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INTRODUCED BY Alan Kappel ^{House} BILL NO. 227

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT ELECTION MATERIAL PACKAGES MAY BE DESTROYED AFTER THEY HAVE BEEN OPENED; CLARIFYING THAT ELECTION MATERIALS MUST BE DISPOSED OF AS PROVIDED IN THE ELECTION ADMINISTRATOR'S PLAN; AND AMENDING SECTION 13-1-303, MCA."

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

Section 1. Section 13-1-303, MCA, is amended to read:

"13-1-303. **Disposition of ballots and other election materials.** (1) The voted ballots, detached stubs, unvoted ballots, and unused ballots from an election ~~shall~~ must be kept in the unopened packages received from the election judges for a period of 12 months. ~~Such~~ The packages may be opened only when an order for opening is given by the proper official for a recount procedure. After 12 months, if there is no contest begun, recount pending, or appeal of a decision relating to a contest or recount, an election administrator may destroy the ballots ~~without opening the packages.~~

(2) The secretary of state, in consultation with the state records committee, shall prepare a suggested plan for retention and destruction of all other election records. Each election administrator shall prepare a plan for retention and destruction of election records in the county and shall submit it to the secretary of state for approval. After approval of ~~such~~ a plan, records may be ~~destroyed~~ disposed of as provided in the plan."

-END-

APPROVED BY COM ON
STATE ADMINISTRATION

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

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11 **Section 1.** Section 13-1-303, MCA, is amended to read:

12 **"13-1-303. Disposition of ballots and other election materials.** (1) The voted ballots, detached
13 stubs, unvoted ballots, and unused ballots from an election ~~shall~~ must be kept in the unopened packages
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15 an order for opening is given by the proper official for a recount procedure. After 12 months, if there is no
16 contest begun, recount pending, or appeal of a decision relating to a contest or recount, an election
17 administrator may ~~destroy~~ DISPOSE OF the ballots ~~without opening the packages~~ ACCORDING TO A PLAN
18 APPROVED BY THE SECRETARY OF STATE.

19 (2) The secretary of state, in consultation with the state records committee, shall prepare a
20 suggested plan for retention and destruction of all other election records. Each election administrator shall
21 prepare a plan for retention and destruction of election records in the county and shall submit it to the
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