

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

- 2023

68th Legislature 2023

Drafter: Rebecca Power,

SB0482.001.001

SENATE BILL NO. 482

INTRODUCED BY C. GLIMM

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

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO VOTING SYSTEM TESTING AND CERTIFICATION; CREATING A GRANT PROGRAM; ESTABLISHING REPORTING REQUIREMENTS; REQUIRING HASH VALIDATION TESTS; PROVIDING DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 13-17-103, 13-17-212, AND 13-17-503, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

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

NEW SECTION. Section 1. **Hash validation test required -- exemption-- definitions.** (1) (a) A hash validation test is required for all voting systems used in the state in accordance with 13-17-103, 13-17-212, and 13-17-503.

(b) If a voting system has been certified by the secretary of state to not have the ability to run a hash validation test, it is exempt from the requirement in subsection (1)(a).

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

(2) As used in this chapter, the following definitions apply:

(a) "Hash" means a mathematical function that creates a unique string of letters and numbers that identifies a voting system and its programming. A specific hashing algorithm will always create the same string, allowing election officials to compare hash values and confirm that the voting system and its source code has not been altered.

(b) "Hash validation test" means the process of verifying the integrity of the files and the source code of a specific voting system. During a hash validation test, a hash will be generated from the voting system and compared to the trusted hash for the voting system. The two hash values are compared to verify that the firmware and software used on the voting system is the same as the firmware and software that was initially

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tested and certified by the federal election assistance commission and the secretary of state.

(c) "Trusted hash" means the hash that was generated by the federal election assistance commission when the system was initially certified and tested at the federal level.

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

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

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

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

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

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

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

Section 3. Section 13-17-103, MCA, is amended to read:

"13-17-103. Required specifications for voting systems. (1) A voting system may not be approved

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(c) The results of the hash validation test must be filed with the secretary of state and must be kept with the other hash test results for the voting system.

(4)(5) The audit may not include:

(a) a retention election for a judicial candidate; or

(b) a race in which a candidate was unopposed.

(5)(6) A county is exempt from the postelection random-sample audit requirements if:

(a) the county does not use a vote-counting machine; or

(b) the county's unofficial final vote totals for a ballot issue or for any race, except precinct committee representative, show a tie vote or a vote within the margins allowed by Title 13, chapter 16, part 2, for a recount without a court order. A county meeting the requirements of this subsection (5)(b) (6)(b) shall notify the secretary of state as soon as practicable.

(6)(7) The secretary of state shall adopt rules to implement the provisions of this part, including but not limited to rules for:

(a) the process to be used for selecting precincts, races, and ballot issues for the random-sample audit; and

(b) the manner in which the random-sample audit of vote-counting machines will be conducted pursuant to the procedures established in this part."

NEW SECTION. Section 6. Appropriation. There is appropriated \$119,002 from the general fund to the secretary of state for the biennium beginning July 1, 2023, for the purpose of funding the grant program established in [section 2]. Any funds not used for the grant program at the end of the biennium revert to the general fund.

NEW SECTION. Section 7. Codification instruction. [~~Section 4~~ Sections 1 and 2]-is are intended to be codified as an integral part of Title 13, chapter 17, part 1, and the provisions of Title 13, chapter 17, part 1, apply to [~~section 4~~ sections 1 and 2].

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4 - END -



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