

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; 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;
- (i) allows write-in voting;
- (j) will, if purchased by a jurisdiction within the state, be provided with a guarantee that the training

1 and technical assistance will be provided to election officials under the contract for purchase of the voting
2 system;

3 (k) uses a paper ballot that allows votes to be manually counted; ~~and~~

4 (l) allows auditors to access and monitor any software program while it is running on the system to
5 determine whether the software is running properly; and

6 (m) is certified by the manufacturer to be free of any unauthorized modems or other ~~unauthorized~~
7 external communication devices.

8 (2) A voter interface device may not be approved for use in this state unless:

9 (a) the device meets the electronic security standards adopted by the secretary of state;

10 (b) the device provides accessible voting technology for electors with hearing, vision, speech, or
11 ambulatory impairments;

12 (c) the device meets all requirements specified in subsection (1);

13 (d) the device has been made available for demonstration and use by electors with disabilities in at
14 least one public event held by the secretary of state; ~~and~~

15 (e) disabled electors have been able to participate in the process of determining whether the
16 system meets accessibility standards; and

17 (f) the device is certified by the manufacturer to be free of any unauthorized modems or other
18 ~~unauthorized~~ external communication devices.

19 (3) To implement the provisions of subsection (1)(f), the secretary of state shall adopt rules setting
20 a benchmark performance standard that must be met in tests by each voting system prior to approval under 13-
21 17-101. The standard must be based on commonly accepted industry standards for readily available
22 technologies."
23

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

25 **"13-35-205. Tampering with election records and information.** A person is guilty of tampering with
26 public records or information and is punishable as provided in 45-7-208 whenever the person:

27 (1) suppresses any declaration or certificate of nomination that has been filed;

28 (2) purposely causes a vote to be incorrectly recorded as to the candidate or ballot issue voted on;

Amendment - 1st Reading-white - Requested by: David Bedey - (H) State Administration

- 2023

68th Legislature 2023

Drafter: Rebecca Power,

HB0173.001.001

- 1 (3) in an election return, knowingly adds to or subtracts from the votes actually cast at the election;
- 2 (4) changes any ballot after it has been completed by the elector;
- 3 (5) adds a ballot to those legally polled at an election, either before or after the ballots have been
- 4 counted, with the purpose of changing the result of the election;
- 5 (6) causes a name to be placed on the registry lists other than in the manner provided by this title;
- 6 ~~or~~
- 7 (7) changes a poll list or checklist;
- 8 (8) installs an unauthorized modem or other **unauthorized** external communication device in a
- 9 vote-counting machine; or
- 10 (9) employs **or operates** an unauthorized modem or other **unauthorized** external communication
- 11 device to transmit data to or from a vote-counting machine."
- 12

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

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