

1 SENATE BILL NO. 61
2 INTRODUCED BY J. ELLIS
3 BY REQUEST OF THE COMMISSIONER OF POLITICAL PRACTICES
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE DEFINITION OF "ELECTION OFFICIAL";
6 CLARIFYING THE DEFINITION OF "ELECTION WORKER"; CLARIFYING PROHIBITIONS ON
7 INTERFERENCE WITH ELECTION OFFICIALS AND ELECTION WORKERS; AMENDING SECTIONS 13-1-
8 101, 13-35-202, 13-35-203, AND 13-37-234, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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12 **Section 1.** Section 13-1-101, MCA, is amended to read:
13 **"13-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the
14 following definitions apply:
15 (1) "Active elector" means an elector whose name has not been placed on the inactive list due to
16 failure to respond to confirmation notices pursuant to 13-2-220 or 13-19-313.
17 (2) "Active list" means a list of active electors maintained pursuant to 13-2-220.
18 (3) "Anything of value" means any goods that have a certain utility to the recipient that is real and
19 that is ordinarily not given away free but is purchased.
20 (4) "Application for voter registration" means a voter registration form prescribed by the secretary
21 of state that is completed and signed by an elector, is submitted to the election administrator, and contains
22 voter registration information subject to verification as provided by law.
23 (5) "Ballot" means a paper ballot counted manually or a paper ballot counted by a machine, such
24 as an optical scan system or other technology that automatically tabulates votes cast by processing the paper
25 ballots.
26 (6) (a) "Ballot issue" or "issue" means a proposal submitted to the people at an election for their
27 approval or rejection, including but not limited to an initiative, referendum, proposed constitutional amendment,

Amendment - 2nd Reading-yellow - Requested by: Steven Galloway - (H) Committee of the Whole

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Drafter: Rebecca Power,

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1 selections; and

2 (d) produces a paper ballot that displays electors' choices so the elector can confirm the ballot's
3 accuracy and that may be manually counted.

4 ~~(56)(58)~~ "Voting system" or "system" means any machine, device, technology, or equipment used to
5 automatically record, tabulate, or process the vote of an elector cast on a paper ballot."
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7 **Section 2.** Section 13-35-202, MCA, is amended to read:

8 **"13-35-202. Conduct of election officials and election judges OR ELECTION WORKERS.** An election
9 officer OFFICIAL or judge election worker of an election may not may not:

- 10 (1) deposit in a ballot box a paper ballot that is not marked as official;
11 (2) examine an elector's ballot before putting the ballot in the ballot box;
12 (3) look at any mark made by the elector upon the ballot;
13 (4) make or place any mark or device on any ballot with the intent to ascertain how the elector has
14 voted;
15 (5) allow any individual other than the elector to be present at the marking of the ballot except as
16 provided in 13-1-116, 13-13-118, 13-13-119, and 13-13-229; or
17 (6) make a false statement in a certificate regarding affirmation."
18

19 **Section 3.** Section 13-35-203, MCA, is amended to read:

20 **"13-35-203. Interference with ELECTION officials OR ELECTION WORKERS.** A person who, ~~in any~~
21 ~~manner, knowingly~~ interferes with the election officers OFFICIALS or election workers holding an election or
22 conducting a canvass so as to prevent, obstruct, impair, or hinder the election or canvass from being fairly held
23 and lawfully conducted is guilty of obstruction of a public servant and is punishable as provided in 45-7-302."
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25 **Section 4.** Section 13-37-234, MCA, is amended to read:

26 **"13-37-234. Religious organization exemptions to be broadly construed.** Pursuant to the first
27 amendment to the United States constitution and to ensure the consistent application of the law, the