

HOUSE BILL NO. 173

INTRODUCED BY D. BEDEY

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO VOTE-COUNTING MACHINES; REQUIRING MANUFACTURER CERTIFICATION; PROHIBITING UNAUTHORIZED MODEMS AND EXTERNAL COMMUNICATION DEVICES IN VOTE-COUNTING MACHINES; PROVIDING A PENALTY FOR TAMPERING WITH VOTE-COUNTING MACHINES; ALLOWING AUTHORIZED GOVERNMENT EMPLOYEES TO PERFORM MAINTENANCE AND SECURITY CHECKS ON VOTE-COUNTING MACHINES; AMENDING SECTIONS 13-17-103 AND 13-35-205, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** 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 under 13-17-101 unless the voting system:

- (a) allows an elector to vote in secrecy;
- (b) prevents an elector from voting for any candidate or on any ballot issue more than once;
- (c) prevents an elector from voting on any office or ballot issue for which the elector is not entitled to vote;
- (d) allows an elector to vote only for the candidates of the party selected by the elector in the primary election;
- (e) allows an elector to vote a split ticket in a general election if the elector desires;
- (f) allows each valid vote cast to be registered and recorded within the performance standards adopted pursuant to subsection (3);
- (g) is protected from tampering for a fraudulent purpose;
- (h) prevents an individual from seeing or knowing the number of votes registered for any candidate or on any ballot issue during the progress of voting;

- 1 (i) allows write-in voting;
- 2 (j) will, if purchased by a jurisdiction within the state, be provided with a guarantee that the training
- 3 and technical assistance will be provided to election officials under the contract for purchase of the voting
- 4 system;
- 5 (k) uses a paper ballot that allows votes to be manually counted; ~~and~~
- 6 (l) allows auditors to access and monitor any software program while it is running on the system to
- 7 determine whether the software is running properly; and
- 8 (m) is certified by the manufacturer to be free of any unauthorized modems or other external
- 9 communication devices.
- 10 (2) A voter interface device may not be approved for use in this state unless:
- 11 (a) the device meets the electronic security standards adopted by the secretary of state;
- 12 (b) the device provides accessible voting technology for electors with hearing, vision, speech, or
- 13 ambulatory impairments;
- 14 (c) the device meets all requirements specified in subsection (1);
- 15 (d) the device has been made available for demonstration and use by electors with disabilities in at
- 16 least one public event held by the secretary of state; ~~and~~
- 17 (e) disabled electors have been able to participate in the process of determining whether the
- 18 system meets accessibility standards; and
- 19 (f) the device is certified by the manufacturer to be free of any unauthorized modems or other
- 20 external communication devices.
- 21 (3) To implement the provisions of subsection (1)(f), the secretary of state shall adopt rules setting
- 22 a benchmark performance standard that must be met in tests by each voting system prior to approval under 13-
- 23 17-101. The standard must be based on commonly accepted industry standards for readily available
- 24 technologies."
- 25

26 **Section 2.** Section 13-35-205, MCA, is amended to read:

27 **"13-35-205. Tampering with election records and information.** A person is guilty of tampering with

28 public records or information and is punishable as provided in 45-7-208 whenever the person:

**Amendment - 1st Reading-white - Requested by: Bob Phalen - (H) State Administration**

- 2023

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Drafter: Rebecca Power,

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- 1 (1) suppresses any declaration or certificate of nomination that has been filed;  
2 (2) purposely causes a vote to be incorrectly recorded as to the candidate or ballot issue voted on;  
3 (3) in an election return, knowingly adds to or subtracts from the votes actually cast at the election;  
4 (4) changes any ballot after it has been completed by the elector;  
5 (5) adds a ballot to those legally polled at an election, either before or after the ballots have been  
6 counted, with the purpose of changing the result of the election;  
7 (6) causes a name to be placed on the registry lists other than in the manner provided by this title;  
8 ~~or~~  
9 (7) changes a poll list or checklist;  
10 (8) installs an unauthorized modem or other external communication device in a vote-counting  
11 machine; or  
12 (9) employs an unauthorized modem or other external communication device to transmit data to or  
13 from a vote-counting machine.  
14 (10) Nothing in this section is intended to prevent authorized government employees from opening  
15 a vote-counting machine for the purpose of maintenance or security checks."

16  
17 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

18 - END -