

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 DEFINITIONS; CREATING A GRANT PROGRAM; PROVIDING RULEMAKING
7 AUTHORITY; ESTABLISHING REPORTING REQUIREMENTS; PROVIDING AN APPROPRIATION; AND
8 PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11
12 NEW SECTION. Section 1. Cast vote record requirement -- availability -- retention. (1) The cast
13 vote record function must be activated in all voting systems at all times during all federal elections.

14 (2) The cast vote records generated during an a federal election:

15 (a) must be saved and must be retained in a secure manner for 7 years;

16 (b) must be retained for legitimate purposes; and

17 (c) are not public records.

18 (3) This provision does not apply to counties that exclusively hand count all ballots.

19 (3)(4) For the purpose of this section, the following definitions apply:

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

22 (b) "Cast vote record function" means the feature in a voting system that allows the cast vote
23 record to be generated.

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

27

Amendment - 1st Reading/2nd House-blue - Requested by: Julie Dooling - (H) State Administration

- 2023

68th Legislature 2023

Drafter: Rebecca Power,

SB0481.001.001

1 NEW SECTION. **Section 2. Grant program -- rulemaking -- reporting requirement.** (1) (a) There is
2 a grant program administered by the secretary of state for the purpose of providing supplemental funds to the
3 counties that need to purchase a computer and software in order to comply with the requirements of [section 1].

4 (b) The grant program is only available to the counties that need to purchase the required
5 computer and software needed to comply with the requirements of [section 1].

6 (2) (a) Counties shall apply first for a Help America Vote Act subgrant through the secretary of
7 state's office, if available and allowable, before applying for supplemental funds from the grant program
8 established in subsection (1).

9 (b) Counties that have received a Help America Vote Act subgrant to purchase the required
10 computer and software may apply to the secretary of state for supplemental funds from the grant program
11 established in subsection (1) to cover any match requirements of the subgrant.

12 (c) If a county applies for a Help America Vote Act subgrant through the secretary of state's office
13 but does not receive the subgrant because the expense is not allowable or because money is no longer
14 available, the county may apply to the grant program established in subsection (1) for the full amount needed to
15 purchase the required computer and software.

16 (d) The secretary of state shall adopt rules to implement the provisions of this section.

17 (3) In accordance with 5-11-210, the secretary of state shall report annually to the state
18 administration and veterans' affairs interim committee on the status of the grant program, including which
19 counties have received funds, how much has been distributed to those counties, and how much money remains
20 in the grant program fund.

21
22 NEW SECTION. **Section 3. Appropriation.** There is appropriated \$239,220 from the general fund to
23 the secretary of state for the biennium beginning July 1, 2023, for the purpose of funding the grant program
24 established in [section 2]. Any funds not used for the grant program at the end of the biennium revert to the
25 general fund.

26
27 NEW SECTION. **Section 4. Codification instruction.** [~~Section 1~~ Sections 1 and 2]-~~is~~ are intended to

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1 be codified as an integral part of Title 13, chapter 13, part 1, and the provisions of Title 13, chapter 13, part 1,
2 apply to ~~[section 4 sections 1 and 2]~~.

3
4 **NEW SECTION. Section 5. Severability.** If a part of [this act] is invalid, all valid parts that are
5 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,
6 the part remains in effect in all valid applications that are severable from the invalid applications.

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

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10 **NEW SECTION. Section 7. Termination.** [Section 2] terminates June 30, 2025.

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