

HOUSE BILL NO. 297

INTRODUCED BY WISEMAN, WILLIAMS, KOOPMAN, TOOLE, GROESBECK, HAWKS, JENT, JOPEK

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT PAPER BALLOTS MUST BE USED IN ANY ELECTION SO THAT VOTES MAY BE MANUALLY COUNTED; PROVIDING AN EXCEPTION ONLY TO FACILITATE VOTING BY DISABLED VOTERS; AND AMENDING SECTION 13-17-103, MCA."

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 ~~(2)~~ (3);

(g) may be 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; ~~and~~

(j) will, if purchased by a jurisdiction within the state, be provided with a guarantee that the training and technical assistance will be provided to election officials under the contract for purchase of the voting system; and

(k) uses a paper ballot that allows votes to be manually counted, EXCEPT AS PROVIDED IN SUBSECTION (2).

(2) A DIRECT RECORDING ELECTRONIC SYSTEM THAT DOES NOT MARK A PAPER BALLOT MAY BE USED TO

1 FACILITATE VOTING BY A DISABLED VOTER PURSUANT TO THE HELP AMERICA VOTE ACT OF 2002, 42 U.S.C. 15301, ET
2 SEQ., IF:

3 (A) (I) A DIRECT RECORDING ELECTRONIC SYSTEM THAT USES A PAPER BALLOT HAS NOT YET BEEN CERTIFIED
4 BY THE FEDERAL ELECTION ASSISTANCE COMMISSION; OR

5 (II) A DIRECT RECORDING ELECTRONIC SYSTEM THAT MARKS A PAPER BALLOT HAS NOT YET BEEN APPROVED BY
6 THE SECRETARY OF STATE PURSUANT TO 13-17-101; AND

7 (B) THE SYSTEM RECORDS VOTES IN A MANNER THAT WILL ALLOW THE VOTES TO BE PRINTED AND MANUALLY
8 COUNTED OR AUDITED IF NECESSARY.

9 ~~(2)~~(3) To implement the provisions of subsection (1)(f), the secretary of state shall adopt rules setting
10 a benchmark performance standard that must be met in tests by each voting system prior to approval under
11 13-17-101. The standard must be based on commonly accepted industry standards for readily available
12 technologies."

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14 COORDINATION SECTION. SECTION 2. COORDINATION INSTRUCTION. IF SENATE BILL NO. 302 AND [THIS
15 ACT] ARE BOTH PASSED AND APPROVED AND IF SENATE BILL NO. 302 AMENDS 13-17-103 TO ADD A SUBSECTION (1)(K)
16 ALLOWING THE USE OF A DIRECT RECORDING ELECTRONIC VOTING SYSTEM, THEN SUBSECTION (1)(K) OF SENATE BILL
17 NO. 302 IS VOID.

18 - END -