

SENATE BILL NO. 197

INTRODUCED BY M. CUFFE

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE NUMBER OF RACES INCLUDED IN THE POSTELECTION AUDIT; AMENDING SECTION 13-17-503, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 13-17-503, MCA, is amended to read:

"13-17-503. Random-sample audit of vote-counting machines required -- rulemaking authority.

(1) After unofficial results are available to the public in a federal election, but before the official canvass by the county board of canvassers, the county audit committee shall conduct a random-sample audit of vote-counting machines.

(2) The random-sample audit may not include a ballot that a vote-counting machine was unable to process and that was not resolved pursuant to 13-15-206 because the ballot:

- (a) appeared to have at least one overvote;
- (b) appeared to be blank;
- (c) was in a condition that prevented its processing by a vote-counting machine; or
- (d) contained a mark, error, or omission that prevented its processing by a vote-counting machine.

(3) Except as provided in subsections (4) and (5), the random-sample audit must include:

(a) at least 5% 10% of the precincts in each county or a minimum of ~~one~~ two ~~precinct~~ precincts in each county, whichever is greater, unless a county has only one precinct; and

(b) ~~an election~~ elections for:

- (i) ~~one~~ two statewide office ~~race~~ races, if any;
- (ii) ~~one~~ two federal office ~~race~~ races;
- (iii) ~~one~~ two legislative office ~~race~~ races; and
- (iv) ~~one~~ two statewide ballot ~~issue~~ issues if a statewide ballot ~~issue~~ was ~~issues were~~ on the ballot.

Amendment - 1st Reading-white - Requested by: Mike Cuffe - (S) State Administration

- 2023

68th Legislature 2023

Drafter: Joe Carroll, 406-444-3804

SB0197.001.001

- 1 (4) The audit may not include:
- 2 (a) a retention election for a judicial candidate; or
- 3 (b) a race in which a candidate was unopposed.
- 4 (5) A county is exempt from the postelection random-sample audit requirements if:
- 5 (a) the county does not use a vote-counting machine; or
- 6 (b) the county's unofficial final vote totals for a ballot issue or for any race, except precinct
- 7 committee representative, show a tie vote or a vote within the margins allowed by Title 13, chapter 16, part 2,
- 8 for a recount without a court order. A county meeting the requirements of this subsection (5)(b) shall notify the
- 9 secretary of state as soon as practicable.
- 10 (6) The secretary of state shall adopt rules to implement the provisions of this part, including but
- 11 not limited to rules for:
- 12 (a) the process to be used for selecting precincts, races, and ballot issues for the random-sample
- 13 audit; and
- 14 (b) the manner in which the random-sample audit of vote-counting machines will be conducted
- 15 pursuant to the procedures established in this part."

16

17 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

18 - END -