

SENATE BILL NO. 105

INTRODUCED BY J. WINDY BOY, S. WEBBER, M. YAKAWICH

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING ELECTIONEERING AT ALL POLLING LOCATIONS FOR ALL ELECTIONS FROM THE TIME ABSENTEE BALLOTS ARE AVAILABLE UNTIL ALL VOTING IS COMPLETED; PROVIDING AN EXCEPTION; AMENDING SECTION 13-35-211, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 13-35-211, MCA, is amended to read:

"13-35-211. Electioneering -- soliciting information from electors -- exception. (1) (a) A From the start of in-person absentee voting as provided in 13-1-404, 13-1-503, 13-13-205, and 20-20-401, and until the last person in line at a polling location on election day has voted or the polls close, whichever is later, a person may not do any electioneering on election day within any polling place or any building in which an election is being held or within 100 feet of any entrance to the building in which the polling place is located that aids or promotes the success or defeat of any candidate or ballot issue to be voted upon on at the election.

(b) Nothing in subsection (1)(a) may be construed to prohibit a person from using a location for a fundraising reception in a building in which an election is being held during the timeframe prescribed in subsection (1)(a) as long as those attending the fundraising reception do not interact with electors who are present in the building to register to vote, obtain a ballot, or cast a ballot.

(2) On election day, During the timeframe prescribed in subsection (1)(a), a candidate, a family member of a candidate, or a worker or volunteer for the candidate's campaign may not distribute alcohol, tobacco, food, drink, or anything of value to a voter within a polling place or a building in which an election is being held or within 100 feet of an entrance to the building in which the polling place is located.

(3) A person may not buy, sell, give, wear, or display at or about the polls ~~on an election day~~ during the timeframe prescribed in subsection (1)(a) any badge, button, or other insignia that is designed or tends to aid or promote the success or defeat of any candidate or ballot issue to be voted ~~upon on~~ at the

1 election.

2 (4) A person within a polling place or any building in which an election is being held may not solicit
3 from an elector, before or after the elector has marked a ballot and returned it to an election judge, information
4 as to whether the elector intends to vote or has voted for or against a candidate or ballot issue."

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6 NEW SECTION. **Section 2. Notification to tribal governments.** The secretary of state shall send a
7 copy of [this act] to each federally recognized tribal government in Montana.

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9 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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