

**Montana Code Annotated - 2019**  
**Statutes on Training for Election Administrators**  
**and Judges (including for School Elections)**

Compiled by Sheri Scurr, Research Analyst, LSD  
Oct. 29, 2019

**13-1-203. Secretary of state to advise, assist, and train.** (1) The secretary of state shall **advise and assist election administrators**, including administrators of school elections under Title 20, chapter 20, with regard to:

(a) the application, operation, and interpretation of Title 13, except for chapter 35, 36, or 37;

(b) the implementation and operation of the National Voter Registration Act of 1993, Public Law 103-31; and

(c) the procedures adopted pursuant to 13-17-211.

(2) The secretary of state shall **prepare and distribute training materials for election judges to be trained pursuant to 13-4-203**. Sufficient copies of the materials to supply all election judges in the county and to provide a small extra supply must be sent to each election administrator.

(3) (a) The secretary of state **shall hold at least one training session every 2 years to instruct election administrators and their staffs on how to conduct and administer primary and general elections**. The training must also include instruction on the use of the statewide voter registration system. The training may be held in various locations around the state. The training must also be offered online and through teleconferencing.

(b) Costs of the biennial training, including the materials, must be paid by the secretary of state.

(4) In addition to completing the biennial training under subsection (3), each election administrator shall complete **6 hours of election-related continuing education each year that is approved by the secretary of state**. Costs for the continuing education must be paid by the counties.

(5) The secretary of state shall:

(a) **certify** for election administration purposes each election administrator who attends the biennial training and completes the required continuing education; and

(b) provide a certificate of completion to election staff who attend the biennial election training described in subsection (3).

(6) An election administrator may require that election staff complete the continuing education described in subsection (4) and provide a certificate of completion to staff who complete it.

History: En. Sec. 13, Ch. 571, L. 1979; amd. Sec. 32, Ch. 370, L. 1987; amd. Sec. 1, Ch. 4, Sp. L. November 1993; amd. Sec. 3, Ch. 246, L. 1997; amd. Sec. 8, Ch. 414, L. 2003; amd. Sec. 1, **Ch. 209, L. 2015. Was HB 69, by request of Sec. of State (Linda McCulloch)**

**13-4-102. Manner of choosing election judges.** (1) Subject to 13-4-107, election judges must be chosen from lists of qualified registered electors 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.

(2) The list of 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 county. 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). If the list is 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) An elector chosen to potentially serve as an election judge must be notified of selection at least 30 days before the primary election in even-numbered years. Each elector 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.

History: En. Sec. 50, Ch. 368, L. 1969; amd. Sec. 2, Ch. 258, L. 1971; amd. Sec. 1, Ch. 125, L. 1973; R.C.M. 1947, 23-3202; amd. Sec. 54, Ch. 571, L. 1979; amd. Sec. 1, Ch. 232, L. 1993; amd. Sec. 11, Ch. 414, L. 2003; amd. Sec. 14, **Ch. 297, L. 2009 Was HB 19, by request of SAVA**; amd. Sec. 17, Ch. 242, L. 2011; amd. Sec. 1, Ch. 365, L. 2017.

**13-4-203. Instruction of judges — training materials.** (1) Before each election, all election judges must be instructed by the election administrator on current procedures as prescribed by the secretary of state. In precincts where voting systems are used, instructions must cover both how to operate the voting system and how to manually process any paper ballots.

(2) An election administrator may require a chief election judge to attend the training session before each election, as well as a special session that the election administrator may hold for chief election judges only, even if the chief election judge possesses a current certificate of completion pursuant to 13-1-203(5)(b).

(3) Any individual willing to be appointed as an election judge may attend an instruction session by registering with the election administrator. However, the individual may not be paid for attendance unless the individual is appointed as an election judge.

(4) Each election judge completing a training session under this section must be given a certificate of completion. An individual may not serve as an election judge without a current certificate. However, this requirement does not apply to individuals filling vacancies in emergencies.

(5) A certificate of completion is current if the certificate is obtained before the primary election in an even-numbered year.

(6) Notice of the place and time of instruction must be given by the election administrator to the presiding officers of the political parties in the county.

History: En. Sec. 54, Ch. 368, L. 1969; amd. Sec. 5, Ch. 258, L. 1971; R.C.M. 1947, 23-3206; amd. Sec. 61, Ch. 571, L. 1979; amd. Sec. 12, Ch. 414, L. 2003; amd. **Sec. 17, Ch. 297, L. 2009 Was HB 19, by request of SAVA**; amd. Sec. 2, **Ch. 209, L. 2015 Was HB 69, by request of Sec. of State (Linda McCulloch)**; amd. Sec. 8, Ch. 368, L. 2017.

**13-17-103. Required specifications for voting systems.** (1) A voting system may not be approved under 13-17-101 unless the voting system:

(a) allows an elector to vote in secrecy;

(b) prevents an elector from voting for any candidate or on any ballot issue more than once;

(c) prevents an elector from voting on any office or ballot issue for which the elector is not entitled to vote;

(d) allows an elector to vote only for the candidates of the party selected by the elector in the primary election;

(e) allows an elector to vote a split ticket in a general election if the elector desires;

(f) allows each valid vote cast to be registered and recorded within the performance standards adopted pursuant to subsection (3);

(g) is protected from tampering for a fraudulent purpose;

(h) prevents an individual from seeing or knowing the number of votes registered for any candidate or on any ballot issue during the progress of voting;

(i) allows write-in voting;

(j) will, if purchased by a jurisdiction within the state, be provided with a guarantee that the **training** and technical assistance will be provided to election officials under the contract for purchase of the voting system;

(k) uses a paper ballot that allows votes to be manually counted; and

(l) allows auditors to access and monitor any software program while it is running on the system to determine whether the software is running properly.

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

(a) the device meets the electronic security standards adopted by the secretary of state;

(b) the device provides accessible voting technology for electors with hearing, vision, speech, or ambulatory impairments;

(c) the device meets all requirements specified in subsection (1);

(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) To implement the provisions of subsection (1)(f), the secretary of state shall adopt rules setting a benchmark performance standard that must be met in tests by each voting system prior to approval under 13-17-101. The standard must be based on commonly accepted industry standards for readily available technologies.

History: En. Sec. 143, Ch. 368, L. 1969; R.C.M. 1947, 23-3802(1), (3); amd. Sec. 196, Ch. 571, L. 1979; amd. Sec. 33, Ch. 370, L. 1987; amd. Sec. 65, Ch. 414, L. 2003; amd. Sec. 1, Ch. 275, L. 2005; amd. Sec. 17, Ch. 286, L. 2005; amd. Sec. 27, Ch. 273, L. 2007; amd. Sec. 28, Ch. 297, L. 2009; amd. Sec. 4, Ch. 325, L. 2019.

**20-20-109. Election judges — qualifications — training.** (1) Election judges must be qualified registered electors of the school district in which they serve.

(2) 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.

History: En. Sec. 55, Ch. 297, L. 2009 Was HB 19, by request of SAVA.

2015

64th Legislature

HB0069

By Request of the  
Sec. of State  
(McCulloch)



AN ACT UPDATING THE TRAINING REQUIREMENTS FOR ELECTION ADMINISTRATORS AND ELECTION STAFF; AMENDING SECTIONS 13-1-203 AND 13-4-203, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.

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

**Section 1.** Section 13-1-203, MCA, is amended to read:

**"13-1-203. Secretary of state to advise, assist, and train.** (1) The secretary of state shall advise and assist election administrators, including administrators of school elections under Title 20, chapter 20, with regard to:

(a) the application, operation, and interpretation of Title 13, except for chapter 35, 36, or 37;

(b) the implementation and operation of the National Voter Registration Act of 1993, Public Law 103-31;

and

(c) the procedures adopted pursuant to 13-17-211.

(2) The secretary of state shall prepare and distribute training materials for election judges to be trained pursuant to 13-4-203. Sufficient copies of the materials to supply all election judges in the county and to provide a small extra supply must be sent to each election administrator.

(3) (a) The secretary of state shall hold at least one ~~workshop training session~~ every 2 years to instruct election administrators and their staffs ~~in use of the materials on how to conduct and administer primary and general elections. The training shall also include instruction on the use of the statewide voter registration system.~~ ~~Workshops~~ The training may be held in various locations around the state. The training must also be offered online and through teleconferencing.

(b) Costs of the biennial training, including the materials, ~~and workshops~~ must be paid by the secretary of state. ~~Attendees of the training must receive a certificate of instruction, which is valid for 2 years.~~

(4) In addition to completing the biennial training under subsection (3), each election administrator shall complete 6 hours of election-related continuing education each year that is approved by the secretary of state.

Costs for the continuing education must be paid by the counties.

(5) The secretary of state shall:

(a) certify for election administration purposes each election administrator who attends the biennial training and completes the required continuing education; and

(b) provide a certificate of completion to election staff who attend the biennial election training described in subsection (3).

(6) An election administrator may require that election staff complete the continuing education described in subsection (4) and provide a certificate of completion to staff who complete it."

**Section 2.** Section 13-4-203, MCA, is amended to read:

**"13-4-203. Instruction of judges -- training materials.** (1) Before each election, all election judges ~~who do not possess a current certificate of instruction obtained pursuant to 13-1-203(3)~~ must be instructed by the election administrator. In precincts where voting systems are used, instructions must cover both how to operate the voting system and how to manually process any paper ballots.

(2) ~~Chief election judges~~ An election administrator may be required require a chief election judge to attend the training session before each election, as well as a special session that ~~may be held~~ the election administrator may hold for chief election judges only, even if ~~they~~ the chief election judge ~~possess~~ possesses a current certificate of ~~instruction~~ completion pursuant to 13-1-203(5)(b).

(3) Any individual willing to be appointed as an election judge may attend an instruction session by registering with the election administrator. However, the individual may not be paid for attendance unless the individual is appointed as an election judge.

(4) Each election judge completing a training session under this section must be given a certificate of completion. An individual may not serve as an election judge without a valid current certificate ~~obtained under 13-1-203(3) or this section~~. However, this requirement does not apply to individuals filling vacancies in emergencies.

(5) ~~All election judges shall obtain a~~ A certificate of ~~instruction or be recertified~~ completion is current if the certificate is obtained before the primary election in an even-numbered ~~years~~ year.

(6) Notice of the place and time of instruction must be given by the election administrator to the presiding officers of the political parties in the county."

**Section 3. Effective date.** [This act] is effective January 1, 2016.

- END -

I hereby certify that the within bill,  
HB 0069, originated in the House.

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Chief Clerk of the House

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2015.

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2015.

2009

61st Legislature

HB0019

By Request of  
SAA



AN ACT CLARIFYING STATE ELECTION LAWS TO PROVIDE FOR CONSISTENT TREATMENT AMONG POLLING PLACE, ABSENTEE, MAIL, AND PROVISIONAL BALLOT PROVISIONS; PROVIDING DEFINITIONS; CLARIFYING PUBLIC NOTICE REQUIREMENTS; CREATING MORE CONSISTENCY BETWEEN THE ADMINISTRATION OF SCHOOL ELECTIONS AND OTHER ELECTIONS BY REQUIRING TRAINING AND REVISING PAYMENT FOR SCHOOL ELECTION JUDGES; CLARIFYING HOW TO HANDLE TIE VOTES IN A SCHOOL TRUSTEE ELECTION; ELIMINATING OUTDATED PROVISIONS; AND AMENDING SECTIONS 13-1-101, 13-1-108, 13-1-113, 13-1-115, 13-2-110, 13-2-116, 13-2-220, 13-2-222, 13-2-301, 13-2-304, 13-2-402, 13-3-205, 13-3-206, 13-4-102, 13-4-106, 13-4-202, 13-4-203, 13-10-211, 13-13-204, 13-13-205, 13-13-212, 13-13-213, 13-13-214, 13-13-222, 13-13-241, 13-13-301, 13-15-107, 13-17-103, 13-17-203, 13-17-212, 13-19-102, 13-19-105, 13-19-106, 13-19-204, 13-19-205, 13-19-206, 13-19-207, 13-19-301, 13-19-303, 13-19-304, 13-19-305, 13-19-306, 13-19-307, 13-19-308, 13-19-310, 13-19-311, 13-19-312, 13-19-313, 13-19-314, 13-21-203, 13-21-210, 13-27-311, 13-37-226, 20-20-107, AND 20-20-203, MCA.

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 ~~who voted in the previous federal general election and whose name is on the active list~~ 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

so fail to submit a list, the governing body shall, ~~insofar as~~ 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). If the list is insufficient or if one or more of the eligible political parties fails to submit a list, the election administrator may ~~randomly select, either by manual drawing or by computer, sufficient qualified registered electors in the county~~ select enough people meeting the qualifications of 13-4-107 to fill election judge vacancies in all precincts.

(5) An elector chosen to potentially serve as an election judge must be notified of selection at least 30 days before the primary election in even-numbered years. Each elector 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 15.** Section 13-4-106, MCA, is amended to read:

**"13-4-106. Compensation of judges.** (1) Except as provided in subsection (2), election judges must be paid at least the ~~prevailing state or federal~~ state or federal minimum wage, whichever is greater, for the number of hours worked during an election plus the number of hours spent at the instruction session. Mileage may be paid to election judges for attending instruction sessions. Election judges are exempt from unemployment insurance coverage for services performed pursuant to this chapter if the remuneration received by the election judge is less than \$1,000 in the calendar year.

(2) The chief election judge may be paid at a rate higher than the other election judges and may be reimbursed for the actual expenses of transporting election materials.

(3) The election administrator shall certify the amount due each election judge to the county governing body as soon after an election as all records necessary for the certification are received."

**Section 16.** Section 13-4-202, MCA, is amended to read:

**"13-4-202. Administration of oaths.** Any election judge may administer and certify oaths required from electors or election judges during an election."

**Section 17.** Section 13-4-203, MCA, is amended to read:

**"13-4-203. Instruction of judges -- training materials.** (1) Before each election, all election judges who

do not possess a current certificate of instruction obtained pursuant to 13-1-203(3) must be instructed by the election administrator. In precincts where voting systems are used, instructions must cover both how to operate the voting system and how to manually process any paper ballots.

(2) Chief election judges may be required to attend the training session before each election, as well as a special session that may be held for chief election judges only, even if they possess a current certificate of instruction.

(3) Any individual willing to be appointed as an election judge may attend an instruction session by registering with the election administrator. However, the individual may not be paid for attendance unless the individual is appointed as an election judge.

(4) Each election judge completing a training session under this section must be given a certificate of completion. An individual may not serve as an election judge without a valid certificate obtained under 13-1-203(3) or this section. However, this requirement does not apply to individuals filling vacancies in emergencies.

(5) All ~~certificates of completion expire 30 days~~ election judges shall obtain a certificate of instruction or be recertified before the primary election in even-numbered years.

(6) Notice of the place and time of instruction must be given by the election administrator to the presiding officers of the political parties in the county."

**Section 18.** Section 13-10-211, MCA, is amended to read:

**"13-10-211. Declaration of intent for write-in candidates.** (1) Except as provided in subsection (7), a person seeking to become a write-in candidate for an office in any election shall file a declaration of intent. The declaration of intent must be filed with the secretary of state or election administrator, depending on where a declaration of nomination for the desired office is required to be filed under 13-10-201, or with the school district clerk for a school district office. When a county election administrator is conducting the election for a school district, the school district clerk or school district office that receives the declaration of intent shall notify the county election administrator of the filing. Except as provided in subsections (2) and (3), the declaration must be filed no later than 5 p.m. on the 10th day before the date established under 13-13-205 on which a ballot must be available for absentee voting for the election and must contain:

(a) (i) the candidate's first and last names;

recorder and the commissioner of political practices.

(b) not more than 20 days after the date of the election; and

(c) whenever a candidate or political committee files a closing report as specified in 13-37-228(3).

(4) Candidates for any other public office and political committees that are specifically organized to support or oppose a particular local issue shall file the reports specified in subsection (3) only if the total amount of contributions received or the total amount of funds expended for all elections in a campaign, excluding the filing fee paid by the candidate, exceeds \$500, except as provided in 13-37-206.

(5) For the purposes of this subsection, a committee that is not specifically organized to support or oppose a particular candidate or ballot issue and that receives contributions and makes expenditures in conjunction with an election is an independent committee. For the purpose of reporting, a political party committee is an independent committee. An independent committee shall file:

(a) a report on the 12th day preceding the date of an election in which it participates by making an expenditure;

(b) a report not more than 20 days after the date of the election in which it participates by making an expenditure; and

(c) a report on a date to be prescribed by the commissioner for a closing report at the close of each calendar year.

(6) The commissioner may promulgate rules regarding the extent to which organizations that are incidental political committees shall report their politically related activities in accordance with this chapter.

(7) All reports required by this section must be complete as of the fifth day before the date of filing as specified in 13-37-228(2) and this section."

**Section 54.** Section 20-20-107, MCA, is amended to read:

**"20-20-107. Election expenses.** (1) All expenses necessarily incurred in the matter of holding school elections ~~shall~~ must be paid out of the school funds of the district, except when ~~such~~ the expenses are by law to be shared by a community college district for which the district is conducting an election.

(2) The trustees ~~may~~ shall pay the election judges of a school election ~~at a rate not to exceed the prevailing at least the state or federal minimum wage, whichever is greater, per for each~~ hour of service in connection with ~~such~~ the election, including the number of hours required to attend training pursuant to [section

55].

(3) Election judges are exempt from unemployment insurance coverage for services performed pursuant to this chapter if the remuneration received by the election judge is less than \$1,000 per calendar year."

**Section 55. Election judges -- qualifications -- training.** (1) Election judges must be qualified registered electors of the school district in which they serve.

(2) 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 56.** 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 ~~shall~~ must be open before noon;

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

(c) ~~appoint, from among the qualified electors of the district, at least three judges for each polling place for such election and notify each judge of such appointment not less than 10 days before the election.~~

(2) There ~~shall~~ 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 place, ~~and such trustee-defined polling place~~ so that the boundaries shall be for each polling place are coterminous with county precinct boundaries existing within a district. If the site of a polling place is changed from the polling place site used for the last preceding school election, special reference to the changed site of the polling place ~~shall~~ must be included in the notice for ~~such~~ the election."

**Section 57. Tie votes.** If a tie vote occurs among the candidates for a school trustee position, the

