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; 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.

(4)   The audit may not include:

(a)   a retention election for a judicial candidate; or

(b)   a race in which a candidate was unopposed.

(5)   A county is exempt from the postelection random-sample audit requirements if:

(a)   the county does not use a vote-counting machine; or

(b)   the county's unofficial final vote totals for a ballot issue or for any race, except precinct committee representative, show a tie vote or a vote within the margins allowed by Title 13, chapter 16, part 2, for a recount without a court order. A county meeting the requirements of this subsection (5)(b) shall notify the secretary of state as soon as practicable.

(6)   The secretary of state shall adopt rules to implement the provisions of this part, including but not limited to rules for:

(a)   the process to be used for selecting precincts, races, and ballot issues for the random-sample audit; and

(b)   the manner in which the random-sample audit of vote-counting machines will be conducted pursuant to the procedures established in this part."

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

- END -

I hereby certify that the within bill,

SB 197, originated in the Senate.

_____

Secretary of the Senate

_____

President of the Senate

Signed this _____day

of_____, 2023.

_____

Speaker of the House

Signed this _____day

of_____, 2023.

SENATE BILL NO. 197

INTRODUCED BY M. CUFFE

AN ACT INCREASING THE NUMBER OF RACES INCLUDED IN THE POSTELECTION AUDIT; AMENDING

SECTION 13-17-503, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.