

1 SENATE BILL NO. 385
2 INTRODUCED BY D. ZOLNIKOV
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING ELECTION LAWS; CREATING A
5 PROCESS FOR THE REMOVAL OF AN ELECTION JUDGE; REVISING THE PROCESS FOR SELECTING
6 ELECTION JUDGES; ~~REMOVING THE EXEMPTION FROM THE POSTELECTION AUDIT FOR RACES~~
7 ~~THAT GO TO A RECOUNT~~; AMENDING SECTIONS 13-1-301, 13-4-102, 13-4-201, AND 13-4-203, AND 13-
8 ~~17-503~~, MCA; AND PROVIDING AN EFFECTIVE DATE."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11

12 NEW SECTION. Section 1. Removal of election judge. (1) (a) A county clerk and recorder or an
13 election administrator may make a complaint about an election judge to the county central committee that
14 nominated the judge.

15 (b) With the exception of any complaint against an election official or judge who is reporting
16 malfeasance or potential malfeasance of official rules for how an election is being conducted, a county clerk
17 and recorder or an election administrator may make a complaint about an election judge for:

- 18 (i) violating any part of Title 13;
19 (ii) not fulfilling their duties as provided in Title 13, chapter 4; or
20 (iii) tampering with ballots, voting systems, or any other election materials or equipment.

21 (2) Following a verbal warning to the election judge and with the concurrence of the presiding
22 officer of the central committee that nominated the judge, a county clerk and recorder or an election
23 administrator may remove, replace, or reassign an election judge who causes a disruption in a polling location
24 or willfully disobeys the provisions of this chapter.

25 (3) A vacancy created under this section must be filled through the process described in 13-4-
26 102(4). The new judge must meet the qualifications provided in 13-4-107.

27

Amendment - 1st Reading/2nd House-blue - Requested by: Bob Phalen - (H) State Administration

- 2023

68th Legislature 2023

Drafter: Rebecca Power,

SB0385.002.001

1 **Section 2.** Section 13-1-301, MCA, is amended to read:

2 "**13-1-301. Election administrator.** (1) The county clerk and recorder of each county is the election
3 administrator ~~unless the governing body of the county designates another official or appoints an election~~
4 ~~administrator.~~

5 (2) The election administrator is responsible for the administration of all procedures relating to
6 registration of electors and conduct of elections, shall keep all county records relating to elector registration and
7 elections, and is the primary point of contact for the county with respect to the statewide voter registration list
8 and implementation of other provisions of applicable federal law governing elections.

9 (3) The election administrator may appoint a deputy election administrator for each political
10 subdivision required to hold elections.

11 (4) Any complaint about a county clerk and recorder or an election administrator must be
12 submitted to, heard by, and decided on by the county commissioners. The decision of the county
13 commissioners must be made available to the public THE COUNTY ATTORNEY."

14

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

16 "**13-4-102. Manner of choosing election judges.** (1) (a) At least 90 days prior to the deadline in
17 subsection (1)(b), the county clerk and recorder or the election administrator shall notify the county central
18 committees of the requirement to submit a list of election judge nominees as long as a county central
19 committee exists.

20 (b) Subject to 13-4-107, election judges must be chosen from lists of qualified registered electors
21 in the county, submitted at least 45 days before the primary election in even-numbered years by the county
22 central committees of the political parties eligible to nominate candidates in the primary.

23 (c) All qualified registered elector nominees put forward by the county central committees shall be
24 considered eligible to serve as an election judge or a chief election judge after completing the training provided
25 in 13-4-203 unless they have been convicted of a violation of Montana election laws.

26 (d) All judges determined to be ineligible must be notified in writing of the reason for exclusion.

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