

1 SENATE BILL NO. 481
2 INTRODUCED BY C. GLIMM
3 BY REQUEST OF THE (S) JOINT SELECT COMMITTEE ON ELECTION SECURITY
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING CAST VOTE RECORDS FOR ALL ELECTIONS;
6 PROVIDING FOR A FEE TO OBTAIN CERTAIN RECORDS; PROVIDING DEFINITIONS; AND PROVIDING
7 AN EFFECTIVE DATE."
8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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11 NEW SECTION. Section 1. Cast vote record requirement -- availability -- retention -- fee for
12 public documents. (1) The cast vote record function must be activated in all voting systems at all times.

- 13 (2) The cast vote records generated during an election
14 (a) must be saved and must be retained in a secure manner for 7 years;
15 (b) must be retained for legitimate purposes; and
16 (c) are not public records.

17 (3) The secretary of state shall provide to the public copies of all court findings and pleadings of
18 public record in any court proceeding that is filed pursuant to this section and shall charge a fee for paper
19 copies that is commensurate with the cost of obtaining, printing, and distributing the public documents.

20 ~~(3)~~(4) For the purpose of this section, the following definitions apply:

- 21 (a) "Cast vote record" means a tally of the votes cast on an individual ballot. The term does not
22 include an image of an individual ballot.
23 (b) "Cast vote record function" means the feature in a voting system that allows the cast vote
24 record to be generated.
25 (c) "Legitimate purposes" means a court finding that there is probable cause to believe a violation
26 of Title 13, chapter 35, parts 1 and 2, has occurred and that the cast vote record is relevant to the determination
27 of whether the violation occurred.

Amendment - 1st Reading/2nd House-blue - Requested by: Matt Regier - (H) State Administration

- 2023

68th Legislature 2023

Drafter: Jaret Coles, 406-444-4022

SB0481.001.002

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2 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an
3 integral part of Title 13, chapter 13, part 1, and the provisions of Title 13, chapter 13, part 1, apply to [section 1].

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5 NEW SECTION. Section 3. Severability. If a part of [this act] is invalid, all valid parts that are
6 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,
7 the part remains in effect in all valid applications that are severable from the invalid applications.

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9 NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 2023.

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