

Amendment - 1st Reading/2nd House-blue - Requested by: Mike Cuffe - (S) State Administration

- 2023
68th Legislature 2023

Drafter: Joe Carroll, 406-444-3804

HB0196.002.003

1 HOUSE BILL NO. 196
2 INTRODUCED BY L. HELLEGAARD, M. MALONE, J. SCHILLINGER, S. GIST, S. ESSMANN, N. DURAM, L.
3 SHELDON-GALLOWAY, F. SMITH, T. MOORE, R. 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 PROVIDING FOR ENFORCEMENT BY THE ATTORNEY GENERAL; AMENDING SECTION 13-15-101, MCA;
9 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

12
13 NEW SECTION. SECTION 1. ENFORCEMENT BY ATTORNEY GENERAL. ANY DEVIATION FROM 13-15-101 IS
14 ELECTION INTERFERENCE. THE ATTORNEY GENERAL MAY BRING ACTION IN THE APPROPRIATE MONTANA DISTRICT COURT
15 TO PREVENT OR RESTRAIN VIOLATION OF 13-15-101.

16
17 **Section 2.** Section 13-15-101, MCA, is amended to read:

18 **"13-15-101. Votes to be publicly counted -- return forms.** (1) (A) Any official vote count must be
19 open to public observation, and continue without adjournment until it is completed, and the result must be
20 publicly declared INCLUDING BUT NOT LIMITED TO RESOLUTION AND COUNTING AREAS.

21 (B) COUNTIES THAT PERFORM TABULATION USING A VOTE-COUNTING MACHINE ON THE DAY PRIOR TO THE
22 ELECTION SHALL CONTINUE ~~WITHOUT ADJOURNMENT~~ UNTIL ALL AVAILABLE BALLOTS THAT CAN BE LEGALLY COUNTED
23 HAVE BEEN TABULATED or 5 p.m., whichever is earlier. THE RESULTS OF THE TABULATION MAY NOT BE MADE PUBLICLY
24 AVAILABLE UNTIL AFTER THE CLOSE OF POLLS ON ELECTION DAY AND ONLY AFTER ALL VOTERS HAVE COMPLETED VOTING
25 ON ELECTION DAY IN THE COUNTY.

26 (C) (I) ON ELECTION DAY, TABULATION MUST BEGIN AND CONTINUE WITHOUT ADJOURNMENT UNTIL ALL
27 AVAILABLE BALLOTS THAT CAN BE LEGALLY COUNTED HAVE BEEN TABULATED EXCEPT PENDING UNRESOLVED

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1 RESOLUTION BOARD BALLOTS, PROVISIONAL BALLOTS, OR MILITARY OVERSEAS BALLOTS.

2 (II) ~~NO EARLIER THAN 8 P.M. ON ELECTION DAY AND WHEN ALL VOTERS IN A COUNTY HAVE COMPLETED~~
3 ~~VOTING ON ELECTION DAY, Immediately once all voters in a county have completed voting on election day, but no~~
4 ~~earlier than 8 p.m.,~~ THE ELECTION ADMINISTRATOR IN THE COUNTY SHALL PROVIDE THE INITIAL RESULTS TO THE PUBLIC
5 ~~AND continue to provide updated results at least once every 3 hours until completion. However, IF THE ELECTION~~
6 ~~IS FOR AT LEAST ONE STATEWIDE RACE OR STATEWIDE BALLOT ISSUE, PROVIDE THE INITIAL RESULTS the election~~
7 ~~administrator's public reporting of any results must first be provided~~ TO THE SECRETARY OF STATE'S ELECTION
8 ~~NIGHT REPORTING SYSTEM.~~

9 ~~(III) — AT LEAST ONCE EVERY 2 HOURS THEREAFTER, THE ELECTION ADMINISTRATOR SHALL CONTINUE TO~~
10 ~~PROVIDE THE RESULTS TO THE PUBLIC AND, IF THE ELECTION IS FOR AT LEAST ONE STATEWIDE RACE OR STATEWIDE~~
11 ~~BALLOT ISSUE, PROVIDE THE RESULTS TO THE SECRETARY OF STATE'S ELECTION NIGHT REPORTING SYSTEM.~~

12 ~~(IV) — ONCE TABULATION HAS BEEN COMPLETED, THE RESULTS MUST BE IMMEDIATELY PUBLICLY DECLARED,~~
13 ~~AND IF THE ELECTION IS FOR AT LEAST ONE STATEWIDE RACE OR STATEWIDE BALLOT ISSUE, THE RESULTS MUST BE~~
14 ~~IMMEDIATELY PROVIDED TO THE SECRETARY OF STATE'S ELECTION NIGHT REPORTING SYSTEM.~~

15 ~~(A)(iii) ALL DOCUMENTS MUST BE SECURED, WITH NO PERSON ALLOWED ACCESS OUTSIDE REGULAR~~
16 ~~BUSINESS HOURS.~~

17 ~~(D) (I) A COUNTY THAT PERFORMS TABULATION PURSUANT TO 13-15-107, 13-21-206, OR 13-21-226~~
18 ~~SHALL CONTINUE WITHOUT ADJOURNMENT UNTIL ALL AVAILABLE BALLOTS THAT CAN BE LEGALLY COUNTED HAVE BEEN~~
19 ~~TABULATED.~~

20 ~~(II) ONCE TABULATION HAS BEEN COMPLETED, THE RESULTS MUST BE IMMEDIATELY PUBLICLY DECLARED,~~
21 ~~AND. However, IF THE ELECTION IS FOR AT LEAST ONE STATEWIDE RACE OR STATEWIDE BALLOT ISSUE, the election~~
22 ~~administrator's public reporting of THE RESULTS MUST BE IMMEDIATELY first be PROVIDED TO THE SECRETARY OF~~
23 ~~STATE'S ELECTION NIGHT REPORTING SYSTEM.~~

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

27 (3) The election judges shall immediately display one of the return forms at the place of counting

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1 and return a copy to the election administrator. Both forms must be signed by all the election judges completing
2 the count.

3 (4) The secretary of state may adopt rules providing for notifications to the secretary of state
4 concerning vote total updates or associated delays during the counting of votes, including the prioritization of
5 reporting results through the state's election night reporting system, but the rules may not require more frequent
6 reporting of votes counted than otherwise provided in this section."

7
8 NEW SECTION. SECTION 3. CODIFICATION INSTRUCTION. [SECTION 1] IS INTENDED TO BE CODIFIED AS AN
9 INTEGRAL PART OF TITLE 13, CHAPTER 15, PART 1, AND THE PROVISIONS OF TITLE 13, CHAPTER 15, PART 1, APPLY TO
10 [SECTION 1].

11
12 NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

13 - END -