Unofficial Draft Copy As of: 2023/03/09 02:49:34 68th Legislature 2023

Drafter: Rebecca Power, LC

PD 0005

1 **** BILL NO. **** 2 **INTRODUCED BY ****** 3 BY REQUEST OF THE **** 4 5 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING AN ELECTION SECURITY AND INTEGRITY STAFF 6 AND COMPLAINT PROCESS IN THE DEPARTMENT OF JUSTICE; PROVIDING DUTIES; PROVIDING AN 7 APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE." 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 11 NEW SECTION. Section 1. Election security and integrity staff -- duties. (1) There are two 12 election security and integrity staff positions within the department of justice. The staff positions shall 13 investigate complaints as provided in [section 2] and prosecute cases as provided in [section 3]. The staff 14 positions are under the supervision of the attorney general. The staff positions are: 15 one investigator qualified by education, training, experience, and high professional competence (a) 16 in investigative procedures who shall investigate complaints as provided in [section 2]; and 17 one attorney licensed to practice law in Montana who shall investigate complaints as provided 18 in [section 2] and prosecute violations of election law as provided in [section 3]. 19 (2) The primary focus of the investigator and attorney in subsection (1) must be the investigation

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NEW SECTION. Section 2. Complaint process. (1) An individual may report to the staff referenced in [section 1] an alleged violation of election law under Title 13, chapter 35, part 2 or an alleged violation of Title 45, chapter 7 by an election official in the course of administering an election. Upon receiving a complaint, the staff shall investigate the report and proceed pursuant to [section 3] if the staff have cause to believe that a violation has occurred.

and prosecution of cases concerning violations provided in [section 2]. If the investigator and attorney have

that they must return to their election-related work if a new complaint is submitted.

additional capacity, they may be assigned to other work within the department of justice with the understanding

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1	(2) An election official may report to the staff referenced in [section 1] an alleged violation of
2	election law under Title 13, chapter 35, part 2 or an alleged violation of Title 45, chapter 7 by an individual
3	during an election-related event or activity. Upon receiving a complaint, the staff shall investigate the report and
4	proceed pursuant to [section 3] if the staff have cause to believe that a violation has occurred.
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6	NEW SECTION. Section 3. Cause of action created. If the staff referenced in [section 1] have
7	reasonable cause to believe that a violation under [section 2] has occurred, the office attorney may commence
8	a civil action or criminal action in the appropriate district court for appropriate relief.
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10	NEW SECTION. Section 4. Appropriation. There is appropriated \$175,000 from the general fund to
11	the department of justice for each year of the biennium beginning July 1, 2023. The appropriation must be used
12	for the purposes of funding the election security and integrity staff positions required under [section 1]. The
13	legislature intends that the appropriation in this section be considered part of the ongoing base for the next
14	legislative session.
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16	NEW SECTION. Section 5. Codification instruction. (1) [Section 1] is intended to be codified as
17	an integral part of Title 2, chapter 15, part 20, and the provisions of Title 2, chapter 15, part 20, apply to [section
18	1].
19	(2) [Sections 2 through 3] are intended to be codified as an integral part of Title 44, chapter 4, and the
20	provisions of Title 44, chapter 4, apply to [sections 2 through 3].
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22	NEW SECTION. Section 6. Effective date. [This act] is effective July 1, 2023.
23	- END -