

1 HOUSE BILL NO. 530

2 INTRODUCED BY W. MCKAMEY, D. ANKNEY, S. FITZPATRICK, B. GILLESPIE, C. GLIMM, G. HERTZ, D.
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 6 SCHILLINGER, D. SKEES, M. STROMSWOLD, B. USHER, S. VINTON, K. WALSH, T. WELCH, K.

7 ZOLNIKOV

8 BY REQUEST OF THE SECRETARY OF STATE

9
 10 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE SECRETARY OF STATE TO ADOPT RULES
 11 DEFINING AND GOVERNING ELECTION SECURITY; REQUIRING ELECTION SECURITY ASSESSMENTS
 12 BY THE SECRETARY OF STATE AND COUNTY ELECTION ADMINISTRATIONS; ESTABLISHING THAT
 13 SECURITY ASSESSMENTS ARE CONFIDENTIAL INFORMATION; ESTABLISHING REPORTING
 14 REQUIREMENTS; DIRECTING THE SECRETARY OF STATE TO ADOPT A RULE PROHIBITING CERTAIN
 15 PERSONS FROM RECEIVING PECUNIARY BENEFITS WITH RESPECT TO CERTAIN BALLOT
 16 ACTIVITIES; PROVIDING PENALTIES; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN
 17 IMMEDIATE EFFECTIVE DATE."

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

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 21 NEW SECTION. Section 1. Statewide elections infrastructure -- rulemaking. (1) (a) On or before
 22 July 1, 2022, the secretary of state shall adopt rules defining and governing election security ~~using federal~~
 23 ~~election best practices as recommended by the United States elections assistance commission and the national~~
 24 ~~institute of standards and technology of the United States department of commerce.~~

25 (b) The secretary of state and county election administrators shall annually assess their compliance
 26 with election security rules established in accordance with subsection (1)(a). County election administrators
 27 shall provide the results of the assessments to the secretary of state in January of each year to ensure that all
 28 aspects of elections in the state are secure. Security assessments are considered confidential information as

1 defined in 2-6-1002(1).

2 (2) Beginning January 1, 2023, and each year after, the secretary of state shall provide an annual
3 summary report on statewide election security. The report must be provided to the state administration and
4 veterans' affairs interim committee in accordance with 5-11-210.

5
6 **NEW SECTION. SECTION 2. DIRECTION TO SECRETARY OF STATE -- PENALTY. (1) ON OR BEFORE JULY 1,**
7 **2022, THE SECRETARY OF STATE SHALL ADOPT AN ADMINISTRATIVE RULE IN SUBSTANTIALLY THE FOLLOWING FORM:**

8 **(A) FOR THE PURPOSES OF ENHANCING ELECTION SECURITY, A PERSON MAY NOT PROVIDE OR OFFER TO**
9 **PROVIDE, AND A PERSON MAY NOT ACCEPT, A PECUNIARY BENEFIT IN EXCHANGE FOR DISTRIBUTING, ORDERING,**
10 **REQUESTING, COLLECTING, OR DELIVERING BALLOTS.**

11 **(B) "PERSON" DOES NOT INCLUDE A GOVERNMENT ENTITY, A STATE AGENCY AS DEFINED IN 1-2-116, A LOCAL**
12 **GOVERNMENT AS DEFINED IN 2-6-1002, AN ELECTION ADMINISTRATOR, AN ELECTION JUDGE, A PERSON AUTHORIZED BY**
13 **AN ELECTION ADMINISTRATOR TO PREPARE OR DISTRIBUTE BALLOTS, OR A PUBLIC OR PRIVATE MAIL SERVICE OR ITS**
14 **EMPLOYEES ACTING IN THE COURSE AND SCOPE OF THE MAIL SERVICE'S DUTIES TO CARRY AND DELIVER MAIL.**

15 **(2) A PERSON VIOLATING THE RULE ADOPTED BY THE SECRETARY OF STATE PURSUANT TO SUBSECTION (1) IS**
16 **SUBJECT TO A CIVIL PENALTY. THE CIVIL PENALTY IS A FINE OF \$100 FOR EACH BALLOT DISTRIBUTED, ORDERED,**
17 **REQUESTED, COLLECTED, OR DELIVERED IN VIOLATION OF THE RULE.**

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19 **NEW SECTION. Section 3. Codification instruction. (1)** [Section 1] is intended to be codified as an
20 integral part of Title 13, chapter 1, part 2, and the provisions of Title 13, chapter 1, part 2, apply to [section 1].

21 **(2) [SECTION 2] IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 13, AND THE PROVISIONS OF**
22 **TITLE 13 APPLY TO [SECTION 2].**

23
24 **NEW SECTION. SECTION 4. SEVERABILITY. IF A PART OF [THIS ACT] IS INVALID, ALL VALID PARTS THAT ARE**
25 **SEVERABLE FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF [THIS ACT] IS INVALID IN ONE OR MORE OF ITS**
26 **APPLICATIONS, THE PART REMAINS IN EFFECT IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE INVALID**
27 **APPLICATIONS.**

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