

Amendment - 2nd Reading-yellow - Requested by: Theresa Manzella - (S) Committee of the Whole

- 2025

69th Legislature 2025

Drafter: Andria Hardin,

SB0440.001.002

SENATE BILL NO. 440

INTRODUCED BY T. MANZELLA

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING PUBLIC REPORTS OF ELECTION RESULTS; PROVIDING THE INFORMATION TO BE INCLUDED IN THE REPORT; AND ESTABLISHING REPORTING REQUIREMENTS; ~~AND PROVIDING RULEMAKING AUTHORITY.~~"

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

NEW SECTION. **Section 1. Report of election results** ~~rulemaking~~. (1) For an election, after the vote count procedures provided in 13-15-101 are completed and before the canvass required in 13-15-401 begins, the county election administrator shall prepare a spreadsheet with the following information:

- (a) the total number of registered electors in the county;
- (b) the total number of ballots issued by type, including poll, absentee, provisional, and military-overseas;
- (c) the total number of votes cast by type, including poll, absentee, provisional, and military-overseas;
- (d) the total number of ballots accepted by type, including poll, absentee, provisional, and military-overseas;
- (e) the total number of ballots rejected by type, including poll, absentee, provisional, and military-overseas;
- (f) the total number of test ballots printed, ~~counted, and accepted; and used for testing, and~~ counted;
- (g) the total number of electors who registered on election day; and
- (h) precinct-level information including:
 - (i) the total number of registered voters in the precinct;
 - (ii) the total number of ballots counted in the precinct by type, including poll, absentee, provisional,

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1 and military-overseas; and

2 (iii) the total number of test ballots printed, counted, and accepted.

3 (2) The spreadsheet must be posted to the county election website in a place accessible by all
4 members of the public.

5 (3) A digital copy of the spreadsheet must be retained in perpetuity. A physical copy of the
6 spreadsheet must be retained with all other records for that election in accordance with the retention schedule
7 provided in 13-1-303.

8 (4) (a) The spreadsheet data must be submitted to the secretary of state prior to the certification of
9 the election.

10 (b) The secretary of state shall use the data submitted by the counties to prepare a comprehensive
11 reconciliation report prior to the certification of the election.

12 (c) If, in the process of preparing the comprehensive reconciliation report, the secretary of state
13 discovers discrepancies within a county's results, the secretary of state shall immediately ~~refer the matter to~~
14 legislative leadership address it with the county election administrator, the county governing body, and
15 legislative leadership for the purpose of correcting errors and reconciling discrepancies by whatever action is
16 deemed appropriate.

17 (d) If notified of discrepancies in a county's results, legislative leadership may convene the
18 legislative audit committee to investigate the matter.

19 (5) As soon as the report required in subsection (4) is available, the secretary of state shall:

20 (a) submit the report to the legislative services division, in accordance with 5-11-210, for
21 distribution to all members of the legislature;

22 (b) post the report to the statewide election website in a place accessible by all members of the
23 public; and

24 (c) present the report to the state administration and veterans' affairs interim committee at the first
25 meeting after a statewide or federal primary or general election.

26 ~~(6) The secretary of state may adopt rules to implement the provisions of this section.~~

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