



ADMINISTRATIVE RULES OF MONTANA



44.3.1703 CRITERIA OF CONSTRUCTION

- (1) Voting machines or devices shall meet the following requirements:
 - (a) They shall permit and require an elector to vote in secret.
 - (b) They shall prevent an elector from voting for any candidate or upon any ballot issue more than once and is also prevented from voting on any office or ballot issue for which he is not entitled to vote.
 - (c) They shall permit an elector to secretly select the party for which he wishes to vote in a primary election and the machine or device will count only votes for the candidates of that party by the elector in the primary election.
 - (d) They shall permit an elector to vote a split ticket in a general election if he desires.
 - (e) They shall register and record every valid vote cast.
 - (f) They shall be constructed so that they cannot be tampered with for a fraudulent purpose.
 - (g) They shall also be constructed so that during the progress of the voting no individual can see or know the number of votes registered for any candidate or on any ballot issue.
 - (h) They shall allow write-in voting.
 - (i) They shall provide that the ballot may be rotated as provided in 13-13-205, MCA, without substantially impairing the efficiency or accuracy of the tabulation of such rotated ballots.
 - (j) The applicant shall guarantee to provide training and assistance to election officials included in each contract for purchase of a machine or device.
 - (k) They shall comply with all other requirements of the election laws, so far as they are applicable.
- (2) Voting machines or devices shall be constructed of materials sufficiently durable to withstand normal wear and tear due to usage, storage and transportation. It is the intent of this rule that the system shall have a useful life of ten years or more without major mechanical or electronic failure due solely to normal use, storage and transportation. Applicant shall submit data pertinent to this rule, if available.
- (3) Such system shall be fully guaranteed as to parts and workmanship for a period of not less than two years from date of purchase, and the manufacturer shall be prepared to provide maintenance and repair service for such system at a rate to be agreed upon by the manufacturer, dealer or agent of either and the purchasing entity.

- (4) Each system or each component of any system shall remain operative and unimpaired in efficiency and accuracy in the physical and electrical environment normally found in polling places and other places used for election purposes, including places to which ballots are taken for purposes of tabulation.
 - (a) The system shall be so constructed as to operate in atmospheric temperatures ranging from 65 to 90 degrees Fahrenheit.
 - (b) The system shall be so constructed as to operate without being affected by variations in the voltage or amperage of the power supply normally found in places where it is to be used.
 - (c) Any system utilizing photoelectric or photosensitive components shall be so constructed that it will operate in the presence of light intensity on the order of that caused by the use of flashbulbs or other lighting, whether intermittent or continuous, used for photographic purposes.
- (5) The system shall provide a mechanical or procedural means whereby an elector may cast a write-in vote for any person for any office, and whereby such elector shall be prevented from voting for another person for such office on the regular ballot.
- (6) Automatic tabulating equipment shall provide a visible or audible signal to the operator thereof in the following cases.
 - (a) If a ballot cannot be tabulated by the system due to a physical defect in the ballot, the machine shall signal rejection of the ballot.
 - (b) If a ballot or part thereof has been overvoted because the elector has recorded vote intentions for a number of persons for an office in excess of the number he is entitled to vote for, the ballot tabulation program and hardware shall have the ability to so record and display a summary of the ballot overvote conditions.
- (7) Where applicable no device shall be approved if the act of voting by an elector does not produce a visible effect upon the ballot by application of a visible substance to the ballot.

Authorizing statute(s): 13-17-107, MCA

Implementing statute(s): 13-17-103, MCA

History: NEW, 1979 MAR p. 1693, Eff. 12/28/79; AMD, 1996 MAR p. 3221, Eff. 12/20/96; AMD, 2012 MAR p. 760, Eff. 4/13/12.