

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:

11
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,
28 recall question, school levy question, bond issue question, or ballot question.

1 (a) using express words, including but not limited to "vote", "oppose", "support", "elect", "defeat", or
2 "reject", that call for the nomination, election, or defeat of one or more clearly identified candidates, the election
3 or defeat of one or more political parties, or the passage or defeat of one or more ballot issues submitted to
4 voters in an election; or

5 (b) otherwise referring to or depicting one or more clearly identified candidates, political parties, or
6 ballot issues in a manner that is susceptible of no reasonable interpretation other than as a call for the
7 nomination, election, or defeat of the candidate in an election, the election or defeat of the political party, or the
8 passage or defeat of the ballot issue or other question submitted to the voters in an election.

9 ~~(53)~~(55) "Valid vote" means a vote that has been counted as valid or determined to be valid as
10 provided in 13-15-206.

11 ~~(54)~~(56) "Voted ballot" means a ballot that is:

- 12 (a) deposited in the ballot box at a polling place;
- 13 (b) received at the election administrator's office; or
- 14 (c) returned to a place of deposit.

15 ~~(55)~~(57) "Voter interface device" means a voting system that:

- 16 (a) is accessible to electors with disabilities;
- 17 (b) communicates voting instructions and ballot information to a voter;
- 18 (c) allows the voter to select and vote for candidates and issues and to verify and change
19 selections; and

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

22 ~~(56)~~(58) "Voting system" or "system" means any machine, device, technology, or equipment used to
23 automatically record, tabulate, or process the vote of an elector cast on a paper ballot."
24

25 **Section 2.** Section 13-35-202, MCA, is amended to read:

26 **"13-35-202. Conduct of election officials and election judges or election workers.** An election
27 ~~officer~~ official or ~~judge~~ election worker of an election may not may not:

28 (1) deposit in a ballot box a paper ballot that is not marked as official;

- 1 (2) examine an elector's ballot before putting the ballot in the ballot box;
- 2 (3) look at any mark made by the elector upon the ballot;
- 3 (4) make or place any mark or device on any ballot with the intent to ascertain how the elector has
- 4 voted;
- 5 (5) allow any individual other than the elector to be present at the marking of the ballot except as
- 6 provided in 13-1-116, 13-13-118, 13-13-119, and 13-13-229; or
- 7 (6) make a false statement in a certificate regarding affirmation."

8

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

10 **"13-35-203. Interference with election officials or election workers.** A person who, in any manner,

11 interferes with the election officers officials or election workers holding an election or conducting a canvass so

12 as to prevent, obstruct, impair, or hinder the election or canvass from being fairly held and lawfully conducted is

13 guilty of obstruction of a public servant and is punishable as provided in 45-7-302."

14

15 **Section 4.** Section 13-37-234, MCA, is amended to read:

16 **"13-37-234. Religious organization exemptions to be broadly construed.** Pursuant to the first

17 amendment to the United States constitution and to ensure the consistent application of the law, the

18 commissioner shall broadly construe the exemptions concerning religious organizations provided in 13-1-

19 101(9)(b)(iv), (15)(b)(v), ~~(17)(b)(v)~~ (19)(b)(v), and ~~(19)(b)(vi)~~ (21)(b)(vi)."

20

21 NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval.

22

- END -