



ADMINISTRATIVE RULES OF MONTANA

44.3.1719 POSTELECTION AUDIT PROCESS FOR A FEDERAL ELECTION

- (1) Within seven to nine days after a federal election, the Secretary of State will call a public meeting of the state board of canvassers to randomly select the races, ballot issues, and precincts to be audited pursuant to the Postelection Audit Act, Title 13, chapter 17, part 5, MCA. The public meeting will be posted no later than five days prior to the meeting date on the Secretary of State's website.
- (2) A county that has a race within the margins of a recount pursuant to Title 13, chapter 16, part 2, MCA, shall notify the Secretary of State of its exemption no later than seven days after the election by submitting a notice for exemption on the form approved by the Secretary of State.
- (3) Pursuant to 13-17-503, MCA, at least 10% of the precincts in each county, or a minimum of two precincts in each county, shall be audited, whichever is greater. If there is only one precinct, that precinct is automatically selected. The state board of canvassers shall utilize current official precinct information provided by the counties to the Secretary of State to determine the number of precincts to be audited per county. Three additional precincts, or as many as possible up to three, in each county will be selected in case a discrepancy in vote tallies occurs that necessitates further auditing.
- (4) The state board of canvassers shall select the races, ballot issues, and precincts by rolling ten-sided dice with numerals from 0 to 9. The dice shall be red, white, and blue, with red as the first digit, white the second, and blue the third. For example, rolling 1 on a red die, 2 on a white die, and 3 on a blue die, would indicate the number 123.
- (5) To select precincts, each shall be assigned numbers which, when matched with dice rolls, indicate the precincts to be audited.
 - (a) For counties consisting of ten or fewer precincts, each shall be assigned numbers 1-10. One red, ten-sided die shall be rolled. The number on the die shall be the precinct audited. (The number zero shall represent precinct 10).
 - (b) For counties having from 11 to 100 precincts, since two dice will be needed, each precinct must be assigned two-digit numbers. For example, number 1 is 01, 2 is 02, and so on up to the number of precincts in the county. Precinct 100 shall be assigned 00. A red and a white ten-sided die shall be rolled, with red indicating the first digit, and white the second digit. The number rolled shall be the precinct audited (i.e., a red 3 and white 2 shall designate precinct 32.).
 - (c) For counties with 101 or more precincts, three dice will be needed, and precincts shall be assigned three-digit numbers from 001 up to the actual number of precincts. The red die indicates the first digit, white the second, and blue the third.

- (d) The board may decide to assign a number range of equal intervals to each precinct to reduce the number of dice throws needed, e.g., 0 - 2 = precinct 1, 3 - 5 = precinct 2, 6 - 8 = precinct 3, etc.
- (6) The board shall determine the order in which board members will throw the dice. Board members will rotate dice throwing after each 30-minute interval. A ribbed tumbler and dice tray shall be utilized to accomplish the dice throw. The Secretary of State will record the results on the prescribed form.
- (7) The selection of races and ballot issues designated in 13-17-503, MCA, shall be made in the same manner as described above for precincts. Each race or ballot issue shall be assigned a number using placement on the ballot to determine the order. One red die shall be rolled for 10 or fewer races and a red and a white die for 11 or more. The number rolled shall indicate the race or ballot issue to be audited in the precincts previously selected.
- (8) Once the races and the precincts to be audited have been selected, the Secretary of State will notify each county election administrator of the race and precinct selections and post the selections on the Secretary of State's website.
- (9) If a request is made to audit a countywide race pursuant to 13-17-503, MCA, selection of the race(s) must be done by using a statistically random technique chosen by the board of county commissioners. The precincts used for the audit must be the same precincts selected by the state board of canvassers.
- (10) For elections where ballots were hand-counted, the audit committee, selected pursuant to 13-17-504, MCA, shall use the method to count ballots outlined in 13-15-206, MCA. If the random-sample audit results in a discrepancy of more than 0.5% of total ballots cast or five ballots, whichever is greater, another full count of the race(s) and/or ballot issue(s) shall be performed. If the discrepancy remains, the audit committee shall count the selected race(s) and/or ballot issue(s) from the three additional precincts selected per (3). The results of all audits shall be reported to the county board of canvassers.
- (11) For elections where a voting system was used to count votes, the method for the audit must be conducted as outlined in 13-17-506, MCA, and must comply with 13-17-503 and 13-17-504, MCA. Discrepancies in results must be addressed pursuant to 13-17-507, MCA.
- (12) Once the county audit committee has conducted a random-sample audit, the county election administrator shall submit the results to the Secretary of State on an approved form. These will be posted on the Secretary of State's website.

Authorizing statute(s): 13-17-503, MCA

Implementing statute(s): 13-17-503, 13-17-504, 13-17-505, 13-17-506, 13-17-507, MCA

History: NEW, 2010 MAR p. 1548, Eff. 4/16/10; AMD, 2024 MAR p. 287, Eff. 2/10/24.