1   HOUSE BILL NO. 488

2   INTRODUCED BY J. DARLING, M. BERTOGLIO, Z. WIRTH

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4   A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO THE ELECTRONIC

5   TRANSMISSION OF A BALLOT BY A DISABLED VOTER; ALLOWING A DISABLED ELECTOR TO RETURN

6   A VOTED BALLOT USING AN ENCRYPTED ELECTRONIC TRANSMISSION SYSTEM APPROVED BY THE

7   SECRETARY OF STATE UNDER CERTAIN CIRCUMSTANCES; REQUIRING THE SECRETARY OF STATE

8   TO ADOPT ENCRYPTION AND SECURITY STANDARDS FOR AN ELECTRONIC TRANSMISSION

9   SYSTEM; PROVIDING AN APPROPRIATION; PROVIDING RULEMAKING AUTHORITY; AMENDING

10   SECTION 13-13-246, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

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14   **Section 1.** Section 13-13-246, MCA, is amended to read:

15   "**13-13-246.   Electronic ballots for disabled persons -- procedures -- definition -- rulemaking.** (1)

16   (a) Upon a written or an in-person request from a legally registered or provisionally registered elector with a

17   disability, an election administrator shall provide the elector with an electronic ballot.

18   (b)   The request may be made by electronic mail.

19   (2)   (a) After receiving a request and verifying that the elector is legally registered or provisionally

20   registered, the election administrator shall provide to the elector an electronic ballot, instructions for completing

21   the ballot, a secrecy envelope or ~~page~~ secrecy cover sheet, and a transmittal cover sheet that includes an

22   elector affirmation. If the elector is provisionally registered, the election administrator shall include instructions

23   about what information the elector shall include with the voted ballot pursuant to 13-13-201(4).

24   (b)   The election administrator shall maintain an official log of all ballots provided pursuant to this

25   section.

26   (c)   After voting the ballot, the elector shall print the ballot, place it in the secrecy envelope or under

27   the secrecy page, sign the affirmation, including by fingerprint, mark, or agent pursuant to 13-1-116, or provide

28   a driver's license number or the last four digits of the elector's social security number. If the elector returns the

1   ballot electronically, in lieu of placing the ballot in the secrecy envelope, the elector shall place the ballot behind

2   the secrecy cover sheet. If the elector is provisionally registered, the elector shall also return sufficient voter

3   identification and eligibility information to allow the election administrator to determine pursuant to rules adopted

4   under 13-2-109 that the elector is legally registered. The elector shall return the voted ballot and affirmation in a

5   manner that ensures both are received by 8 p.m. on election day.

6   (d)   An elector may return the voted ballot and affirmation in the regular mail provided they are

7   received at the office of the election administrator by 8 p.m. on election day. A valid ballot must be counted if it

8   is received at the office of the election administrator by 8 p.m. on election day.

9   (e)   An elector may return the voted ballot and affirmation electronically in a federal primary or

10 federal general election provided that they are received at the office of the election administrator by 8 p.m. on

11 election day. The ballot and affirmation must be transmitted electronically using a secure, encrypted electronic

12 transmission system approved by the secretary of state as provided in subsection (5).

13 (3)   After receiving a ballot and secrecy envelope and if the validity of the ballot is confirmed

14 pursuant to 13-13-241, the election administrator shall log the receipt of the ballot and process it as required in

15 Title 13, chapter 13. If the ballot is rejected, the election administrator shall notify the elector pursuant to 13-13-

16 245.

17 (4)   (a) When performing the procedures prescribed in 13-13-241(7) to open secrecy envelopes, an

18 election official shall place in a secure absentee ballot envelope any ballot returned pursuant to this section that

19 requires transcription. No sooner than the time provided in 13-13-241(7), the election administrator shall

20 transcribe the returned ballots using the procedure prescribed below and in accordance with any rules

21 established by the secretary of state to ensure the security of the ballots and the secrecy of the votes.

22 (b)   No fewer than three election officials shall participate in the transcription process to transfer the

23 elector's vote from the received ballot to the standard ballot used in the precinct.

24 (c)   A number must be written on the secrecy envelope or page that contains the original voted

25 electronic ballot, and the same number must be placed on the transcribed ballot and in the official log.

26 (d)   The election officials who transcribed the original voted electronic ballot shall sign the log next

27 to the number.

28 (e)   No one participating in the ballot transmission process may reveal any information about the

1   ballot.

2   (5)   The secretary of state shall adopt rules to implement and administer this section, including <u>but</u>

3   <u>not limited to:</u>

4   <u>(a)</u>   rules to ensure the security of the ballots and the secrecy of the votes<u>; and</u>

5   <u>(b)</u>   <u>rules to protect the accuracy, integrity, and secrecy of a ballot transmitted electronically by the</u>

6   <u>encrypted</u> <u>electronic transmission system. The rules must include encryption and security standards for an</u>

7   <u>electronic transmission system before the system may be approved by the secretary of state for use under this</u>

8   <u>section</u>."

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10   <u>NEW SECTION.</u> **Section 2.   Appropriation.** There is appropriated $10,000 from the general fund to

11   the secretary of state for the fiscal year beginning July 1, 2025, for the costs of designing, programming, and

12   otherwise implementing an encrypted electronic transmission system as described in [this act].

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14   <u>NEW SECTION.</u> **Section 3.   Effective date.** [This act] is effective July 1, 2025.

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16   <u>NEW SECTION.</u> **Section 4.   Applicability.** [This act] applies to federal primary and federal general

17   elections beginning with the federal general election held in November 2026.

18   - END -