

HOUSE BILL NO. 390

INTRODUCED BY WINSLOW

IN THE HOUSE

January 21, 1981	Introduced and referred to Committee on State Administration.
January 23, 1981	Fiscal note requested.
January 28, 1981	Fiscal note returned.
January 30, 1981	Committee recommend bill do pass as amended. Report adopted.
February 2, 1981	Bill printed and placed on members' desks.
February 3, 1981	Second reading, do pass.
February 4, 1981	Correctly engrossed.
February 6, 1981	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 7, 1981	Introduced and referred to Committee on Local Government.
March 11, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 13, 1981	Second reading, concurred in. Segregated.
March 14, 1981	Second reading, concurred in as amended.
March 17, 1981	Third reading, concurred in as amended. Ayes, 49; Noes, 1.



1                                    HOUSE      BILL NO. 390  
2    INTRODUCED BY Wanda -----

3  
4    A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE USE OF ANY  
5    PUBLIC BUILDING EXCEPT A JAIL OR HOSPITAL AS A POLLING  
6    PLACE; AMENDING SECTION 13-3-105, MCA."

7  
8    BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9            Section 1. Section 13-3-105, MCA, is amended to read:

10           "13-3-105. Designation of polling place. (1) The  
11    county governing body shall designate the polling place for  
12    each precinct no later than 30 days before a primary  
13    election. The same polling place shall be used for both the  
14    primary and general election if at all possible. Changes may  
15    be made by the governing body in designated polling places  
16    up to 10 days before an election if a designated polling  
17    place is not available. Polling places may be located  
18    outside the boundaries of a precinct.

19           (2) Not more than 10 or less than 2 days before an  
20    election, the election administrator shall publish in a  
21    newspaper of general circulation in the county, a statement  
22    of the locations of the precinct polling places. Notice may  
23    also be given as provided in 2-3-105 through 2-3-107.

24           (3) An election administrator may make changes in the  
25    location of a polling place if an emergency occurs 10 days

1    or less before an election. Notice shall be posted at both  
2    the old and new polling places, and other notice may be  
3    given by whatever means available.

4           (4) Any public building except a jail or hospital may  
5    be used as a polling place. Such building must be furnished  
6    at no charge as long as no structural changes are required  
7    in order to use the building as a polling place."

-End-

-2- INTRODUCED BILL

HB 390

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STATE OF MONTANA

REQUEST NO. 200-81

FISCAL NOTE

Form BD-15

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In compliance with a written request received January 23, 19 81, there is hereby submitted a Fiscal Note for House Bill 390 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

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Description of Proposed Legislation

Proposed legislation allows the use of any public building except a jail or hospital as a polling place.

Fiscal Impact

No fiscal impact to the state or to local governments is anticipated.

*Lyle Manley, for*  
BUDGET DIRECTOR  
Office of Budget and Program Planning  
Date: 1-28-81

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Approved by Committee  
on State Administration

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14 primary and general election if at all possible. Changes may  
15 be made by the governing body in designated polling places  
16 up to 10 days before an election if a designated polling  
17 place is not available. Polling places may be located  
18 outside the boundaries of a precinct.

19 (2) Not more than 10 or less than 2 days before an  
20 election, the election administrator shall publish in a  
21 newspaper of general circulation in the county, a statement  
22 of the locations of the precinct polling places. Notice may  
23 also be given as provided in 2-3-105 through 2-3-107.

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-End-

SECOND READING

HOUSE BILL NO. 390  
INTRODUCED BY WINSLOW

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE USE OF ANY PUBLIC BUILDING EXCEPT ~~A JAIL OR HOSPITAL~~ AS A POLLING PLACE; AMENDING SECTION 13-3-105, MCA."

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

Section 1. Section 13-3-105, MCA, is amended to read:

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(2) Not more than 10 or less than 2 days before an election, the election administrator shall publish in a newspaper of general circulation in the county, a statement of the locations of the precinct polling places. Notice may also be given as provided in 2-3-105 through 2-3-107.

(3) An election administrator may make changes in the location of a polling place if an emergency occurs 10 days

or less before an election. Notice shall be posted at both the old and new polling places, and other notice may be given by whatever means available.

(4) Any public building except a jail or hospital may be used as a polling place. Such building must be furnished at no charge as long as no structural changes are required in order to use the building as a polling place."

-End-

THIRD READING

## 1 HOUSE BILL NO. 390

2 INTRODUCED BY WINSLOW

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE USE OF ANY  
5 ~~PUBLIC PUBLIC PUBLICLY--OWNED~~ BUILDING EXCEPT ~~--A--Jail--OR~~  
6 ~~HOSPITAL~~ AS A POLLING PLACE; AMENDING SECTION 13-3-105,  
7 MCA."

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25 (3) An election administrator may make changes in the

1 location of a polling place if an emergency occurs 10 days  
2 or less before an election. Notice shall be posted at both  
3 the old and new polling places, and other notice may be  
4 given by whatever means available.

5 (4) Any public ~~PUBLIC PUBLICLY-OWNED~~ building, WHETHER  
6 OR NOT PUBLICLY OWNED, ~~except-a-jail-or-hospital~~ may be used  
7 as a polling place PROVIDED THE OWNERS OR OTHER PERSONS IN  
8 CHARGE CONSENT TO SUCH USE. Such building must be furnished  
9 at no charge as long as no structural changes are required  
10 in order to use the building as a polling place."

-End-

JOINT CONFERENCE COMMITTEE  
ON SENATE AMENDMENTS TO HOUSE BILL NO. 390

(Report No. 1, April 14, 1981)

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Joint Conference Committee on House Bill No. 390, met April 14, 1981, and considered:

Senate Local Government Committee Amendments to the third reading copy, dated March 11, 1981, and;

Senate Committee of the Whole Amendments to the third reading copy, dated March 14, 1981, and recommend as follows:

That the House accede to Standing Committee amendment nos. 1 and 2, dated March 11, 1981;

That the Senate recede from all Committee of the Whole amendments, dated March 14, 1981;

That the reference copy of House Bill No. 390 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Joint Conference Committee Report to House Bill No. 390 be adopted.

CLERICAL INSTRUCTIONS:

1. Title, line 5.  
Following: "~~PUBBIC~~"  
Strike: "PUBLIC"  
Insert: "PUBLICLY OWNED"

2. Page 2, line 5.  
Following: "~~OWNED~~"  
Insert: "publicly owned"

3. Page 2, lines 5 and 6.  
Following: "building"  
Strike: ", WHETHER OR NOT PUBLICLY OWNED,"

4. Page 2, lines 7 and 8.  
Following: "place"  
Strike: "PROVIDED THE OWNER OR OWNERS OR OTHER PERSONS IN CHARGE CONSENT TO SUCH USE"





Joint Conference Committee on  
House Bill No. 390  
Page 2

FOR THE HOUSE:

*Clara Winslow*  
Winslow, Chairman

*John Ryan*  
Ryan

*Gay Holliday*  
Holliday

FOR THE SENATE:

*George McCallum*  
McCallum, Chairman

Hammond

*Bill Thomas*  
Thomas

*(Handwritten initials)*

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6 ~~A--JAIL--OR--HOSPITAL~~ AS A POLLING PLACE; AMENDING SECTION  
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1 location of a polling place if an emergency occurs 10 days  
2 or less before an election. Notice shall be posted at both  
3 the old and new polling places, and other notice may be  
4 given by whatever means available.

5 ~~(4) Any public PUBLIC PUBLICLY-OWNED PUBLICLY OWNED~~  
6 ~~building--WHETHER--OR--NOT--PUBLICLY--OWNED, except-a-jail-or~~  
7 ~~hospital may be used as a polling place PROVIDED-THE--OWNERS~~  
8 ~~OR--OTHER--PERSONS--IN--CHARGE--CONSENT--TO--SUCH--USE. Such~~  
9 ~~building must be furnished at no charge as long as no~~  
10 ~~structural changes are required in order to use the building~~  
11 ~~as a polling place."~~

-End-

March 11, 1981

SENATE STANDING COMMITTEE REPORT  
(Local Government)

That House Bill No. 390 be amended as follows:

1. Title, line 5.  
Following: Line 4  
Strike: "PUBLIC"  
Insert: "PUBLICLY OWNED"
  
2. Page 2, line 4.  
Following: "Any"  
Strike: "public"  
Insert: "publicly owned"

March 14, 1981

SENATE COMMITTEE OF THE WHOLE

Proposed amendments to House Bill 390, third reading copy, as follows:

THAT THE FOLLOWING AMENDMENTS OF THE SENATE STANDING COMMITTEE ON LOCAL GOVERNMENT OF MARCH 11, 1981, BE STRICKEN:

1. Title, line 5.  
Following: line 4.  
Strike: "PUBLIC"  
Insert: "PUBLICLY OWNED"

2. Page 2, line 4.  
Following: "Any"  
Strike: "public"  
Insert: "publicly owned"

AND, FURTHER, THAT THE FOLLOWING AMENDMENTS BE MADE TO THE BILL:

1. Page 2, line 4.  
Following: "Any"  
Strike: "public"  
Following: "building"  
Insert: ", whether or not publicly owned,"

2. Page 2, line 5.  
Following: "place"  
Insert: "provided the owners or other persons in charge consent to such use"