

**Amendment - 1st Reading/2nd House-blue - Requested by: Lyn Hellegaard - (H)**  
**Appropriations**

- 2023  
68th Legislature 2023

Drafter: Rebecca Power,

SB0481.002.001

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 FEDERAL  
6 ELECTIONS; PROVIDING FOR A FEE TO OBTAIN CERTAIN RECORDS; PROVIDING DEFINITIONS;  
7 CREATING A GRANT PROGRAM; PROVIDING RULEMAKING AUTHORITY; ESTABLISHING REPORTING  
8 REQUIREMENTS; PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE AND A  
9 TERMINATION DATE."

10  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
12

13 NEW SECTION. Section 1. Cast vote record requirement -- availability -- retention -- FEE FOR  
14 PUBLIC DOCUMENTS. (1) The cast vote record function must be activated in all voting systems at all times DURING  
15 ALL FEDERAL ELECTIONS.

16 (2) The cast vote records generated during an A FEDERAL election:  
17 (a) must be saved and must be retained in a secure manner for 7 years;  
18 (b) must be retained for legitimate purposes; and  
19 (c) ~~are not~~ public records.

20 (3) THIS PROVISION DOES NOT APPLY TO COUNTIES THAT EXCLUSIVELY HAND COUNT ALL BALLOTS.

21 (4) THE SECRETARY OF STATE SHALL PROVIDE TO THE PUBLIC COPIES OF ALL COURT FINDINGS AND  
22 PLEADINGS OF PUBLIC RECORD IN ANY COURT PROCEEDING THAT IS FILED PURSUANT TO THIS SECTION AND SHALL  
23 CHARGE A FEE FOR PAPER COPIES THAT IS COMMENSURATE WITH THE COST OF OBTAINING, PRINTING, AND DISTRIBUTING  
24 THE PUBLIC DOCUMENTS.

25 (3)(5) For the purpose of this section, the following definitions apply:

26 (a) "Cast vote record" means a tally of the votes cast on an individual ballot. The term does not  
27 include an image of an individual ballot.

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1 (b) "Cast vote record function" means the feature in a voting system that allows the cast vote  
2 record to be generated.

3 (c) "Legitimate purposes" means a court finding that there is probable cause to believe a violation  
4 of Title 13, chapter 35, parts 1 and 2, has occurred and that the cast vote record is relevant to the determination  
5 of whether the violation occurred.

6  
7 NEW SECTION. SECTION 2. GRANT PROGRAM -- RULEMAKING -- REPORTING REQUIREMENT. (1) (A) THERE  
8 IS A GRANT PROGRAM ADMINISTERED BY THE SECRETARY OF STATE FOR THE PURPOSE OF PROVIDING SUPPLEMENTAL  
9 FUNDS TO THE COUNTIES THAT NEED TO PURCHASE A COMPUTER AND SOFTWARE IN ORDER TO COMPLY WITH THE  
10 REQUIREMENTS OF [SECTION 1].

11 (B) THE GRANT PROGRAM IS ONLY AVAILABLE TO THE COUNTIES THAT NEED TO PURCHASE THE REQUIRED  
12 COMPUTER AND SOFTWARE NEEDED TO COMPLY WITH THE REQUIREMENTS OF [SECTION 1].

13 (2) (A) COUNTIES SHALL APPLY FIRST FOR A HELP AMERICA VOTE ACT SUBGRANT THROUGH THE  
14 SECRETARY OF STATE'S OFFICE, IF AVAILABLE AND ALLOWABLE, BEFORE APPLYING FOR SUPPLEMENTAL FUNDS FROM  
15 THE GRANT PROGRAM ESTABLISHED IN SUBSECTION (1).

16 (B) COUNTIES THAT HAVE RECEIVED A HELP AMERICA VOTE ACT SUBGRANT TO PURCHASE THE REQUIRED  
17 COMPUTER AND SOFTWARE MAY APPLY TO THE SECRETARY OF STATE FOR SUPPLEMENTAL FUNDS FROM THE GRANT  
18 PROGRAM ESTABLISHED IN SUBSECTION (1) TO COVER ANY MATCH REQUIREMENTS OF THE SUBGRANT.

19 (C) IF A COUNTY APPLIES FOR A HELP AMERICA VOTE ACT SUBGRANT THROUGH THE SECRETARY OF  
20 STATE'S OFFICE BUT DOES NOT RECEIVE THE SUBGRANT BECAUSE THE EXPENSE IS NOT ALLOWABLE OR BECAUSE MONEY  
21 IS NO LONGER AVAILABLE, THE COUNTY MAY APPLY TO THE GRANT PROGRAM ESTABLISHED IN SUBSECTION (1) FOR THE  
22 FULL AMOUNT NEEDED TO PURCHASE THE REQUIRED COMPUTER AND SOFTWARE.

23 (D) THE SECRETARY OF STATE SHALL ADOPT RULES TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

24 (3) IN ACCORDANCE WITH 5-11-210, THE SECRETARY OF STATE SHALL REPORT ANNUALLY TO THE STATE  
25 ADMINISTRATION AND VETERANS' AFFAIRS INTERIM COMMITTEE ON THE STATUS OF THE GRANT PROGRAM, INCLUDING  
26 WHICH COUNTIES HAVE RECEIVED FUNDS, HOW MUCH HAS BEEN DISTRIBUTED TO THOSE COUNTIES, AND HOW MUCH  
27 MONEY REMAINS IN THE GRANT PROGRAM FUND.