

EXTRACTS OF 2019 MCA

The word "disabled", "disability" or "disabilities" appears in the following statutes:

13-1-101. Definitions

(53) "Voter interface device" means a voting system that:

- (a) is accessible to electors with disabilities;
- (b) communicates voting instructions and ballot information to a voter;
- (c) allows the voter to select and vote for candidates and issues and to verify and change selections; and
- (d) produces a paper ballot that displays electors' choices so the elector can confirm the ballot's accuracy and that may be manually counted.

13-1-116. Fingerprint, mark, or agent for disabled electors — rulemaking. (1) Except as otherwise specified by law, the provisions of this section apply.

(2) Whenever a signature is required by an elector under a provision of this title and the elector is unable because of a disability to provide a signature, the elector may provide a fingerprint, subject to subsection (6), or an identifying mark or may request that an agent, election administrator, or election judge sign for the elector as provided in this section.

(3) ...

(b) An application for designation of an agent by an elector under this section must be made on a form prescribed by the secretary of state. The secretary of state shall by rule establish the criteria that must be met and the process that must be followed in order for a person to become a designated agent for a disabled elector pursuant to this subsection (4).

(5) If an election administrator or election judge signs or marks a document for an elector pursuant to this section, the election administrator or election judge shall initial the signature or mark.

(6) A disabled elector may not be required to provide a fingerprint.

13-2-221. Agency-based registration. (1) Qualified individuals must be given the opportunity to register to vote when applying for or receiving services or assistance:

- (a) at an agency that provides public assistance;
- (b) at or through an agency that provides state-funded programs primarily engaged in providing services to persons with disabilities; or
- (c) at another agency designated by the secretary of state with the consent of the agency.

13-3-202. Definitions. As used in this part, unless the context indicates otherwise, the following definitions apply:

(1) "Accessible" means accessible to individuals with disabilities and elderly individuals for purposes of voting as determined in accordance with standards established by the secretary of state under 13-3-205.

(2) "Disability" means a temporary or permanent physical impairment such as:

- (a) impaired vision;
- (b) impaired hearing; or

(c) impaired mobility. Individuals having impaired mobility include those who require use of a wheelchair and those who are ambulatory but are physically impaired because of age, **disability**, or disease.

(3) ...

13-3-205. Adoption of standards for polling place accessibility — rulemaking authority. (1) The secretary of state, with advice from election administrators and individuals with **disabilities** and elderly individuals, shall establish standards for accessibility of polling places.

(2) Standards for polling places approved pursuant to subsection (1) on or after October 1, 2005, must comply with the accessibility standards in the Americans With **Disabilities** Act of 1990, 42 U.S.C. 12101, et seq.

(3) ...

13-3-208. Accessible voting technology. (1) The intent of this section is to:

(a) ensure that **disabled** electors have access to voting technology that allows the electors to cast ballots independently, privately, and securely;

(b) provide that votes cast using accessible voting technology are collected and counted in a manner that preserves secrecy; and

(c) comply with applicable federal and state law concerning accessibility for **disabled** electors.

(2) ...

13-3-213. Alternative means for casting ballot. (1) The election administrator shall provide individuals with **disabilities** and elderly individuals an alternative means for casting a ballot on election day if they are assigned to an inaccessible polling place. These alternative means for casting a ballot include:

(a) ...

(2) An elector with a **disability** or an elderly elector assigned to an inaccessible polling place who desires to vote at an accessible polling place:

(a) ...

13-13-114. Voter identification and marking precinct register book before elector votes — provisional voting. (1) (a) ...

(3) If the elector fails or refuses to sign the elector's name or if the elector is **disabled** and a fingerprint, an identifying mark, or a signature by a person authorized to sign for the elector pursuant to 13-1-116 is not provided, the elector may cast a provisional ballot as provided in 13-13-601.

13-13-118. Taking ballot to disabled elector. (1) The chief election judge may appoint two election judges who represent different political parties to take a ballot to an elector able to come to the premises where a polling place is located but unable to enter the polling place because of a **disability**. If election judges ...

13-13-119. Aid to disabled elector. (1) When a **disabled** elector enters a polling place, an election judge shall ask the elector if the elector wants assistance.

(2) An election judge or an individual chosen by the **disabled** elector as specified in subsection (5) may aid an elector who, because of physical **disability** or inability to read or write, needs assistance in marking the elector's ballot.

(3) The election judges shall require a declaration of **disability** by the elector. The declaration must be made under oath, which must be administered by an election judge.

(4) The elector may be assisted by two judges who represent different parties. If election judges who represent different political parties are not available, the chief election judge shall appoint two election judges to assist the elector. The judges shall certify on the precinct register opposite the **disabled** elector's name that the ballot was marked with their assistance. The judges may not reveal information regarding the ballot.

(5) ...

13-13-246. Electronic ballots for disabled persons — procedures — definition — rulemaking. (1) (a) Upon a written or an in-person request from a legally registered or provisionally registered elector with a **disability**, an election administrator shall provide the elector with an electronic ballot.

(b) The request may be made by electronic mail.

(2) (a) ...

(6) For the purposes of this section, "**disability**" has the meaning provided in 13-3-202.

13-17-103. Required specifications for voting systems. (1) ...

(2) A voter interface device may not be approved for use in this state unless:

(a) ...

(d) the device has been made available for demonstration and use by electors with **disabilities** in at least one public event held by the secretary of state; and

(e) **disabled** electors have been able to participate in the process of determining whether the system meets accessibility standards.

(3) ...

13-19-301. Voting mail ballots. (1) Upon receipt of a mailed ballot, the elector may vote by:

(a) ...

(3) A legally registered or provisionally registered elector with a **disability** may receive and vote a ballot using procedures established in 13-13-246.