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As of: 2026/05/21 06:17:59
Drafter: Rebecca Power, LC

69th Legislature 2025

PD 0006

**** BILL NO. ****

INTRODUCED BY ****

BY REQUEST OF THE ****

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING FOR YOUTH ELECTION JUDGES; ESTABLISHING CRITERIA FOR YOUTH ELECTION JUDGES; ESTABLISHING LIMITS ON THE NUMBER OF YOUTH ELECTION JUDGES AT POLLING PLACES AND ON COUNTING BOARDS AND ABSENTEE ELECTION BOARDS; AND AMENDING SECTIONS 13-1-101, 13-4-101, 13-4-102, 13-4-105, 13-4-106, 13-4-107, 13-4-201, 13-4-202, 13-4-203, 13-13-101, 13-13-226, 13-15-112, 20-20-109, 20-20-203, 20-20-402, AND 20-20-410, MCA; AMENDING SECTIONS 13-1-101, 13-4-101, 13-4-102, 13-4-105, 13-4-106, 13-4-107, 13-4-201, 13-4-202, 13-4-203, 13-13-101, 13-13-226, 13-15-112, 20-20-109, 20-20-203, 20-20-402, AND 20-20-410, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 13-1-101, MCA, is amended to read:

"13-1-101. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Accepted ballot" means a ballot that has been completed by an elector and the election administrator has determined that it may be counted.

(2) "Active elector" means an elector whose name has not been placed on the inactive list due to failure to respond to confirmation notices pursuant to 13-2-220 or 13-19-313.

(3) "Active list" means a list of active electors maintained pursuant to 13-2-220.

(4) "Anything of value" means any goods that have a certain utility to the recipient that is real and that is ordinarily not given away free but is purchased.

(5) "Application for voter registration" means a voter registration form prescribed by the secretary of state that is completed and signed by an elector, is submitted to the election administrator, and contains voter registration information subject to verification as provided by law.

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1 (6) "Ballot" means a paper ballot counted manually or a paper ballot counted by a machine, such
2 as an optical scan system or other technology that automatically tabulates votes cast by processing the paper
3 ballots.

4 (7) (a) "Ballot issue" or "issue" means a proposal submitted to the people at an election for their
5 approval or rejection, including but not limited to an initiative, referendum, proposed constitutional amendment,
6 recall question, school levy question, bond issue question, or ballot question.

7 (b) For the purposes of chapters 35 and 37, an issue becomes a "ballot issue" upon certification by
8 the proper official that the legal procedure necessary for its qualification and placement on the ballot has been
9 completed, except that a statewide issue becomes a "ballot issue" upon preparation and transmission by the
10 secretary of state of the form of the petition or referral to the person who submitted the proposed issue.

11 (8) "Ballot issue committee" means a political committee specifically organized to support or
12 oppose a ballot issue.

13 (9) "Ballot number variance" means the difference between the number of ballots issued for both
14 poll electors and absentee electors and the number of ballots counted.

15 (10) "Candidate" means:

16 (a) an individual who has filed a declaration or petition for nomination, acceptance of nomination,
17 or appointment as a candidate for public office as required by law;

18 (b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and
19 retained contributions, made expenditures, or given consent to an individual, organization, political party, or
20 committee to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure
21 nomination or election to any office at any time, whether or not the office for which the individual will seek
22 nomination or election is known when the:

23 (i) solicitation is made;

24 (ii) contribution is received and retained; or

25 (iii) expenditure is made; or

26 (c) an officeholder who is the subject of a recall election.

27 (11) "Challenged ballot" means a ballot cast by an individual whose eligibility to vote has been
28 challenged pursuant to 13-13-301.

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(12) (a) "Contribution" means:

(i) the receipt by a candidate or a political committee of an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value to support or oppose a candidate or a ballot issue;

(ii) an expenditure, including an in-kind expenditure, that is made in coordination with a candidate or ballot issue committee and is reportable by the candidate or ballot issue committee as a contribution;

(iii) the receipt by a political committee of funds transferred from another political committee; or

(iv) the payment by a person other than a candidate or political committee of compensation for the personal services of another person that are rendered to a candidate or political committee.

(b) The term does not mean:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee;

(ii) meals and lodging provided by individuals in their private residences for a candidate or other individual;

(iii) the use of a person's real property for a fundraising reception or other political event; or

(iv) the cost of a communication not for distribution to the general public by a religious organization exempt from federal income tax when compliance with Title 13 would burden the organization's sincerely held religious beliefs or practices.

(c) This definition does not apply to Title 13, chapter 37, part 6.

(13) "Coordinated", including any variations of the term, means made in cooperation with, in consultation with, at the request of, or with the express prior consent of a candidate or political committee or an agent of a candidate or political committee.

(14) "De minimis act" means an action, contribution, or expenditure that is so small that it does not trigger registration, reporting, disclaimer, or disclosure obligations under Title 13, chapter 35 or 37, or warrant enforcement as a campaign practices violation under Title 13, chapter 37.

(15) "Disability" means a temporary or permanent mental or physical condition, such as:

(a) impaired vision;

(b) being deaf or hard of hearing;

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- 1 (c) impaired mobility. Individuals having impaired mobility include those who require use of a
2 wheelchair and those who are ambulatory but are physically impaired because of age, disability, or disease.
- 3 (d) impaired mental or physical functioning that makes it difficult for the person to participate in the
4 process of voting.
- 5 (16) "Election" means a general, special, or primary election held pursuant to the requirements of
6 state law, regardless of the time or purpose.
- 7 (17) (a) "Election administrator" means, except as provided in subsection (17)(b), the county clerk
8 and recorder or the individual designated by a county governing body to be responsible for all election
9 administration duties, except that with regard to school elections not administered by the county, the term
10 means the school district clerk.
- 11 (b) As used in chapter 2 regarding voter registration, the term means the county clerk and recorder
12 or the individual designated by a county governing body to be responsible for all election administration duties
13 even if the school election is administered by the school district clerk.
- 14 (18) (a) "Election communication" means the following forms of communication to support or
15 oppose a candidate or ballot issue:
- 16 (i) a paid advertisement broadcast over radio, television, cable, or satellite;
17 (ii) paid placement of content on the internet or other electronic communication network;
18 (iii) a paid advertisement published in a newspaper or periodical or on a billboard;
19 (iv) a mailing; or
20 (v) printed materials.
- 21 (b) The term does not mean:
- 22 (i) an activity or communication for the purpose of encouraging individuals to register to vote or to
23 vote, if that activity or communication does not mention or depict a clearly identified candidate or ballot issue;
24 (ii) a communication that does not support or oppose a candidate or ballot issue;
25 (iii) a bona fide news story, commentary, blog, or editorial distributed through the facilities of any
26 broadcasting station, newspaper, magazine, internet website, or other periodical publication of general
27 circulation;
28 (iv) a communication by any membership organization or corporation to its members, stockholders,

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- 1 or employees;
- 2 (v) a communication not for distribution to the general public by a religious organization exempt
- 3 from federal income tax when compliance with Title 13 would burden the organization's sincerely held religious
- 4 beliefs or practices; or
- 5 (vi) a communication that the commissioner determines by rule is not an election communication.
- 6 (19) "Election judge" means a person who is appointed pursuant to Title 13, chapter 4, part 1, to
- 7 perform duties as specified by law.
- 8 (20) "Election official" means an election administrator, election deputy, or election judge.
- 9 (21) "Election worker" means an individual designated by an election official to perform election
- 10 support duties.
- 11 (22) (a) "Electioneering communication" means a paid communication that is publicly distributed by
- 12 radio, television, cable, satellite, internet website, newspaper, periodical, billboard, mail, or any other
- 13 distribution of printed materials, that is made within 60 days of the initiation of voting in an election, that does
- 14 not support or oppose a candidate or ballot issue, that can be received by more than 100 recipients in the
- 15 district voting on the candidate or ballot issue, and that:
- 16 (i) refers to one or more clearly identified candidates in that election;
- 17 (ii) depicts the name, image, likeness, or voice of one or more clearly identified candidates in that
- 18 election; or
- 19 (iii) refers to a political party, ballot issue, or other question submitted to the voters in that election.
- 20 (b) The term does not mean:
- 21 (i) a bona fide news story, commentary, blog, or editorial distributed through the facilities of any
- 22 broadcasting station, newspaper, magazine, internet website, or other periodical publication of general
- 23 circulation unless the facilities are owned or controlled by a candidate or political committee;
- 24 (ii) a communication by any membership organization or corporation to its members, stockholders,
- 25 or employees;
- 26 (iii) a commercial communication that depicts a candidate's name, image, likeness, or voice only in
- 27 the candidate's capacity as owner, operator, or employee of a business that existed prior to the candidacy;
- 28 (iv) a communication that constitutes a candidate debate or forum or that solely promotes a

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candidate debate or forum and is made by or on behalf of the person sponsoring the debate or forum;

(v) a communication not for distribution to the general public by a religious organization exempt from federal income tax when compliance with Title 13 would burden the organization's sincerely held religious beliefs or practices; or

(vi) a communication that the commissioner determines by rule is not an electioneering communication.

(23) "Elector" means an individual qualified to vote under state law.

(24) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift of money or anything of value:

(i) made by a candidate or political committee to support or oppose a candidate or a ballot issue;

(ii) made by a candidate while the candidate is engaging in campaign activity to pay child-care expenses as provided in 13-37-220; or

(iii) used or intended for use in making independent expenditures or in producing electioneering communications.

(b) The term does not mean:

(i) services, food, or lodging provided in a manner that they are not considered contributions as defined in this section;

(ii) except as provided in subsection (24)(a)(ii), payments by a candidate for personal travel expenses, food, clothing, lodging, or personal necessities for the candidate and the candidate's family;

(iii) the cost of any bona fide news story, commentary, blog, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation;

(iv) the cost of any communication by any membership organization or corporation to its members or stockholders or employees;

(v) the use of a person's real property for a fundraising reception or other political event; or

(vi) the cost of a communication not for distribution to the general public by a religious organization exempt from federal income tax when compliance with Title 13 would burden the organization's sincerely held religious beliefs or practices.

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(c) This definition does not apply to Title 13, chapter 37, part 6.

(25) "Federal election" means an election in even-numbered years in which an elector may vote for individuals for the office of president of the United States or for the United States congress.

(26) "General election" means an election that is held for offices that first appear on a primary election ballot, unless the primary is canceled as authorized by law, and that is held on a date specified in 13-1-104.

(27) "Inactive elector" means an individual who failed to respond to confirmation notices and whose name was placed on the inactive list pursuant to 13-2-220 or 13-19-313.

(28) "Inactive list" means a list of inactive electors maintained pursuant to 13-2-220 or 13-19-313.

(29) (a) "Incidental committee" means a political committee that is not specifically organized or operating for the primary purpose of supporting or opposing candidates or ballot issues but that may incidentally become a political committee by receiving a contribution or making an expenditure.

(b) For the purpose of this subsection (29), the primary purpose is determined by the commissioner by rule and includes criteria such as the allocation of budget, staff, or members' activity or the statement of purpose or goal of the person or individuals that form the committee.

(30) "Independent committee" means a political committee organized for the primary purpose of receiving contributions and making expenditures that is not controlled either directly or indirectly by a candidate and that does not coordinate with a candidate in conjunction with the making of expenditures except pursuant to the limits set forth in 13-37-216(1).

(31) "Independent expenditure" means an expenditure for an election communication to support or oppose a candidate or ballot issue made at any time that is not coordinated with a candidate or ballot issue committee.

(32) "Individual" means a human being.

(33) "Legally registered elector" means an individual whose application for voter registration was accepted, processed, and verified as provided by law.

(34) "Mail ballot election" means any election that is conducted under Title 13, chapter 19, by mailing ballots to all active electors.

(35) "Overvote" means the number of selections made by an elector on a ballot is more than the

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1 maximum number allowed.

2 (36) "Person" means an individual, corporation, association, firm, partnership, cooperative,
3 committee, including a political committee, club, union, or other organization or group of individuals or a
4 candidate as defined in this section.

5 (37) "Place of deposit" means a location designated by the election administrator pursuant to 13-19-
6 307 for a mail ballot election conducted under Title 13, chapter 19.

7 (38) (a) "Political committee" means a combination of two or more individuals or a person other than
8 an individual who receives a contribution or makes an expenditure:

9 (i) to support or oppose a candidate or a committee organized to support or oppose a candidate
10 or a petition for nomination;

11 (ii) to support or oppose a ballot issue or a committee organized to support or oppose a ballot
12 issue; or

13 (iii) to prepare or disseminate an election communication, an electioneering communication, or an
14 independent expenditure.

15 (b) Political committees include ballot issue committees, incidental committees, independent
16 committees, and political party committees.

17 (c) A candidate and the candidate's treasurer do not constitute a political committee.

18 (d) A political committee is not formed when:

19 (i) a combination of two or more individuals or a person other than an individual makes an election
20 communication, an electioneering communication, or an independent expenditure of \$250 or less; or

21 (ii) two or more candidates make an election communication or an electioneering communication
22 together in support of their own campaigns.

23 (e) A joint fundraising committee is not a political committee.

24 (39) "Political party committee" means a political committee formed by a political party organization
25 and includes all county and city central committees.

26 (40) "Political party organization" means a political organization that:

27 (a) was represented on the official ballot in either of the two most recent statewide general
28 elections; or

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(b) has met the petition requirements provided in Title 13, chapter 10, part 5.

(41) "Political subdivision" means a county, consolidated municipal-county government, municipality, special purpose district, or any other unit of government, except school districts, having authority to hold an election.

(42) "Polling place election" means an election primarily conducted at polling places rather than by mail under the provisions of Title 13, chapter 19.

(43) "Primary" or "primary election" means an election held on a date specified in 13-1-107 to nominate candidates for offices filled at a general election.

(44) "Provisional ballot" means a ballot cast by an elector whose identity or eligibility to vote has not been verified as provided by law.

(45) "Provisionally registered elector" means an individual whose application for voter registration was accepted but whose identity or eligibility has not yet been verified as provided by law.

(46) "Public office" means a state, county, municipal, school, or other district office that is filled by the people at an election.

(47) "Random-sample audit" means an audit involving a manual count of ballots from designated races and ballot issues in precincts selected through a random process as provided in 13-17-503 and 13-17-510.

(48) "Registrar" means the county election administrator and any regularly appointed deputy or assistant election administrator.

(49) "Regular ballot" means an official ballot that has been issued to an elector.

(50) "Regular school election" means the school trustee election provided for in 20-20-105(1).

(51) "Rejected ballot" means a ballot that has been cast but cannot be counted by law.

(52) "Religious organization" means a house of worship with the major purpose of supporting religious activities, including but not limited to a church, mosque, shrine, synagogue, or temple. The organic documents of the organization must list a formal code of doctrine and discipline, and the organization must spend the majority of its money on religious activities such as regular religious services, educational preparation for its ministers, development and support of its ministers, membership development, outreach and support, and the production and distribution of religious literature developed by the organization.

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- 1 (53) "Replacement ballot" means a regular ballot issued by an election administrator or election
2 judge to replace a regular ballot.
- 3 (54) "Report of the canvass" means a report that contains the information required to be entered
4 into the record at the canvass as provided in 13-15-404 and 13-15-506.
- 5 (55) "School election" has the meaning provided in 20-1-101.
- 6 (56) "School election filing officer" means the filing officer with whom the declarations for nomination
7 for school district office were filed or with whom the school ballot issue was filed.
- 8 (57) "School recount board" means the board authorized pursuant to 20-20-420 to perform recount
9 duties in school elections.
- 10 (58) "Signature envelope" means an envelope that contains a secrecy envelope and ballot and that
11 is designed to:
- 12 (a) allow election officials, upon examination of the outside of the envelope, to determine that the
13 ballot is being submitted by someone who is in fact a qualified elector and who has not already voted; and
- 14 (b) allow it to be used in the United States mail.
- 15 (59) "Special election" means an election held on a day other than the day specified for a primary
16 election, general election, or regular school election.
- 17 (60) "Special purpose district" means an area with special boundaries created as authorized by law
18 for a specialized and limited purpose.
- 19 (61) "Spoiled ballot" means a ballot that has been mistakenly marked, damaged, or altered.
- 20 (62) "Statewide voter registration list" means the voter registration list established and maintained
21 pursuant to 13-2-107 and 13-2-108.
- 22 (63) "Support or oppose", including any variations of the term, means:
- 23 (a) using express words, including but not limited to "vote", "oppose", "support", "elect", "defeat", or
24 "reject", that call for the nomination, election, or defeat of one or more clearly identified candidates, the election
25 or defeat of one or more political parties, or the passage or defeat of one or more ballot issues submitted to
26 voters in an election; or
- 27 (b) otherwise referring to or depicting one or more clearly identified candidates, political parties, or
28 ballot issues in a manner that is susceptible of no reasonable interpretation other than as a call for the

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nomination, election, or defeat of the candidate in an election, the election or defeat of the political party, or the passage or defeat of the ballot issue or other question submitted to the voters in an election.

(64) "Undervote" means when the number of choices selected by an elector on a ballot is less than the maximum number allowed for that contest or when no selection is made for a single-choice contest.

(65) "Valid vote" means a vote that has been counted as valid or determined to be valid as provided in 13-15-206.

(66) "Voided ballot" means a ballot that has been marked "void" by an election administrator.

(67) "Voted ballot" means a ballot that is:

- (a) deposited in the ballot box at a polling place;
- (b) received at the election administrator's office; or
- (c) returned to a place of deposit.

(68) "Voter interface device" means a voting system that:

- (a) is accessible to electors with disabilities;
- (b) communicates voting instructions and ballot information to a voter;
- (c) allows the voter to select and vote for candidates and issues and to verify and change

selections; and

(d) produces a paper ballot that displays electors' choices so the elector can confirm the ballot's accuracy and that may be manually counted.

(69) "Voting system" or "system" means any machine, device, technology, or equipment used to automatically record, tabulate, or process the vote of an elector cast on a paper ballot.

(70) "Youth election judge" means an individual who serves as an election judge and who is:

- (a) at least 16 years of age but less than 18 years of age at the time of an election in which the individual serves as an election judge;
- (b) a resident of the state and the country in which the individual serves as an election judge; and
- (c) a citizen of the United States."

Section 2. Section 13-4-101, MCA, is amended to read:

"13-4-101. Appointment of election judges. (1) At least 30 days before the primary election in even-

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1 numbered years, the county governing body shall appoint three or more election judges for each precinct, one
2 of whom must be designated chief judge.

3 (2) A youth election judge may not serve as a chief election judge at any polling place."

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

6 **"13-4-102. Manner of choosing election judges.** (1) Subject to 13-4-107, election judges must be
7 chosen from:

8 (a) lists of qualified registered electors in the county, submitted at least 45 days before the primary
9 election in even-numbered years by the county central committees of the political parties eligible to nominate
10 candidates in the primary; and

11 (b) lists of youth election judges that are maintained by the election administrator and, when
12 possible, developed in cooperation with the local school districts, private schools, and home school
13 organizations.

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

17 (3) Each board of election judges must include judges representing all parties that have submitted
18 lists as provided in subsection (1)(a). No more than the number of election judges needed to obtain a simple
19 majority may be appointed from the list of one political party in each county. If any of the political parties entitled
20 to do so fail to submit a list meeting the requirements of this section, the governing body shall, to the extent
21 possible, appoint judges so that all parties eligible to participate in the primary are represented on each board.

22 (4) The election administrator shall make appointments to fill vacancies from the list provided for in
23 subsection (2) and from the list of youth election judges. If the ~~list is~~ lists are insufficient or if one or more of the
24 eligible political parties fails to submit a list meeting the requirements of this section, the election administrator
25 may select enough people meeting the qualifications of 13-4-107 to fill election judge vacancies in all precincts.

26 (5) The number of youth election judges assigned to a precinct may not exceed the number of
27 election judges who are qualified registered electors assigned to the precinct.

28 ~~(5)(6)~~ An ~~elector~~ individual chosen to potentially serve as an election judge must be notified of

Commented [RP1]: Suggestion from Clerks: limit to 1 youth to every 2 adults

selection at least 30 days before the primary election in even-numbered years. Each ~~elector~~ individual who agrees to serve as an election judge shall attend a training class conducted under 13-4-203 and shall continue to serve as provided in 13-4-103."

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

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

Commented [RP2]: Should youth election judges be excluded from administering the oath to others?

Section 5. Section 13-4-106, MCA, is amended to read:

"13-4-106. Compensation of judges. (1) Except as provided in subsection (2), election judges must be paid at least the state or federal minimum wage, whichever is greater, for the number of hours worked during an election plus the number of hours spent at the instruction session. Mileage may be paid to election judges for attending instruction sessions. Election judges are exempt from unemployment insurance coverage for services performed pursuant to this chapter if the remuneration received by the election judge is less than \$1,000 in the calendar year.

Commented [RP3]: Should youth election judges receive monetary compensation like other election judges, or school credit/community service credit?

(2) The chief election judge may be paid at a rate higher than the other election judges and may be reimbursed for the actual expenses of transporting election materials.

(3) The election administrator shall certify the amount due each election judge to the county governing body as soon after an election as all records necessary for the certification are received."

Section 6. Section 13-4-107, MCA, is amended to read:

"13-4-107. Qualifications of election judges. (1) Election judges must be:

(a) registered electors of the county in which they serve; or

(b) youth election judges.

(2) An individual seeking appointment as a youth election judge must have:

(a) written consent of a parent or legal guardian; and

(b) if the individual is a student of a public or private school, written consent from the individual's

school principal.

Commented [RP4]: Add provision about election work as excused absence?

(2)(3) No election judge may be a candidate or a spouse, ascendant, descendant, brother, or sister of a candidate or a candidate's spouse or the spouse of any of these in an election precinct where the candidate's name appears on the ballot. However, this does not apply to candidates for precinct offices.

(3)(4) If a polling place for a precinct is located in the same venue as one or more other precincts, a candidate whose name appears on any ballot being voted on within the venue, an ascendant, descendant, brother, sister, or spouse of the candidate, or a spouse of an ascendant, descendant, brother, or sister of the candidate may not serve as an election judge within the venue."

Section 7. Section 13-4-201, MCA, is amended to read:

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

Commented [RP5]: Add any duties specific to oversight of youth election judges?

Section 8. Section 13-4-202, MCA, is amended to read:

"13-4-202. **Administration of oaths.** Any election judge may administer and certify oaths required from electors or election judges during an election."

Commented [RP6]: See earlier question about excluding youth election judges from administering oaths

Section 9. Section 13-4-203, MCA, is amended to read:

"13-4-203. **Instruction of judges -- training materials.** (1) Before each election, all election judges and youth election judges must be instructed by the election administrator on current procedures as prescribed by the secretary of state. In precincts where voting systems are used, instructions must cover both how to operate the voting system and how to manually process any paper ballots.

(2) An election administrator may require a chief election judge to attend the training session before each election, as well as a special session that the election administrator may hold for chief election judges only, even if the chief election judge possesses a current certificate of completion pursuant to 13-1-203(5)(b).

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(3) Any individual willing to be appointed as an election judge may attend an instruction session by registering with the election administrator. However, the individual may not be paid for attendance unless the individual is appointed as an election judge.

(4) Each election judge completing a training session under this section must be given a certificate of completion. An individual may not serve as an election judge without a current certificate. However, this requirement does not apply to individuals filling vacancies in emergencies.

(5) A youth election judge's participation in a required training during the normal school day must be considered an excused absence.

~~(5)~~(6) A certificate of completion is current if the certificate is obtained before the primary election in an even-numbered year.

~~(6)~~(7) Notice of the place and time of instruction must be given by the election administrator to the presiding officers of the political parties in the county."

Section 10. Section 13-13-101, MCA, is amended to read:

"13-13-101. Duties -- proclamation prior to opening and closing polls. (1) The election judges shall meet at their assigned polling places at the time set by the election administrator. The judges shall take and subscribe the official oath prescribed by the constitution. They may administer the oath to each other. The judges shall check all supplies and complete preparations for voting before the time set for opening the polls, under the direction of the chief election judge.

Commented [RP7]: See earlier question about excluding youth election judges from administering oaths

(2) Before the polls are opened or closed, that fact must be proclaimed at the place of election."

Section 11. Section 13-13-226, MCA, is amended to read:

"13-13-226. Manner of selection. (1) The election administrator may make appointments to an absentee election board from lists of qualified electors and youth election judges in the county prepared in substantially the same manner as provided in 13-4-102. The election administrator may refuse for cause to appoint or may for cause remove a member of an absentee election board.

(2) The number of youth election judges serving on the absentee election board may not exceed the number of qualified registered electors serving on the absentee election board."

Section 12. Section 13-15-112, MCA, is amended to read:

"13-15-112. Appointment of counting boards. (1) To count votes in any election under this title, when election judges are appointed under 13-4-101, each county's governing body shall designate one or more groups of three of the election judges to act as counting boards. The governing body may also designate one or more groups of three of the election judges to act as absentee ballot counting boards under 13-15-104.

(2) The number of youth election judges serving on a counting board may not exceed the number of qualified registered electors serving on the counting board."

Section 13. Section 20-20-109, MCA, is amended to read:

"20-20-109. Election judges -- qualifications -- training. (1) (a) Except as provided in subsection

(1)(b), ~~election judges an election judge~~ must be:

(i) a qualified registered electors ~~elector~~ of the school district in which ~~they serve the individual~~ serves; or

(ii) a youth election judge, as defined in 13-1-101, who meets the requirements of 13-4-107.

(b) If a county election administrator agrees to conduct an election pursuant to 20-20-417, election judges and election judges must be qualified registered electors in the county in which they serve.

(2) An election judge may not be:

(a) the candidate;

(b) an ascendant, descendant, brother, or sister of a candidate; or

(c) the spouse of the candidate or of any of the individuals listed in subsection (2)(b).

(3) School election judges must meet the training and certification requirements of 13-4-203."

Section 14. Section 20-20-203, MCA, is amended to read:

"20-20-203. Resolution for poll hours, polling places, and judges. (1) At the trustee meeting when a school election is called, the trustees shall:

(a) except as provided in 20-20-106(3), establish the time at which the polls are to open if in their discretion they determine that the polls must be open before noon;

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(b) establish the polling places for the election, using the established polling places for general elections within the district wherever possible; and

(c) appoint at least three judges which can include youth election judges, for each polling place.

(2) The number of youth election judges assigned to a polling place may not exceed the number of election judges who are qualified registered electors assigned to the polling place.

(3) A youth election judge may not serve as the chief election judge at any polling place.

(2)(4) There must be one polling place in each district unless the trustees establish additional polling places. If more than one polling place is established, the trustees shall define the boundaries for each polling place so that the boundaries for each polling place are coterminous with county precinct boundaries existing within a district. If the site of a polling place is changed from the polling place site used for the last preceding school election, special reference to the changed site of the polling place must be included in the notice for the election."

Section 15. Section 20-20-402, MCA, is amended to read:

"20-20-402. Clerk of election judges and appointment for absent judge. (1) Before conducting the school election and on the day of the election, the judges shall designate one of their number to act as clerk of such election. If any of the judges appointed by the trustees are not present at the time for the opening of the poll, the electors present at that time may appoint a qualified elector for such election to act in the place of the absent judge.

(2) A youth election judge may not serve as the clerk."

Section 16. Section 20-20-410, MCA, is amended to read:

"20-20-410. Oath of judges. Before votes are cast, the school election judges shall take and subscribe the official oath prescribed by the constitution. The election judges may administer the oath to each other."

NEW SECTION. Section 17. Effective date. [This act] is effective July 1, 2027.

- END -

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Commented [RP8]: See earlier question about excluding youth election judges from administering oaths

Commented [RP9]: Is this an appropriate effective date?