



AN ACT ALLOWING COUNTY ELECTION ADMINISTRATORS TO TEST VOTE TABULATION MACHINES BEFORE AUTOMATIC TABULATION BEGINS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 13-17-212, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

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

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

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

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

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

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

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

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

- END -

I hereby certify that the within bill,  
SB 351, originated in the Senate.

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Secretary of the Senate

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2021.

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2021.

SENATE BILL NO. 351

INTRODUCED BY B. BENNETT

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