; or
- (c) returned to a place of deposit.

(36) "Voting system" or "system" means any machine, device, technology, or equipment used to automatically record, tabulate, or process the vote of an elector cast on a paper ballot.

(37) "Youth election judge" means an individual who serves as an election judge and who is:

(a) at least 16 years of age but less than 18 years of age at the time of an election in which the individual serves as an election judge;

(b) a resident of the state of Montana and of the county in which the individual serves as an election judge; and

(c) a citizen of the United States."

1 **Section 2.** Section 13-4-101, MCA, is amended to read:

2 **"13-4-101. Appointment of election judges.** (1) At least 30 days before the primary election in
3 even-numbered years, the county governing body shall appoint three or more election judges for each precinct,
4 one of whom must be designated chief judge.

5 (2) A youth election judge may not serve as the chief election judge."

6
7 **Section 3.** Section 13-4-102, MCA, is amended to read:

8 **"13-4-102. Manner of choosing election judges.** (1) Subject to 13-4-107, election judges must be
9 chosen from:

10 (a) lists of qualified registered electors for each precinct in the county, submitted at least 45 days before
11 the primary election in even-numbered years by the county central committees of the political parties eligible to
12 nominate candidates in the primary; and

13 (b) lists of youth election judges that are maintained by the election administrator and, when possible,
14 developed in cooperation with local school districts, private schools, and home school organizations.

15 (2) The list of election judges submitted by each party may contain more names than the number of
16 election judges to be appointed. The names of those not appointed as election judges must be given to the
17 election administrator for use in making appointments to fill vacancies.

18 (3) Each board of election judges must include judges representing all parties that have submitted lists
19 as provided in subsection (1). No more than the number of election judges needed to obtain a simple majority
20 may be appointed from the list of one political party in each precinct. If any of the political parties entitled to do
21 so fail to submit a list, the governing body shall, to the extent possible, appoint judges so that all parties eligible
22 to participate in the primary are represented on each board.

23 (4) The election administrator shall make appointments to fill vacancies from the list provided for in
24 subsection (2) and from the list of youth election judges. ~~If the list is~~ lists are insufficient or if one or more of the
25 eligible political parties fails to submit a list, the election administrator may select enough people meeting the
26 qualifications of 13-4-107 to fill election judge vacancies in all precincts.

27 (5) The number of youth election judges assigned to a precinct may not exceed the number of election
28 judges who are qualified registered electors assigned to the precinct.

29 ~~(5)(6)~~ An elector individual chosen to potentially serve as an election judge must be notified of selection
30 at least 30 days before the primary election in even-numbered years. Each ~~elector~~ elector individual who agrees to serve

as an election judge shall attend a training class conducted under 13-4-203 and shall continue to serve as provided in 13-4-103."

Section 4. Section 13-4-107, MCA, is amended to read:

"13-4-107. Qualifications of election judges. (1) Election judges ~~shall~~ must be:

(a) qualified registered electors of the county and of the precinct in which they serve, except as provided in 13-4-102(4); or

(b) youth election judges.

(2) An individual seeking appointment as a youth election judge must have:

(a) written consent of a parent or legal guardian; and

(b) if the individual is a student, written consent from the individual's school principal.

~~(2)(3) No~~ In an election precinct where a candidate's name appears on the ballot, an election judge may not be:

(a) a the candidate or a spouse;

(b) an ascendant, descendant, brother, or sister of a the candidate or a candidate's spouse; or

(c) the spouse of any of these in an election precinct where the candidate's name appears on the ballot the candidate or of any of the individuals listed in subsection (3)(b).

~~(4) However, this does~~ The provisions of subsection (3) do not apply to candidates for precinct offices."

Section 5. Section 13-13-226, MCA, is amended to read:

"13-13-226. Manner of selection. (1) The election administrator shall make appointments to the special absentee election board from lists of qualified electors and youth election judges prepared in substantially the same manner as provided in 13-4-102. If the ~~list is~~ lists are insufficient to make all the appointments required, the election administrator may appoint any qualified registered elector from the county. The election administrator may refuse for cause to appoint or may for cause remove a member of a special absentee election board.

(2) The number of youth election judges serving on the special absentee election board may not exceed the number of qualified registered electors serving on the board."

Section 6. Section 13-15-112, MCA, is amended to read:

"13-15-112. Appointment of counting boards. (1) To count votes in any election under this title, when

election judges are appointed under 13-4-101, each county's governing body shall designate three of the election judges to act as a counting board. The governing body may also designate three of the election judges to act as an absentee ballot counting board under 13-15-104.

(2) The number of youth election judges serving on a counting board may not exceed the number of qualified registered electors serving on the board."

Section 7. Section 20-20-109, MCA, is amended to read:

"20-20-109. Election judges -- qualifications -- training. (1) Election judges must be:

(a) qualified registered electors of the school district in which they serve; or

(b) youth election judges, as defined in 13-1-101, who meet the requirements of 13-4-107.

(2) ~~An~~ In an election precinct where a candidate's name appears on the ballots, an election judge may not be:

(a) the candidate;

(b) an ascendant, descendant, brother, or sister of a candidate; or

(c) the spouse of the candidate or of any of the individuals listed in subsection (2)(b).

(3) School election judges must meet the training and certification requirements of 13-4-203."

Section 8. Section 20-20-203, MCA, is amended to read:

"20-20-203. Resolution for poll hours, polling places, and judges. (1) At the trustee meeting when a school election is called, the trustees shall:

(a) except as provided in 20-20-106(3), establish the time at which the polls are to open if in their discretion they determine that the polls must be open before noon;

(b) establish the polling places for the election, using the established polling places for general elections within the district wherever possible; and

(c) appoint at least three judges, which can include youth election judges, for each polling place.

(2) The number of youth election judges assigned to a polling place may not exceed the number of election judges who are qualified registered electors assigned to the polling place.

(3) A youth election judge may not serve as the chief election judge at any polling place.

~~(2)~~(4) There must be one polling place in each district unless the trustees establish additional polling places. If more than one polling place is established, the trustees shall define the boundaries for each polling

1 place so that the boundaries for each polling place are coterminous with county precinct boundaries existing
2 within a district. If the site of a polling place is changed from the polling place site used for the last preceding
3 school election, special reference to the changed site of the polling place must be included in the notice for the
4 election."

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6 NEW SECTION. **Section 9. Termination.** [This act] terminates June 30, 2013.

7 - END -