

Amendment - 1st Reading/2nd House-blue - Requested by: Theresa Manzella - (H) State Administration

- 2025

69th Legislature 2025

Drafter: Andria Hardin,

SB0440.002.001

SENATE BILL NO. 440

INTRODUCED BY T. MANZELLA

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING PUBLIC REPORTS OF STATEWIDE CANVASSED ELECTION RESULTS PROVIDED UNDER TITLE 13, CHAPTER 15, PART 5; 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 statewide canvassed election results -- rulemaking. (1) For an election subject to a statewide canvass as provided in part 5 of this chapter, after the vote count procedures provided in 13-15-101 are completed and before the canvass required in 13-15-401 begins, the secretary of state shall design a reconciliation spreadsheet for the county election ~~administrator shall prepare a~~ administrators, who shall then use the spreadsheet ~~with to provide~~ 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

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1 (H) _____precinct-level information including:

2 (i) the total number of registered voters in the precinct; and

3 (ii) the total number of ballots counted in the precinct by type, including poll, absentee, provisional,
4 and military-overseas; ~~and~~

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

6 (2) The spreadsheet must be posted to the county election website in a place accessible by all
7 members of the public no later than when the board of county canvassers meets as provided in 13-15-401.

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

11 (4) (a) The ~~spreadsheet data must be submitted~~ county election administrator shall submit the
12 spreadsheet to the secretary of state ~~prior to the certification of the election~~ no later than when the board of
13 county canvassers meets as provided in 13-15-401.

14 (b) The secretary of state shall use the data submitted by the counties to prepare a comprehensive
15 reconciliation report ~~prior to the certification of the election at least 7 days prior to the certification of the election~~
16 results by the board of state canvassers.

17 (c) If, in the process of preparing the comprehensive reconciliation report, the secretary of state
18 discovers discrepancies within a county's results, the secretary of state shall immediately ~~refer the matter to~~
19 legislative leadership ADDRESS IT WITH THE COUNTY ELECTION ADMINISTRATOR, THE COUNTY GOVERNING BODY, AND
20 LEGISLATIVE LEADERSHIP FOR THE PURPOSE OF CORRECTING ERRORS AND RECONCILING DISCREPANCIES BY WHATEVER
21 ACTION IS DEEMED APPROPRIATE.

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

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

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

27 (b) post the report to the statewide election website in a place accessible by all members of the

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1 public; and

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

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

5

6 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an
7 integral part of Title 13, chapter 15, part 1, and the provisions of Title 13, chapter 15, part 1, apply to [section 1].

8 - END -