



ADMINISTRATIVE RULES OF MONTANA



44.3.1722 POSTELECTION AUDIT PROCESS FOR A NONFEDERAL ELECTION

- (1) Pursuant to the Postelection Audit Act, Title 13, chapter 17, part 5, MCA, if a board of county commissioners requests an audit of vote-counting machines for a nonfederal election, they shall randomly select the precincts or ballot styles, races and ballot issues, and vote counting machines (if applicable) to be audited.
 - (a) The selection of precincts or ballot styles, races and ballot issues, and vote counting machines (if applicable) shall be accomplished by using a statistically random technique chosen by the board.
 - (b) The board shall record the results on a form prescribed by the Secretary of State.
- (2) If audit selection is based on precincts, the board of county commissioners shall utilize current official precinct information provided by the county conducting the audit. One precinct in the election shall be selected. If there is only one precinct, that precinct is automatically selected. After random selection, one additional precinct from the election will also be selected, if possible, in case a discrepancy in vote tallies occurs that necessitates further auditing.
 - (a) The board shall select up to two races and up to two ballot issues from the selected precinct to audit. If there is only one race and/or ballot issue, that one is automatically selected. The selections may not include:
 - (i) a retention election for a judicial candidate; or
 - (ii) a race in which a candidate was unopposed.
- (3) If audit selection is based on ballot styles, the board of county commissioners shall utilize current official ballot style information provided by the county conducting the audit. One ballot style in the election shall be selected. If there is only one ballot style, that ballot style is automatically selected. After random selection of the ballot style to be audited, an additional ballot style from the election will also be selected, if possible, in case a discrepancy in vote tallies occurs that necessitates further auditing.
 - (a) The board shall select up to two races and up to two ballot issues from the selected ballot style to audit. If there is only one race and/or ballot issue, that one is automatically selected. The selections may not include:
 - (i) a retention election for a judicial candidate; or
 - (ii) a race in which a candidate was unopposed.
 - (b) If a selected ballot style has more than 2500 ballots cast and the ballots were counted by more than one vote-counting machine, the board of county commissioners may further

narrow the audit by selecting one vote-counting machine used to count the selected ballot style.

- (4) The board shall notify the county election administrator of the selections in a public meeting.
- (5) The board shall appoint individuals to serve on an audit committee, complying in number and composition with 13-17-504, MCA.
- (6) The county audit committee shall conduct the audit pursuant to 13-17-506 and 13-17-510, MCA.
- (7) 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.

Authorizing statute(s): 13-17-510, MCA

Implementing statute(s): 13-17-504, 13-17-506, 13-17-510, MCA

History: NEW, 2024 MAR p. 287, Eff. 2/10/24.