

1 HOUSE BILL NO. 196
 2 INTRODUCED BY L. HELLEGAARD, M. MALONE, J. SCHILLINGER, S. GIST, S. ESSMANN, . DURAM, L.
 3 SHELDON-GALLOWAY, F. SMITH, T. MOORE, . KNUDSEN, B. MERCER, J. HINKLE, M. BINKLEY, A.
 4 REGIER, K. SEEKINS-CROWE, F. NAVE, R. MARSHALL, B. KEENAN, J. READ, J. BERGSTROM, K.
 5 BOGNER, B. PHALEN, B. BEARD, L. DEMING

6
 7 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PROCEDURE FOR THE COUNTING OF VOTES;
 8 AMENDING SECTION 13-15-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11
 12 **Section 1.** Section 13-15-101, MCA, is amended to read:

13 **"13-15-101. Votes to be publicly counted -- return forms.** (1) (a) Any official vote count must be
 14 open to public observation ~~and continue without adjournment until it is completed, and the result must be~~
 15 publicly declared.

16 (b) Counties that perform tabulation using a vote-counting machine on the day prior to the election
 17 shall continue without adjournment until all available ballots that can be legally counted have ben tabulated.
 18 The results of the tabulation may not be made publicly available until after the close of polls on election day and
 19 only after all voters have completed voting on election day in the county.

20 (c) On election day, tabulation must begin and continue without adjournment until all available
 21 ballots that can be legally counted have been tabulated. No earlier than 8 p.m. on election day and when all
 22 voters in a county have completed voting on election day, the election administrator in the county shall provide
 23 the initial results to the public and if the election is for at least one statewide race or statewide ballot issue,
 24 provide the initial results to the secretary of state's election night reporting system. At least once every 2 hours
 25 thereafter, the election administrator shall continue to provide the results to the public and if the election is for at
 26 least one statewide race or statewide ballot issue, provide the results to the secretary of state's election night
 27 reporting system. Once tabulation has been completed, the results must be immediately publicly declared, and
 28 if the election is for at least one statewide race or statewide ballot issue, the results must be immediately

1 provided to the secretary of state's election night reporting system.
2 (d) A county that performs tabulation pursuant to 13-15-107, 13-21-206, or 13-21-226 shall
3 continue without adjournment until all available ballots that can be legally counted have been tabulated. Once
4 tabulation has been completed, the results must be immediately publicly declared, and if the election is for at
5 least one statewide race or statewide ballot issue, the results must be immediately provided to the secretary of
6 state's election night reporting system.

7 (2) Immediately after all the ballots are counted by precinct, the election judges shall copy the total
8 votes cast for each candidate and for and against each proposition on the return forms furnished by the election
9 administrator.

10 (3) The election judges shall immediately display one of the return forms at the place of counting
11 and return a copy to the election administrator. Both forms must be signed by all the election judges completing
12 the count."
13

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

15 - END -