

HOUSE BILL NO. 329

INTRODUCED BY BROOKE, RUSSELL, RYAN,
BARNHART, GERVAIS, HAYNE, SWANSON

IN THE HOUSE

JANUARY 23, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
FEBRUARY 9, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 10, 1993	PRINTING REPORT.
FEBRUARY 13, 1993	SECOND READING, DO PASS.
FEBRUARY 15, 1993	ENGROSSING REPORT.
FEBRUARY 16, 1993	THIRD READING, PASSED. AYES, 86; NOES, 14.
FEBRUARY 17, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 20, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
MARCH 6, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 8, 1993	SECOND READING, CONCURRED IN.
MARCH 9, 1993	THIRD READING, CONCURRED IN. AYES, 38; NOES, 10.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 16, 1993	RECEIVED FROM SENATE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

1 *House* BILL NO. *329*
2 INTRODUCED BY *Frank Russell* *Wm Ryan* *J. Brackley*
3 *Harold Layne* *Schumacher*

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MANNER OF
5 SELECTION AND THE DUTIES OF ELECTION JUDGES; AND AMENDING
6 SECTIONS 13-4-102, 13-4-105, 13-4-201, AND 13-4-207, MCA."

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

9 **Section 1.** Section 13-4-102, MCA, is amended to read:

10 "13-4-102. Manner of choosing election judges. (1)
11 Election judges shall be chosen from lists of qualified
12 registered electors for each precinct in the county,
13 submitted at least 45 days before the primary election in
14 even-numbered years by the county central committees of the
15 political parties eligible to nominate candidates in the
16 primary.

17 (2) The list of each party may contain more names than
18 the number of election judges to be appointed. The names of
19 those not appointed as election judges shall be given to the
20 election administrator for use in making appointments to
21 fill vacancies.

22 (3) Each board of election judges shall contain judges
23 representing all parties that have submitted lists as
24 provided in subsection (1). No more than a majority may be
25 appointed from the list of one political party in each

1 precinct. If any of the political parties entitled to do so
2 fail to submit a list, the governing body shall, insofar as
3 possible, appoint judges so that all parties eligible to
4 participate in the primary are represented on each board.

5 (4) The election administrator shall make appointments
6 to fill vacancies from the list provided for in subsection
7 (2) or if the list is insufficient, any qualified
8 registered elector from the county may be appointed or if
9 one or more of the eligible political parties fails to
10 submit a list, the election administrator shall randomly
11 select, either by manual drawing or by computer, sufficient
12 qualified registered electors in the county to fill election
13 judge vacancies in all precincts.

14 (5) An elector chosen to serve as an election judge
15 must be notified of selection at least 30 days before the
16 primary election in even-numbered years. Each elector chosen
17 shall attend a training class conducted under 13-4-203 and
18 shall continue to serve as assigned by the election
19 administrator for 2 years. An elector may be excused from
20 service by the election administrator upon submission of an
21 affidavit stating that service would cause undue hardship
22 for the elector or the public."

23 **Section 2.** Section 13-4-105, MCA, is amended to read:

24 "13-4-105. Oath of judges. Before votes are cast
25 beginning service on each election day, the election judges

1 must take and subscribe the official oath prescribed by the
2 constitution. The election judges may administer the oath to
3 each other."

4 **Section 3.** Section 13-4-201, MCA, is amended to read:

5 "13-4-201. Duties of chief election judge. The chief
6 election judge shall be responsible for the conduct of the
7 proceedings in the polling place, shall assign duties to
8 other members of the board of election judges, and, if
9 assigned to work through the close of the polls, shall be
10 responsible for the return of or for arranging the return of
11 all ballots and election supplies to the election
12 administrator."

13 **Section 4.** Section 13-4-207, MCA, is amended to read:

14 "13-4-207. Judges to remain at polls -- emergency
15 provisions -- part-time service. (1) Election judges may not
16 leave the premises on which the polling place is located
17 during the hours they are assigned to work unless permission
18 to leave is given by the chief election judge for that
19 precinct. Permission may be granted only for illness or a
20 family emergency.

21 (2) A chief election judge must obtain the permission
22 of the election administrator to leave the polling place
23 premises because of illness or an emergency. If the chief
24 judge is excused, the election administrator shall appoint
25 one of the other judges to act as chief election judge.

1 (3) The time of departure and reason for leaving shall
2 be entered near the oath form subscribed by the election
3 judge or on a form provided by the election administrator.
4 The chief election judge shall sign the entry.

5 (4) The election administrator may appoint a judge to
6 replace an excused judge.

7 (5) The election administrator may assign a judge or
8 chief election judge to work less than a full polling day,
9 but at least three judges, including a chief election judge,
10 must be on duty during the time that the polls are open."

-End-

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

HOUSE BILL NO. 329

INTRODUCED BY BROOKE, RUSSELL, RYAN,
BARNHART, GERVAIS, HAYNE, SWANSONA BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MANNER OF
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Section 1. Section 13-4-102, MCA, is amended to read:

"13-4-102. Manner of choosing election judges. (1)

Election judges shall be chosen from lists of qualified
registered electors for each precinct in the county,
submitted at least 45 days before the primary election in
even-numbered years by the county central committees of the
political parties eligible to nominate candidates in the
primary.(2) The list of each party may contain more names than
the number of election judges to be appointed. The names of
those not appointed as election judges shall be given to the
election administrator for use in making appointments to
fill vacancies.(3) Each board of election judges shall contain judges
representing all parties that have submitted lists as
provided in subsection (1). No more than a majority may beappointed from the list of one political party in each
precinct. If any of the political parties entitled to do so
fail to submit a list, the governing body shall, insofar as
possible, appoint judges so that all parties eligible to
participate in the primary are represented on each board.(4) The election administrator shall make appointments
to fill vacancies from the list provided for in subsection
(2), ~~or if~~. If the list is insufficient--any--qualified
registered--elector--from--the-county--may--be-appointed or if
one or more of the eligible political parties fails to
submit a list, the election administrator shall MAY randomly
select, either by manual drawing or by computer, sufficient
qualified registered electors in the county to fill election
judge vacancies in all precincts.(5) An elector chosen to POTENTIALLY serve as an
election judge must be notified of selection at least 30
days before the primary election in even-numbered years.
Each elector chosen WHO AGREES TO SERVE AS AN ELECTION JUDGE
shall attend a training class conducted under 13-4-203 and
shall continue to serve as assigned by the election
administrator for 2 years. An elector may--be--excused--from
service--by-the-election-administrator-upon-submission-of-an
affidavit-stating-that-service-would--cause--undue--hardship
for-the-electror-or-the-public."**Section 2.** Section 13-4-105, MCA, is amended to read:

1 *13-4-105. Oath of judges. Before votes--are--cast
2 beginning service on each election day, the election judges
3 must take and subscribe the official oath prescribed by the
4 constitution. The election judges may administer the oath to
5 each other."

6 **Section 3.** Section 13-4-201, MCA, is amended to read:

7 *13-4-201. Duties of chief election judge. The chief
8 election judge shall be responsible for the conduct of the
9 proceedings in the polling place, shall assign duties to
10 other members of the board of election judges, and, if
11 assigned to work through the close of the polls, shall be
12 responsible for the return of or for arranging the return of
13 all ballots and election supplies to the election
14 administrator."

15 **Section 4.** Section 13-4-207, MCA, is amended to read:

16 *13-4-207. Judges to remain at polls -- emergency
17 provisions -- part-time service. (1) Election judges may not
18 leave the premises on which the polling place is located
19 during the hours they are assigned to work unless permission
20 to leave is given by the chief election judge for that
21 precinct. Permission may be granted only for illness or a
22 family emergency.

23 (2) A chief election judge must obtain the permission
24 of the election administrator to leave the polling place
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1 judge is excused, the election administrator shall appoint
2 one of the other judges to act as chief election judge.

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5 judge or on a form provided by the election administrator.
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8 replace an excused judge.

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(2) The list of each party may contain more names than the number of election judges to be appointed. The names of those not appointed as election judges shall be given to the election administrator for use in making appointments to fill vacancies.

(3) Each board of election judges shall contain judges representing all parties that have submitted lists as provided in subsection (1). No more than a majority may be

appointed from the list of one political party in each precinct. If any of the political parties entitled to do so fail to submit a list, the governing body shall, insofar as possible, appoint judges so that all parties eligible to participate in the primary are represented on each board.

(4) The election administrator shall make appointments to fill vacancies from the list provided for in subsection (2). or-if. If the list is insufficient, any qualified registered elector from the county may be appointed or if one or more of the eligible political parties fails to submit a list, the election administrator shall MAY randomly select, either by manual drawing or by computer, sufficient qualified registered electors in the county to fill election judge vacancies in all precincts.

(5) An elector chosen to POTENTIALLY serve as an election judge must be notified of selection at least 30 days before the primary election in even-numbered years. Each elector chosen WHO AGREES TO SERVE AS AN ELECTION JUDGE shall attend a training class conducted under 13-4-203 and shall continue to serve as assigned by the election administrator for 2 years. An elector may be excused from service by the election administrator upon submission of an affidavit stating that service would cause undue hardship for the elector or the public."

Section 2. Section 13-4-105, MCA, is amended to read:

1 "13-4-105. Oath of judges. Before votes--are--cast
2 beginning service on each election day, the election judges
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