

1 SENATE BILL NO. 481

2 INTRODUCED BY C. GLIMM

3 BY REQUEST OF THE (S) JOINT SELECT COMMITTEE ON ELECTION SECURITY

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING CAST VOTE RECORDS FOR ALL FEDERAL
6 ELECTIONS; PROVIDING FOR A FEE TO OBTAIN CERTAIN RECORDS; PROVIDING DEFINITIONS;
7 CREATING A GRANT PROGRAM; PROVIDING RULEMAKING AUTHORITY; ESTABLISHING REPORTING
8 REQUIREMENTS; PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE AND A
9 TERMINATION DATE."

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

12
13 NEW SECTION. Section 1. Cast vote record requirement -- availability -- retention -- FEE FOR
14 PUBLIC DOCUMENTS. (1) The cast vote record function must be activated in all voting systems ~~at all times~~ DURING
15 ALL FEDERAL ELECTIONS.

- 16 (2) The cast vote records generated during ~~an~~ A FEDERAL election;
17 (a) must be saved and must be retained in a secure manner for 7 years;
18 (b) must be retained for legitimate purposes; and
19 (c) are ~~not~~ NOT public records.

20 (3) THIS PROVISION DOES NOT APPLY TO COUNTIES THAT EXCLUSIVELY HAND COUNT ALL BALLOTS.

21 (4) THE SECRETARY OF STATE SHALL PROVIDE TO THE PUBLIC COPIES OF ALL COURT FINDINGS AND
22 PLEADINGS OF PUBLIC RECORD IN ANY COURT PROCEEDING THAT IS FILED PURSUANT TO THIS SECTION AND SHALL
23 CHARGE A FEE FOR PAPER COPIES THAT IS COMMENSURATE WITH THE COST OF OBTAINING, PRINTING, AND DISTRIBUTING
24 THE PUBLIC DOCUMENTS.

25 ~~(3)(5)~~ (5) For the purpose of this section, the following definitions apply:

26 (a) "Cast vote record" means a tally of the votes cast on an individual ballot. The term does not
27 include an image of an individual ballot.

28 (b) "Cast vote record function" means the feature in a voting system that allows the cast vote

1 record to be generated.

2 (c) "Legitimate purposes" means a court finding that there is probable cause to believe a violation
3 of Title 13, chapter 35, parts 1 and 2, has occurred and that the cast vote record is relevant to the determination
4 of whether the violation occurred.

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6 NEW SECTION. SECTION 2. GRANT PROGRAM -- RULEMAKING -- REPORTING REQUIREMENT. (1) (A) THERE
7 IS A GRANT PROGRAM ADMINISTERED BY THE SECRETARY OF STATE FOR THE PURPOSE OF PROVIDING SUPPLEMENTAL
8 FUNDS TO THE COUNTIES THAT NEED TO PURCHASE A COMPUTER AND SOFTWARE IN ORDER TO COMPLY WITH THE
9 REQUIREMENTS OF [SECTION 1].

10 (B) THE GRANT PROGRAM IS ONLY AVAILABLE TO THE COUNTIES THAT NEED TO PURCHASE THE REQUIRED
11 COMPUTER AND SOFTWARE NEEDED TO COMPLY WITH THE REQUIREMENTS OF [SECTION 1].

12 (2) (A) COUNTIES SHALL APPLY FIRST FOR A HELP AMERICA VOTE ACT SUBGRANT THROUGH THE
13 SECRETARY OF STATE'S OFFICE, IF AVAILABLE AND ALLOWABLE, BEFORE APPLYING FOR SUPPLEMENTAL FUNDS FROM
14 THE GRANT PROGRAM ESTABLISHED IN SUBSECTION (1).

15 (B) COUNTIES THAT HAVE RECEIVED A HELP AMERICA VOTE ACT SUBGRANT TO PURCHASE THE REQUIRED
16 COMPUTER AND SOFTWARE MAY APPLY TO THE SECRETARY OF STATE FOR SUPPLEMENTAL FUNDS FROM THE GRANT
17 PROGRAM ESTABLISHED IN SUBSECTION (1) TO COVER ANY MATCH REQUIREMENTS OF THE SUBGRANT.

18 (C) IF A COUNTY APPLIES FOR A HELP AMERICA VOTE ACT SUBGRANT THROUGH THE SECRETARY OF
19 STATE'S OFFICE BUT DOES NOT RECEIVE THE SUBGRANT BECAUSE THE EXPENSE IS NOT ALLOWABLE OR BECAUSE MONEY
20 IS NO LONGER AVAILABLE, THE COUNTY MAY APPLY TO THE GRANT PROGRAM ESTABLISHED IN SUBSECTION (1) FOR THE
21 FULL AMOUNT NEEDED TO PURCHASE THE REQUIRED COMPUTER AND SOFTWARE.

22 (D) THE SECRETARY OF STATE SHALL ADOPT RULES TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

23 (3) IN ACCORDANCE WITH 5-11-210, THE SECRETARY OF STATE SHALL REPORT ANNUALLY TO THE STATE
24 ADMINISTRATION AND VETERANS' AFFAIRS INTERIM COMMITTEE ON THE STATUS OF THE GRANT PROGRAM, INCLUDING
25 WHICH COUNTIES HAVE RECEIVED FUNDS, HOW MUCH HAS BEEN DISTRIBUTED TO THOSE COUNTIES, AND HOW MUCH
26 MONEY REMAINS IN THE GRANT PROGRAM FUND.

27
28 NEW SECTION. SECTION 3. APPROPRIATION. THERE IS APPROPRIATED \$239,220 FROM THE GENERAL

1 FUND TO THE SECRETARY OF STATE FOR THE BIENNIUM BEGINNING JULY 1, 2023, FOR THE PURPOSE OF FUNDING THE
2 GRANT PROGRAM ESTABLISHED IN [SECTION 2]. ANY FUNDS NOT USED FOR THE GRANT PROGRAM AT THE END OF THE
3 BIENNIUM REVERT TO THE GENERAL FUND.

4
5 NEW SECTION. Section 4. Codification instruction. [~~Section 4 SECTIONS 1 AND 2~~] is ARE intended
6 to be codified as an integral part of Title 13, chapter 13, part 1, and the provisions of Title 13, chapter 13, part 1,
7 apply to [~~section 4 SECTIONS 1 AND 2~~].

8
9 NEW SECTION. Section 5. Severability. If a part of [this act] is invalid, all valid parts that are
10 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,
11 the part remains in effect in all valid applications that are severable from the invalid applications.

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13 NEW SECTION. Section 6. Effective date. [This act] is effective July 1, 2023.

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15 NEW SECTION. SECTION 7. TERMINATION. [SECTION 2] TERMINATES JUNE 30, 2025.

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