A BILL FOR AN ACT ENTITLED: “AN ACT CREATING THE ELECTION SECURITY AND INTEGRITY OFFICE; PROVIDING DUTIES AND PROCESSES; PROVIDING A COMPLAINT PROCESS; PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE.”

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

NEW SECTION. Section 1. Election security and integrity office -- duties. (1) There is an election security and integrity office in the department of justice. The office shall investigate and prosecute cases concerning violations of election law. The office is under the supervision and control of the attorney general and consists of:

(a) one investigator qualified by education, training, experience, and high professional competence in investigative procedures who shall investigate violations of election law; and

(b) one attorney licensed to practice law in Montana who shall prosecute violations of the provisions of election law.

(2) The primary focus of the investigator and attorney in subsection (1) must be the investigation and prosecution of cases concerning violation of election law. If the investigator and attorney have additional capacity, they may be assigned to other work within the department justice with the understanding that they must return to their election-related work if a new complaint is submitted.

NEW SECTION. Section 2. Complaint process. (1) A member of the public may report to the election security and integrity office an alleged violation of election law under Title 13, chapter 35, parts 1 and 2, or an alleged violation of 45-7-401 by an election official in the course of administering an election. Upon receiving a complaint, the office staff shall investigate the report and proceed pursuant to [section 3] if the office staff have cause to believe that a violation of election law has occurred.
An election official may report to the election security and integrity office an alleged violation of election law under Title 13, chapter 35, parts 1 and 2, an alleged act of intimidation or coercion, or an alleged violation of 45-7-102 or 45-7-302. Upon received a complaint, the office staff shall investigate the report and proceed pursuant to [section 3] if the office staff have cause to believe that a violation of election law has occurred.

NEW SECTION. Section 3. Cause of action created. If the office staff have reasonable cause to believe that a violation under [section 2] has occurred, the office attorney may commence a civil action or criminal action in the appropriate district court for appropriate relief.

NEW SECTION. Section 4. Appropriation. There is appropriated $175,000 from the general fund to the department of justice for each year of the biennium beginning July 1, 2023. The appropriation must be used for the purposes of funding the election security and integrity office and for the two FTE required under [section 1]. The legislature intends that the appropriation in this section be considered part of the ongoing base for the next legislative session.

NEW SECTION. Section 5. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 2, chapter 15, part 20, and the provisions of Title 2, chapter 15, part 20, apply to [section 1].

(2) [Sections 2 through 3] are intended to be codified as an integral part of Title 44, chapter 4, part 5, and the provisions of Title 44, chapter 4, part 5, apply to [sections 2 through 3].

NEW SECTION. Section 6. Effective date. [This act] is effective July 1, 2023.