



ADMINISTRATIVE RULES OF MONTANA



44.3.106 EXEMPTION PROCEDURE

- (1) If an existing polling place has been surveyed and designated as "inaccessible," the election administrator shall make a reasonable effort to seek and survey for accessibility other potential sites with comparable utility as a polling place.
- (2) If potential polling place facilities have been surveyed and no accessible facility is available and the facilities which are available cannot safely and reasonably be made temporarily accessible, the election administrator shall request in writing to the secretary of state that the existing polling place be exempt from the criteria set forth in these rules.
- (3) 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.
- (4) 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.
- (5) The secretary of state may grant an exemption pursuant to this subchapter if all potential polling places have been surveyed and the election administrator has certified that:
 - (a) an accessible polling place is not available and the county or school district cannot safely or reasonably make a polling place temporarily accessible in the area involved; or
 - (b) the location is designated inaccessible because it is a rural polling place and designation of an accessible facility as a polling place will require excessive travel or impose other hardships for the majority of qualified electors in the polling place.
- (6) 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, the secretary of state shall deny the exemption and:
 - (a) report to the election administrator and the county governing body the secretary's reasons for the denial.
- (7) A polling place designated 45 days prior to an election as inaccessible because it is rural shall be exempt from the on-site survey procedure provided in ARM 44.3.108.
- (8) If one or more individuals with disabilities contact the election administrator or the secretary of state concerning a specific exemption, the secretary of state shall work in cooperation with the election administrator and the individuals with disabilities in locating an available facility that is accessible or providing an acceptable alternative method of voting according to the provisions in ARM 44.3.110.

Authorizing statute(s): 13-3-205, MCA

Implementing statute(s): 13-3-207, 13-3-212, MCA

History: NEW, 1986 MAR p. 462, Eff. 3/28/86; AMD, 1996 MAR p. 3221, Eff. 12/20/96; AMD, 2008 MAR p. 1329, Eff. 6/27/08; AMD, 2010 MAR p. 1545, Eff. 6/25/10; AMD, 2022 MAR p. 839, Eff. 5/28/22.