

# RULES AND PROTECTIONS FOR POLL WATCHERS

STATE ADMINISTRATION AND VETERANS' AFFAIRS INTERIM COMMITTEE  
PREPARED BY REBECCA C. POWER - JANUARY 2024

## BACKGROUND

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At the September 2023 State Administration and Veterans' Affairs Interim (SAVA) Committee meeting, members voted to allocate 0.25 FTE to member topics in the work plan for the 2023-2024 interim. At the November 2023 meeting, committee members chose the member topics, including the rules and protections for poll watchers. Per the Montana Code Annotated, poll watchers are permitted at polling locations and places of deposit.

## MCA REFERENCES

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**13-13-120. Poll watchers -- announcement of elector's name -- poll watchers authorized at places of deposit in mail ballot elections.** (1) The election judges shall permit one poll watcher from each political party to be stationed close to the poll lists in a location that does not interfere with the election procedures. At the time when each elector signs the elector's name, one of the election judges shall pronounce the name loud enough to be heard by the poll watchers. A poll watcher who does not understand the pronunciation has the right to request that the judge repeat the name. Poll watchers must also be permitted to observe all of the vote counting procedures of the judges after the closing of the polls and all entries of the results of the elections.

(2) A candidate may not serve as a poll watcher at a polling place where electors are voting on ballots with the candidate's name on them.

(3) At least one poll watcher from each political party must be permitted at each place of deposit designated under **13-19-307** for a mail ballot election.

**History:** En. Sec. 113, Ch. 571, L. 1979; amd. Sec. 47, Ch. 56, L. 2009; amd. Sec. 1, Ch. 240, L. 2015; amd. Sec. 1, Ch. 315, L. 2021.

**13-13-121. Additional poll watchers.** A candidate, a group of candidates, or any group having an interest in the election may request the election administrator to allow additional poll watchers at any precinct or any place of deposit designated under **13-19-307** for a mail ballot election. The election administrator shall grant such requests if the number of poll watchers at the polling place or place of deposit will not interfere with the election procedures.

**History:** En. Sec. 114, Ch. 571, L. 1979; amd. Sec. 2, Ch. 315, L. 2021.

**13-19-307. Places of deposit -- poll watchers authorized.** (1) (a) The election administrator shall designate the election administrator's office and may designate one or more places in the political

subdivision in which the election is being conducted as places of deposit where ballots may be returned in person by the elector or the elector's agent or designee.

(b) If the election administrator's office is not accessible pursuant to **13-3-205**, the election administrator shall designate at least one accessible place of deposit.

(2) Prior to election day, ballots may be returned to any designated place of deposit during the days and times set by the election administrator and within the regular business hours of the location.

(3) On election day, each location designated as a place of deposit must be open as provided in **13-1-106**, and ballots may be returned during those hours.

(4) The election administrator may designate certain locations as election day places of deposit, and any designated location functions as a place of deposit only on election day.

(5) Each place of deposit must be staffed by at least two election officials who, except for election judges serving in elections under Title 20, chapter 20, are selected in the same manner as provided for the selection of election judges in **13-4-102**.

(6) The election administrator shall provide each designated place of deposit with an official ballot transport box secured as provided by law.

(7) Poll watchers must be allowed as provided in **13-13-120** and **13-13-121** at each place of deposit during the days and times that the place of deposit is open for the return of ballots.

**History:** En. Sec. 19, Ch. 196, L. 1985; amd. Sec. 83, Ch. 56, L. 2009; amd. Sec. 43, Ch. 297, L. 2009; amd. Sec. 68, Ch. 242, L. 2011; amd. Sec. 3, Ch. 315, L. 2021.