

1 HOUSE BILL NO. 173
2 INTRODUCED BY D. BEDEY

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO VOTE-COUNTING MACHINES;
5 REQUIRING MANUFACTURER CERTIFICATION; PROHIBITING UNAUTHORIZED MODEMS AND
6 EXTERNAL COMMUNICATION DEVICES IN VOTE-COUNTING MACHINES; PROVIDING A PENALTY FOR
7 TAMPERING WITH VOTE-COUNTING MACHINES; AMENDING SECTIONS 13-17-103 AND 13-35-205,
8 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

11
12 **Section 1.** Section 13-17-103, MCA, is amended to read:

13 **"13-17-103. Required specifications for voting systems.** (1) A voting system may not be approved
14 under 13-17-101 unless the voting system:

- 15 (a) allows an elector to vote in secrecy;
- 16 (b) prevents an elector from voting for any candidate or on any ballot issue more than once;
- 17 (c) prevents an elector from voting on any office or ballot issue for which the elector is not entitled
18 to vote;
- 19 (d) allows an elector to vote only for the candidates of the party selected by the elector in the
20 primary election;
- 21 (e) allows an elector to vote a split ticket in a general election if the elector desires;
- 22 (f) allows each valid vote cast to be registered and recorded within the performance standards
23 adopted pursuant to subsection (3);
- 24 (g) is protected from tampering for a fraudulent purpose;
- 25 (h) prevents an individual from seeing or knowing the number of votes registered for any candidate
26 or on any ballot issue during the progress of voting;
- 27 (i) allows write-in voting;
- 28 (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 external
7 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 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;

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 external communication device in a vote-counting

9 machine; or

10 (9) employs an unauthorized modem or other external communication device to transmit data to or

11 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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