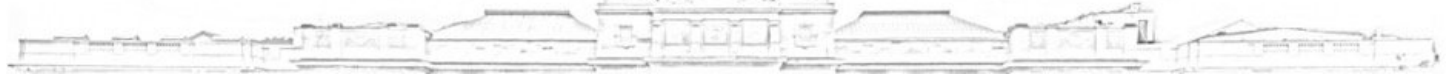




ADMINISTRATIVE RULES OF MONTANA



44.3.105 SURVEY PROCEDURE TO DETERMINE ACCESSIBILITY

- (1) Unless specified otherwise, the election administrator shall conduct an on-site survey in each polling place 45 days prior to utilizing that facility, as provided in ARM 44.3.109, to determine whether such facilities are in compliance with the criteria set forth in these rules.
- (2) Election administrators should encourage county commissioners, election judges, members of the election administrator's staff, and a voting accessibility advisory committee to participate in the survey procedure.
- (3) The survey shall be conducted in such a manner as to represent the actual path of travel an elector would take upon arrival at the polling place on election day.
- (4) A form prescribed by the Secretary of State shall be used as a checklist for each polling place surveyed. Copies of the survey shall be made available for public inspection and to the Secretary of State upon request, except as provided in (5).
- (5) If an existing polling place fails to satisfy the criteria for accessibility and cannot be permanently or temporarily altered in a safe and reasonable manner to satisfy the criteria before the date of the election, it will be designated "inaccessible" and shall not be used unless an exemption is granted by the Secretary of State in accordance with the provisions of ARM 44.3.106.
- (6) A copy of all survey forms for polling places shall be forwarded to the Secretary of State 45 days prior to the election for which the survey was conducted.
- (7) A request for exemption form, as prescribed by the Secretary of State, and defined in ARM 44.3.106, shall be attached to the survey for those polling places designated as "inaccessible".

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

Implementing statute(s): 13-3-206, 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.