

HOUSE BILL NO. 327

INTRODUCED BY F. WILMER

BY REQUEST OF THE SECRETARY OF STATE

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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; AND 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."

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

1 information subject to verification as provided by law.

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

4 (6) "Candidate" means:

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

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

12 (i) solicitation is made;

13 (ii) contribution is received and retained; or

14 (iii) expenditure is made; or

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

16 (7) (a) "Contribution" means:

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

19 (ii) a transfer of funds between political committees;

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

22 (b) "Contribution" does not mean:

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

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

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

30 (iv) filing fees paid by the candidate.

1 (8) "Election" means a general, regular, special, or primary election held pursuant to the requirements
2 of state law, regardless of the time or purpose.

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

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

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

9 (b) "Expenditure" does not mean:

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

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

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

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

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

19 (13) "General election" or "regular election" means an election held for the election of public officers
20 throughout the state at times specified by law, including elections for officers of political subdivisions when the
21 time of the election is set on the same date for all similar political subdivisions in the state. For ballot issues
22 required by Article III, section 6, or Article XIV, section 8, of the Montana constitution to be submitted by the
23 legislature to the electors at a general election, "general election" means an election held at the time provided
24 in 13-1-104(1). For ballot issues required by Article XIV, section 9, of the Montana constitution to be submitted
25 as a constitutional initiative at a regular election, regular election means an election held at the time provided in
26 13-1-104(1).

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

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

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

1 (17) (a) "Issue" or "ballot issue" means a proposal submitted to the people at an election for their approval
2 or rejection, including but not limited to initiatives, referenda, proposed constitutional amendments, recall
3 questions, school levy questions, bond issue questions, or a ballot question.

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

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

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

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

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

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

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

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

21 (c) as an earmarked contribution.

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

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

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

30 (26) "Provisional ballot" means a ballot cast by an elector whose identity or eligibility to vote has not been

1 verified as provided by law.

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

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

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

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

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

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

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

17 (34) "Valid vote" means a vote that has been counted as valid or determined to be valid as provided in
18 13-15-206.

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

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

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

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

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

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

30 (c) a citizen of the United States."

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

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

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

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

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

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

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

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

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

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

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

~~(5)(6)~~ (6) An ~~elector~~ individual chosen to potentially serve as an election judge must be notified of selection

1 at least 30 days before the primary election in even-numbered years. Each ~~elector~~ individual who agrees to serve
 2 as an election judge shall attend a training class conducted under 13-4-203 and shall continue to serve as
 3 provided in 13-4-103."

4
 5 **Section 4.** Section 13-4-107, MCA, is amended to read:
 6 **"13-4-107. Qualifications of election judges.** (1) Election judges ~~shall~~ must be:
 7 (a) qualified registered electors of the county and of the precinct in which they serve, except as provided
 8 in 13-4-102(4); or
 9 (b) youth election judges.
 10 (2) An individual seeking appointment as a youth election judge must have:
 11 (a) written consent of a parent or legal guardian; and
 12 (b) if the individual is a student, written consent from the individual's school principal.
 13 ~~(2)(3) No~~ Except as provided in subsection (4), in an election precinct where a candidate's name appears
 14 on the ballot, an election judge may not be:
 15 (a) a the candidate; or a spouse;
 16 (b) an ascendant, descendant, brother, or sister of a the candidate; or a candidate's spouse or
 17 (c) the spouse of any of these in an election precinct where the candidate's name appears on the ballot.
 18 ~~However, this does~~ the candidate or of any of the individuals listed in subsection (3)(b).
 19 (4) The provisions of subsection (3) do not apply to candidates for precinct offices."

20
 21 **Section 5.** Section 13-13-226, MCA, is amended to read:
 22 **"13-13-226. Manner of selection.** (1) The election administrator shall make appointments to the special
 23 absentee election board from lists of qualified electors and youth election judges prepared in substantially the
 24 same manner as provided in 13-4-102. If the ~~list is~~ lists are insufficient to make all the appointments required,
 25 the election administrator may appoint any qualified registered elector from the county. The election administrator
 26 may refuse for cause to appoint or may for cause remove a member of a special absentee election board.
 27 (2) The number of youth election judges serving on the special absentee election board may not exceed
 28 the number of qualified registered electors serving on the board."

29
 30 **Section 6.** Section 13-15-112, MCA, is amended to read:

1 **"13-15-112. Appointment of counting boards.** (1) To count votes in any election under this title, when
 2 election judges are appointed under 13-4-101, each county's governing body shall designate one or more groups
 3 of three of the election judges to act as counting boards. The governing body may also designate one or more
 4 groups of three of the election judges to act as absentee ballot counting boards under 13-15-104.

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

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

9 **"20-20-109. Election judges -- qualifications -- training.** (1) An Election judges election judge must
 10 be:

11 (a) a qualified registered electors elector of the school district in which they serve the individual serves;

12 or

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

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

16 (a) the candidate;

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

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

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

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

22 **"20-20-203. Resolution for poll hours, polling places, and judges.** (1) At the trustee meeting when
 23 a school election is called, the trustees shall:

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

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

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

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

