

1 SENATE BILL NO. 351

2 INTRODUCED BY B. BENNETT

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING COUNTY ELECTION ADMINISTRATORS TO TEST
5 VOTE TABULATION MACHINES BEFORE AUTOMATIC TABULATION BEGINS; PROVIDING RULEMAKING
6 AUTHORITY; AMENDING SECTION 13-17-212, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
7 DATE."

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9 WHEREAS, testing and certification of voting systems is required pursuant to section 13-17-212, MCA,
10 including testing conducted by a county election administrator or designee; and

11 WHEREAS, election administrators in accordance with section 13-13-241(7), MCA, and under specific
12 circumstances may begin automatic tabulation using a vote counting machine 1 day before election day for
13 absentee ballots; and

14 WHEREAS, under administrative rules currently in place, an election administrator is unable to test all
15 voting systems at least 1 day before election day, resulting in counties being able to use fewer or none of their
16 machines for early tabulation.

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

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20 **Section 1.** Section 13-17-212, MCA, is amended to read:

21 **"13-17-212. Performance testing and certification of voting systems prior to election.** (1) No
22 more than 30 days prior to an election in which a voting system is used, the election administrator shall publicly
23 test and certify that the system is performing properly. An election administrator shall test all central count vote
24 tabulation machines to be used if automatic tabulation begins pursuant to 13-13-241(7)(a) the day before the
25 election. In accordance with subsection (3), the secretary of state shall adopt rules to meet the requirements of
26 this subsection.

27 (2) The secretary of state shall ensure that at least 10% of each type of voting system in the state has
28 been randomly tested and certified at least once every calendar year.

1 (3) The provisions of this section must be implemented according to rules adopted by the secretary of
2 state pursuant to 13-17-211."

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

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