

HOUSE BILL NO. 187

INTRODUCED BY B. CARTER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ELECTION LAWS RELATED TO BALLOT
TABULATION; ~~REMOVING THE CONTINUOUS TABULATION REQUIREMENT; ALLOWING A TEMPORARY~~
~~PAUSE IN TABULATION AND THE RELEASE OF RESULTS IN THE EVENT OF SIGNIFICANT PROBLEMS;~~
~~REQUIRING THE AGREEMENT OF BOTH THE ELECTION ADMINISTRATOR AND THE SECRETARY OF~~
~~STATE FOR A TEMPORARY RECESS;~~ AMENDING SECTION 13-15-101, MCA; AND PROVIDING AN
IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 13-15-101, MCA, is amended to read:

"13-15-101. Votes to be publicly counted -- return forms. (1) (a) Any official vote count must be
open to public observation, including but not limited to resolution and counting areas.

(b) ~~Counties~~ (i) Except as provided in subsection (2), counties that perform tabulation using a vote-
counting machine on the day prior to the election shall continue until all available ballots that can be legally
counted ~~have been~~ are tabulated or 5 p.m., whichever is earlier.

(ii) The results of the tabulation may not be made publicly available until after the close of polls on
election day and only after all voters have completed voting on election day in the county.

(iii) Ballots may not be issued after the close of polls and the start of tabulation on election day.

~~(e)~~ ~~(i) On election day, tabulation must begin and continue without adjournment until all available~~
~~ballots that can be legally counted have been tabulated except pending unresolved resolution board ballots,~~
~~provisional ballots, or military overseas ballots.~~

(c) (i) Except as provided in subsection (2), on election day, tabulation must begin and continue
without adjournment until all available ballots that can be legally counted have been tabulated except pending
unresolved resolution board ballots, provisional ballots, or military overseas ballots.

~~(ii)~~ ~~(i)~~ (ii) Immediately ~~once~~ after all voters in a county have completed voting on election day, but no

earlier than 8 p.m., the election administrator in the county shall provide the initial results to the public and continue to provide updated results at least once every 3 hours until completion, except as provided in subsection (2). However, if the election is for at least one statewide race or statewide ballot issue, the election administrator's public reporting of any results must first be provided to the secretary of state's election night reporting system.

~~(iii)~~ (ii)(iii) All documents must be secured, with no person allowed access outside regular business hours.

~~(d) — (i) A county that performs tabulation pursuant to 13-15-107, 13-21-206, or 13-21-226 shall continue without adjournment until all available ballots that can be legally counted have been tabulated.~~

~~(ii)(d)~~ (i) Except as provided in subsection (2), a county that performs tabulation pursuant to 13-15-107, 13-21-206, or 13-21-226 shall continue without adjournment until all available ballots that can be legally counted have been tabulated.

~~(ii)~~ Once ~~After~~ tabulation ~~has been~~ is completed, the results must be immediately publicly declared. However, if the election is for at least one statewide race or statewide ballot issue, the election administrator's public reporting of the results must first be provided to the secretary of state's election night reporting system.

(2) If tabulation cannot continue due to significant problems as determined by the election administrator, the election administrator may temporarily recess tabulation and temporarily pause the release of results with the written consent of the office of the secretary of state.

~~(2)(3)~~ Immediately after all the ballots are counted by precinct, the election judges shall copy the total votes cast for each candidate and for and against each proposition on the return forms furnished by the election administrator.

~~(3)(4)~~ The election judges shall immediately display one of the return forms at the place of counting and return a copy to the election administrator. Both forms must be signed by all the election judges completing the count.

~~(4)(5)~~ The secretary of state may adopt rules providing for notifications to the secretary of state concerning vote total updates or associated delays during the counting of votes, including the prioritization of reporting results through the state's election night reporting system, but the rules may not require more frequent

1 reporting of votes counted than otherwise provided in this section."

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3 NEW SECTION. Section 2. Severability. If a part of [this act] is invalid, all valid parts that are
4 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,
5 the part remains in effect in all valid applications that are severable from the invalid applications.

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7 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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