SENATE BILL NO. 16

INTRODUCED BY T. MANZELLA

BY REQUEST OF THE STATE ADMINISTRATION AND VETERANS' AFFAIRS INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: “AN ACT REVISING THE TIMEFRAME FOR PUBLIC NOTICES RELATED TO ELECTIONS; AMENDING SECTIONS 13-3-105, 13-15-105, AND 13-17-203, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.”

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

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

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

(2) Not more than ~~10 days~~ 14 days or less than ~~2 business days~~ 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. The election administrator shall include in the published notice the accessibility designation for each polling place according to the classification in 13-3-207. 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 must be posted at both the old and new polling places, and other notice may be given by whatever means available.

(4) (a) Any building may be used as a polling place. The 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.

(b) If the building regularly used as a designated polling place is not available for an election because of an unforeseen or temporary circumstance and no other suitable building is available free of charge,

the county may pay for use of a building as a temporary polling place for that election provided that the building meets the polling place standards under this chapter. If a county pays for the use of a building as a temporary polling place because of an unforeseen or temporary circumstance, the county shall provide with its regular report on election costs to the secretary of state any costs incurred for use of a building pursuant to this subsection (4)(b).

(5) The exterior of the voting systems, or of the booths in which they are placed, and every part of the polling place must be in plain view of the election judges."

Section 2. Section 13-15-105, MCA, is amended to read:

"**13-15-105. Notices relating to absentee ballot counting board.** (1) Not more than ~~12 days~~ 14 days or less than 2 days before an election, the election administrator shall broadcast on radio or television, as provided in 2-3-105 through 2-3-107, or publish in a newspaper of general circulation in the county a notice indicating the method that will be used for counting absentee ballots and the place and time that the absentee ballots will be counted.

(2) If the count will begin before the polls close, the notice required under subsection (1) must inform the public that any person observing the procedures of the count is required to take the oath provided in 13-15-207(4) and is subject to 13-35-241."

Section 3. Section 13-17-203, MCA, is amended to read:

"**13-17-203. Publication of information concerning voting systems.** (1) Not more than ~~12 days~~ 14 days or less than 2 days before an election at which a voting system will be used by voters, the election administrator shall broadcast on radio or television, as provided in 2-3-105 through 2-3-107, or publish in a newspaper of general circulation in the county:

(a) a diagram showing the voting system to be used by voters and a sample of the ballot layout (in newspaper only);

(b) a statement of the locations where voting systems to be used by voters are on public exhibition; and

(c) instructions on how to vote.

(2) The election administrator shall select the method of notification that the election administrator believes is best suited to reach the largest number of potential electors."

NEW SECTION. **Section 4. Notification to tribal governments.** The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

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

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