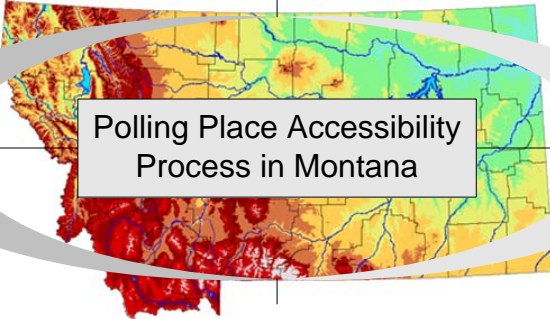


# Polling Place Accessibility Process in Montana



Is the polling place expected to serve less than 200 registered electors?

Yes

Rural exemption for under 200 registered electors

No

1 Onsite survey of polling place

2 Polling place certified as accessible

3 Inaccessible polling place

Does not meet state minimum accessibility standards

Meets state minimum accessibility standards

Can the polling place be permanently or temporarily altered in a safe and reasonable manner to satisfy criteria before the date of the election?

Yes

4 County applies for Accessibility Grant

5 Grant application reviewed by committee

Grant approved and appropriated to county

Project completed

Re-survey accessibility

No

6 Is it less than 10 days prior to an election?

No

Is there an alternative accessible polling place?

Yes

Temporarily relocate polling place

Yes

No

7 County completes exemption form

8 SOS GRANTS exemption

9 Individuals with disability and elderly individuals shall be provided alternative means for casting a ballot

10 SOS DENIES exemption

Find alternative polling place and survey for accessibility

Montana Secretary of State  
Linda McCulloch  
June 1, 2009

# MONTANA POLLING PLACE ACCESSIBILITY PROCESS

## Promoting the Fundamental Right to Vote by Improving Access to Polling Places for Individuals with Disabilities and Elderly Individuals ([MCA 13-3-201](#))

**1** According to [ARM 44.3.105](#) the election administrator in each county shall conduct an onsite survey of each polling place 45 days prior to utilizing that facility, except those designated as "rural" as provided in [ARM 44.3.109](#), to determine whether it meets the standards for accessibility established under [MCA 13-3-205](#).

Election administrators must use a checklist prescribed by the Secretary of State and forward a copy of all survey forms for polling places to the Secretary of State 45 days prior to the election for which the survey was conducted. [ARM 44.3.105](#)

A polling place designated as "rural" 45 days prior to an election shall be exempt from the on-site survey procedure. [ARM 44.3.106\(7\)](#)  
"Rural polling place" means a location that is expected to serve less than 200 registered electors. [MCA 13-3-202\(6\)](#)

Election administrators may establish one or more voting accessibility advisory committee(s) to assist in surveying polling places for compliance with accessibility guidelines. [ARM 44.3.109](#)

**2** The secretary of state, with advice from election administrators and individuals with disabilities and elderly individuals, shall establish standards for accessibility of polling places. [MCA 13-3-205](#) As a results of the survey polling places, except those designated as "rural" as provided in [ARM 44.3.109](#), are classified as either accessible or inaccessible. [MCA 13-3-207](#)

**3** If an existing polling place has been surveyed and designated as "inaccessible", the election administrator shall make a reasonable effort to permanently or temporarily alter in a safe and reasonable manner to satisfy the criteria before the date of the election ([ARM 44.3.105](#)) or seek and survey for accessibility other potential sites with comparable utility as a polling place. [ARM 44.3.106](#)

**4** The county election administrator may apply to receive HAVA Polling Place Accessibility grant funding in an effort to permanently or temporarily satisfy the criteria before the date of the election. Grants are limited to \$5,000 and are awarded on a first-come first-serve basis. Counties and polling places may apply for multiple grants.

5 Grant applications are reviewed by the Polling Place Accessibility Grant Committee. The grant committee shall consist of a minimum of three members, two of which shall represent an organization of elderly persons or an organization of individuals with disabilities. The committee makes recommendations for the Secretary of State to approve or deny grant application and conditions for approval if any.

6 If a polling place becomes unavailable for reasons such as loss of lease, fire, snow or other natural disasters less than 10 days prior to an election, an emergency exemption may be granted. [MCA 13-3-211](#)

7 If polling place is designated as inaccessible, an exemption form requesting exemption from accessibility standards should be attached to the survey. Exemption may be granted if the county certifies to the Secretary of State that: ([MCA 13-3-212](#))

- A. Potential polling places have been surveyed and no accessible polling places are available.
- B. County cannot safely or reasonable make polling place temporarily accessible.
- C. Location of accessible polling place requires excessive travel or hardship for majority of voters.

A separate request for exemption shall be submitted for each polling place not in compliance. The request shall identify the polling place, how it is not in compliance, the efforts being made to bring it into compliance, and the efforts to locate an alternate site. [ARM 44.3.106\(3\)](#)

8 Within 30 days following the receipt of a request for exemption, the Secretary of State may grant a certification of exemption to the election administrator for that polling place. Such exemption, if granted, shall be valid for a period of three years from the date of issuance. [ARM 44.3.106\(4\)](#)

9 The election administrator shall provide individuals with disabilities and elderly individuals an alternative means for casting a ballot in accordance with [MCA 13-3-213](#) on Election Day if they are assigned to an inaccessible polling place.

10 If the Secretary of State has reason to believe such an exemption would not be in the best interest of the majority of the individuals with disabilities or elderly electors, they shall deny the exemption and report to the election administrator and the county governing body reasons for the denial. [ARM 44.3.106\(6\)](#)

NOTE: Montana law provides exemptions from compliance with the accessibility requirements of [MCA 13-3-205](#) and [ARM 44.3.104](#). These exemptions pertain only to the accessibility requirements imposed by state law. Election administrators are encouraged to seek the advice of legal counsel to determine their responsibilities under the Americans with Disabilities Act (ADA) and other federal laws.