

1 SENATE BILL NO. 481
 2 INTRODUCED BY C. GLIMM
 3 BY REQUEST OF THE (S) JOINT SELECT COMMITTEE ON ELECTION SECURITY
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5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING CAST VOTE RECORDS FOR ALL ELECTIONS;
 6 PROVIDING DEFINITIONS; AND PROVIDING AN EFFECTIVE DATE."

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

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

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

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

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

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

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 25 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an
 26 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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28 **NEW SECTION. Section 3. Severability.** If a part of [this act] is invalid, all valid parts that are

1 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,
2 the part remains in effect in all valid applications that are severable from the invalid applications.

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

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