

MONTANA 2024 LAW ENFORCEMENT QUICK REFERENCE GUIDE

This pocket reference guide contains key provisions found within Title 13 of the Montana Code Annotated and other relevant sections.

- Interfering with election officials or workers to prevent, obstruct, or hinder an election is a misdemeanor.
- Threatening force, coercion, or violence to influence a voter or interfering with a voter is a misdemeanor.
- Tampering with ballots, voting systems, or election records or returns is a felony.

VOTING HOURS

Vary by location. For polling places and voting hours: sosmt.gov/elections

2024 ELECTION DATES

Primary Election: June 4

General Election: November 5

For other election dates:
votemt.gov/voter-calendar

REPORT SUSPICIOUS BEHAVIOR TO

Your local election official
County Administrator contact info:
sosmt.gov/elections

MT Secretary of State: (406) 444-2034;
soselections@mt.gov; votemt.gov

MT Commissioner of Political
Practices: (406)444-2942;
cpphelp@mt.gov; politicalpractices.mt.gov



Interference with election officials or election workers.

Mont. Code Ann. § 13-35-203

A person who, in any manner, interferes with the election officials or election workers holding an election or conducting a canvass so as to prevent, obstruct, impair, or hinder the election or canvass from being fairly held and lawfully conducted is guilty of obstruction of a public servant and is punishable as provided in 45-7-302.

Coercion or undue influence of voters. Mont. Code Ann. § 13-35-218

(1) A person, directly or indirectly, individually or through any other person, in order to induce or compel a person to vote or refrain from voting for any candidate, the ticket of any political party, or any ballot issue before the people, may not:

- (a) use or threaten to use any force, coercion, violence, restraint, or undue influence against any person; or
- (b) inflict or threaten to inflict, individually or with any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person.

(2) A person may not, by abduction, duress, or any fraudulent contrivance, impede or prevent the free exercise of the franchise by any voter at any election or compel, induce, or prevail upon any elector to give or to refrain from giving the elector's vote at any election.

(3) A person may not, in any manner, interfere with a voter lawfully exercising the right to vote at an election in order to prevent the election from being fairly held and lawfully conducted.

(4) A person on election day may not obstruct the doors or entries of any polling place or engage in any solicitation

of a voter within the room where votes are being cast or elsewhere in any manner that in any way interferes with the election process or obstructs the access of voters to or from the polling place.

Preventing obstructions.

Mont. Code Ann. § 13-13-122

An election officer, sheriff, constable, or other peace officer may clear the passageway, prevent any obstruction, or arrest any individual obstructing the passageway to a polling place.

Official misconduct.

Mont. Code Ann. § 13-35-204

A person charged with performance of any duty under the provisions of the election laws of this state is guilty of official misconduct and is punishable as provided in 45-7-401 whenever the person:

- (1) knowingly neglects or refuses to perform that duty; or
- (2) knowingly and fraudulently acts, in the person's official capacity, in contravention or violation of any provision of the election laws.

Electioneering -- soliciting information from electors.

Mont. Code Ann. § 13-35-211

(1) A person may not do any electioneering on election day within any polling place or any building in which an election is being held or within 100 feet of any entrance to the building in which the polling place is located that aids or promotes the success or defeat of any candidate or ballot issue to be voted upon at the election.

(2) On election day, a candidate, a family member of a candidate, or a worker or volunteer for the candidate's

campaign may not distribute alcohol, tobacco, food, drink, or anything of value to a voter within a polling place or a building in which an election is being held or within 100 feet of an entrance to the building in which the polling place is located.

(3) A person may not buy, sell, give, wear, or display at or about the polls on an election day any badge, button, or other insignia that is designed or tends to aid or promote the success or defeat of any candidate or ballot issue to be voted upon at the election.

(4) A person within a polling place or any building in which an election is being held may not solicit from an elector, before or after the elector has marked a ballot and returned it to an election judge, information as to whether the elector intends to vote or has voted for or against a candidate or ballot issue.

Tampering with election records and information.

Mont. Code Ann. § 13-35-205

A person is guilty of tampering with public records or information and is punishable as provided in 45-7-208 whenever the person:

- (1) suppresses any declaration or certificate of nomination that has been filed;
- (2) purposely causes a vote to be incorrectly recorded as to the candidate or ballot issue voted on;
- (3) in an election return, knowingly adds to or subtracts from the votes actually cast at the election;
- (4) changes any ballot after it has been completed by the elector;

- (5) adds a ballot to those legally polled at an election, either before or after the ballots have been counted, with the purpose of changing the result of the election;
- (6) causes a name to be placed on the registry lists other than in the manner provided by this title;
- (7) changes a poll list or checklist;
- (8) installs a modem or other unauthorized external communication device in a voting system; or
- (9) employs a modem or other unauthorized external communication device to transmit data to or from a voting system.

Injury to election equipment, materials, and records.

Mont. Code Ann. § 13-35-206

A person is guilty of criminal mischief or tampering with public records and information, as appropriate, and is punishable as provided in 45-6-101 or 45-7-208, as applicable, whenever the person:

- (1) prior to or on election day, knowingly defaces or destroys any list of candidates posted in accordance with the provisions of the law;
- (2) during an election:
 - (a) removes or defaces instructions for the voters; or
 - (b) removes or destroys any of the supplies or other conveniences placed in the voting station for the purpose of enabling a voter to prepare the voter's ballot;
- (3) removes any ballots from the polling place before the closing of the polls with the purpose of changing the result of the election;

- (4) carries away or destroys any poll lists, checklists, ballots, ballot boxes, or other equipment for the purpose of disrupting or invalidating an election;
- (5) knowingly detains, mutilates, alters, or destroys any election returns;
- (6) mutilates, secretes, destroys, or alters election records, except as provided by law;
- (7) tampers with, disarranges, defaces, injures, or impairs a voting system with the intent to alter the outcome of an election;
- (8) mutilates, injures, or destroys a ballot or appliance used in connection with a voting system; or
- (9) fraudulently defaces or destroys a declaration or certificate of nomination.

Possession or allowing possession of weapon in school building

Mont. Code Ann. § 45-8-361

- (1) A person commits the offense of possession of a weapon in a school building if the person purposely and knowingly possesses, carries, or stores a weapon in a school building.
- (3) (a) Subsection (1) does not apply to law enforcement personnel or to a school marshal in the school district where the school marshal is contracted or employed.
(b) The trustees of a district may grant persons and entities advance permission to possess, carry, or store a weapon in a school building.
- (4) (a) A person convicted under this section shall be fined an amount not to exceed \$500, imprisoned in the county jail for a term not to exceed 6 months, or both.

(5) As used in this section:

(a) "school building" means all buildings owned or leased by a local school district that are used for instruction or for student activities. The term does not include a home school provided for in 20-5-109.

(b) "weapon" means any type of firearm, a knife with a blade 4 or more inches in length, a sword, a straight razor, a throwing star, nun-chucks, or brass or other metal knuckles. The term also includes any other article or instrument possessed with the purpose to commit a criminal offense.

Where concealed weapon may be carried -- exceptions.

Mont. Code Ann. § 45-8-356

A person with a current and valid permit [to carry a concealed weapon] issued pursuant to 45-8-321 or [section 1] or recognized pursuant to 45-8-329 may not be prohibited or restricted from exercising that permit anywhere in the state, except:

(6) on private property where the owner of the property or the person who possesses or is in control of the property, including a tenant or lessee of the property, expressly prohibits firearms;

or

(8) in a school building as determined by a school board pursuant to 45-8-361.

Carrying concealed weapon in prohibited place -- penalty.

Mont. Code Ann. § 45-8-328

- (1) Except for a person issued a permit [to carry a concealed weapon] pursuant to 45-8-321 or a person recognized pursuant to 45-8-329, a person commits the offense of carrying a concealed weapon in a prohibited place if the person purposely or knowingly carries a concealed weapon in portions of a building used for state or local government offices and related areas in the building that have been restricted.
- (2) A person convicted of the offense shall be imprisoned in the county jail for a term not to exceed 6 months or fined an amount not to exceed \$500, or both.

