1   SENATE BILL NO. 470

2   INTRODUCED BY D. ZOLNIKOV

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4   A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PROVISIONS RELATED TO ELECTION JUDGES;

5   PROVIDING FOR NOTIFICATION AFTER THE REMOVAL OF AN ELECTION JUDGE; PROVIDING A

6   COMPLAINT PROCESS FOR COUNTY CENTRAL COMMITTEES; REVISING THE PROCESS FOR

7   SELECTING ELECTION JUDGES; AMENDING SECTIONS 13-4-102 AND 13-4-203, MCA; AND PROVIDING

8   A DELAYED EFFECTIVE DATE."

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

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12   NEW SECTION. **Section 1.   Removal of election judge -- notification.** If an election judge is

13   permanently removed from the election judge's duties for violating a provision of Title 13 or for causing

14   disruption in a polling place and the election judge was nominated by a county central committee, the election

15   administrator shall notify the county central committee of the removal.

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17   NEW SECTION. **Section 2.   Complaint.** A county central committee may register an official complaint

18   with the governing body if the county central committee does not receive a notification required by this chapter

19   or if the list provided by the county central committee was not used in the selection of judges as provided by

20   this chapter.

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

23   "**13-4-102.   Manner of choosing election judges.** (1) (a) At least 90 days prior to the deadline in

24   subsection (1)(b), the election administrator shall notify each county central committee of the requirement to

25   submit a list of election judge nominees.

26   (b)   Subject to 13-4-107 and their availability to attend a training session as provided by 13-4-203,

27   election judges must be chosen by the governing body from lists of qualified registered electors in the county,

28   submitted at least 45 days before the primary election in even-numbered years by the county central

1   committees of the political parties eligible to nominate candidates in the primary. The governing body may also

2   choose election judges from lists of individuals who submit their own names for consideration, including

3   individuals who prefer not to affiliate with a political party eligible to nominate candidates in the primary.

4   (2)   The list of each party may contain more names than the number of election judges to be

5   appointed. The names of those not appointed as election judges must be given to the election administrator for

6   use in making appointments to fill vacancies.

7   (3)   ~~Each board of election judges must include judges representing all parties that have submitted~~

8   ~~lists as provided in subsection (1). No more than the number of election judges needed to obtain a simple~~

9   ~~majority may be appointed from the list of one political party in each county. If any of the political parties entitled~~

10   ~~to do so fail to submit a list meeting the requirements of this section, the governing body shall, to the extent~~

11   ~~possible, appoint judges so that all parties eligible to participate in the primary are represented on each~~

12   ~~board.~~(a) The governing body or the election administrator, if designated by the governing body, shall use the

13   list of election judges appointed by the governing body pursuant to subsection (1) to create election boards.

14   The election administrator shall ensure that each election board includes representatives of at least two political

15   parties or affiliations.

16   (b)   To the extent possible, each county central committee that has submitted lists must be

17   represented on each election board, no more than the number of election judges needed to obtain a simple

18   majority may be appointed from one political party, and all parties eligible to participate in the primary must be

19   represented on each board.

20   (c)   The qualifications, experience, and availability of an election judge may be considered in

21   making appointments to a specific election board.

22   (4)   The election administrator shall make appointments to fill vacancies consistent with the

23   requirements of subsection (3) from the list provided for in subsection (2). If the list is insufficient ~~or if one or~~

24   ~~more of the eligible political parties fails to submit a list meeting the requirements of this section~~, the election

25   administrator may select enough people meeting the qualifications of 13-4-107 to fill election judge vacancies in

26   all precincts.

27   (5)   An elector chosen to potentially serve as an election judge must be notified of selection at least

28   30 days before the primary election in even-numbered years. Each elector who agrees to serve as an election

1   judge shall attend a training class conducted under 13-4-203 and shall continue to serve as provided in 13-4-

2   103."

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

5   "**13-4-203.   Instruction of judges -- training materials.** (1) Before each election, all election judges

6   must be instructed by the election administrator on current procedures as prescribed by the secretary of state.

7   In precincts where voting systems are used, instructions must cover both how to operate the voting system and

8   how to manually process any paper ballots.

9   (2)   An election administrator may require a chief election judge to attend the training session

10   before each election, as well as a special session that the election administrator may hold for chief election

11   judges only, even if the chief election judge possesses a current certificate of completion pursuant to 13-1-

12   203(5)(b).

13   (3)   Any individual willing to be appointed as an election judge who meets the qualifications of 13-4-

14   107, including all qualified individuals submitted by the county central committee pursuant to 13-4-102, may

15   attend an instruction session by registering with the election administrator. However, the individual may not be

16   paid for attendance unless the individual is appointed as an election judge.

17   (4)   Each individual who attends a training session who is not nominated by a county central

18   committee must be asked if the individual prefers to affiliate with a political party eligible to nominate candidates

19   in the primary or prefers to be an independent. To ensure that an election board does not have more than a

20   simple majority of one political party, the preference indicated by the certified election judge must be considered

21   when making election board assignments.

22   (4)(5)   Each election judge individual completing a training session under this section must be given a

23   certificate of completion. An individual may not serve as an election judge without a current certificate.

24   However, this requirement does not apply to individuals filling vacancies in emergencies. In emergencies, the

25   election administrator shall attempt to fill open positions with individuals with current certificates before seeking

26   individuals without current certificates.

27   (5)(6)   A certificate of completion is current if the certificate is obtained before the primary election in

28   an even-numbered year.

1   (6)(7)   Notice of the place and time of instruction must be given by the election administrator to ~~the~~

2   ~~presiding officers of the political parties in the county~~ <u>each county central committee</u>."

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4   <u>NEW SECTION.</u> **Section 5.   Codification instruction.** [Sections 1 and 2] are intended to be codified

5   as an integral part of Title 13, chapter 4, and the provisions of Title 13, chapter 4, apply to [sections 1 and 2].

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7   <u>NEW SECTION.</u> **Section 6.   Effective date.** [This act] is effective January 1, 2026.

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