

Senate Bill 194

In The Senate

January 19, 1981

Introduced and referred  
to Committee on State  
Administration.

February 3, 1981

Committee recommend bill  
do not pass.

1 *Senate* BILL NO. 194  
 2 INTRODUCED BY *Jack Hefley*-----  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE  
 5 EXERCISE OF THE VOTING FRANCHISE BY ELECTORS UNABLE TO VOTE  
 6 BECAUSE OF UNEXPECTED EVENTS OCCURRING A SHORT TIME BEFORE  
 7 ELECTION DAY; PROVIDING FOR EMERGENCY BALLOTS; AMENDING  
 8 SECTION 13-35-202, MCA."

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

11 NEW SECTION. Section 1. Emergency ballot. (1) Any  
 12 elector unable to cast a ballot in person because of  
 13 incarceration in a jail or emergency admittance to a  
 14 hospital between noon on the day before an election and the  
 15 close of the polls on election day is entitled to vote.

16 (2) No earlier than 5:00 p.m. on election day, two  
 17 election judges appointed by the chief election judge and  
 18 representing different political parties shall visit each  
 19 jail and hospital in the county, locate any electors  
 20 admitted after noon on the previous day, collect or record  
 21 their votes on an emergency ballot and note the time on the  
 22 ballot. Any person admitted to the hospital or incarcerated  
 23 in the jail after the election judges have visited that  
 24 institution may request the election judges to come and  
 25 record his vote provided the request is made before the

1 close of the polls. The sealed ballots shall be returned  
 2 immediately to the election administrator for processing.

3 (3) Emergency ballots shall be treated insofar as  
 4 possible in the same way as absentee ballots under the  
 5 provisions of [this part], and the provisions of 13-13-118  
 6 also apply insofar as possible. Any provisions conflicting  
 7 with those of this section do not apply to emergency  
 8 ballots.

9 Section 2. Section 13-35-202, MCA, is amended to read:  
 10 "13-35-202. Conduct of election officials and election

11 judges. An election officer or judge of an election may not:  
 12 (1) deposit in a ballot box a ballot on which the  
 13 official stamp, as provided by law, does not appear;

14 (2) prior to putting the ballot of an elector in the  
 15 ballot box, attempt to find out any name on the ballot or  
 16 open or examine the folded ballot of an elector;

17 (3) look at any mark made by the elector upon the  
 18 ballot;

19 (4) make or place any mark or device on any folded  
 20 ballot with the intent to ascertain how the elector has  
 21 voted;

22 (5) allow any individual other than the elector to be  
 23 present at the marking of the ballot except as provided in  
 24 13-13-118, and 13-13-119, and [section 1]; or

25 (6) make a false statement in a certificate regarding

1 affirmation."

2 Section 3. Codification instruction. Section 1 is  
3 intended to be codified as an integral part of Title 13,  
4 chapter 13, part 2, and except as otherwise provided in  
5 section 1, the provisions of Title 13 apply to section 1.

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