

# Proposed Standing Election Committee Rule Change

## Structure

- Authority for the Legislature to exercise its Constitution responsibility to administer and insure the purity of the elections. Establish a new Standing Session Committee on Elections for the 2023 Session and possibly concluding at the conclusion of the regular session of 2025.
- Separate Elections from the State Administration and Veterans Affairs Committee
- Provide subpoena power for this committee that includes not only witnesses but information from state agencies and political subdivisions.
- Power to refer any finding of illegality for further investigation and/or prosecution.
- Provide for the Elections Committee to remain in-session during the interim.
- Election Investigation Unit reports the election related issues disclosed to their unit and the disposition along with any trending, suggestions, are the laws working, etc.
- Consider a Citizen Advisory Council -- must have poll watcher or election judge or election experience.

## Goals

- Engage with the election administrators, ask what changes they would like to have made.
- Determine loopholes in state statutes
- Create legislation to correct loopholes
- Review all election tabulator contracts
- Research and gather information on citizen generated election issues
- Oversee a central reporting mechanism for election related citizen reports; this must be public information but may not disclose the person reporting.
- Investigate all non-profit funding accepted by any political subdivisions for the purpose of elections—six previous years.
- Investigate all non-profits granted taxpayer money by any state agency or political subdivisions for the purpose of elections, ballot initiatives, registering voters, etc (At least the last 6 years.) Are these non-partisan.
- Investigate all counties who hired or allowed non-profit groups to assist with elections including using any portion of the voter registration system or handling ballots.
- Investigate any counties who processed ballots on Saturdays or Sundays and if any non-profit organizations were present during these times—violation of [13-13-241 \(7\) b](#) using data tracking logs.
- Review all vendor agreements for vote tabulation machines
- Develop an audit procedure for tabulation machines, including logs.
- Develop a Forensic Audit procedure, likely rolled out in phases
- Review county implementation of election procedures for best practices
- Develop an actual election audit procedure to be performed each election cycle, which includes signature verifications.
- Ensure all elections, including school and municipal elections follow the same laws as federal elections.
- Review the new voter registration system during and after implementation and the 2024 election cycle.

# Elections Investigation Unit

Stand up an elections Investigations Unit as part of the Department of Criminal Investigations

## Investigative Duties

- 1) Reporting, Investigation and Referral for Prosecution
- 2) Serve as the central collection point for all reports of voter irregularities  
Should be first-hand information
- 3) Website for the public to submit election irregularities, upload data/information and provide their information confidentially.
- 4) Posting of reported irregularities.
- 5) Reports are public information; reporters name is not public information
- 6) Operational Advertised Statewide Hotline during the election period and all day into the evening on election day.
- 7) Audit authority needs to be outlined, what is realistic, required and in the constraints of election security.
- 8) Spot check/sample audit the voter registration system for proper removal of ineligible voters or votes, deaths. Multiple voters from same address, canvass, google searches, non-citizen records, nursing homes, envelope signatures verifications, etc.
- 9) Investigate forensic audit findings.
- 10) Inspect tabulation equipment for WI-FI capabilities
- 11) Review tabulation logs and SOS registration logs for Saturday/Sunday activity and incursions.
- 12) Quarterly report to the legislature election committee on findings and activities.
- 13) Investigate COPP complaints
- 14) Subpeona power
- 15) Submit Legislation Proposals to the Election Committee as needed.
- 16) Prosecutorial authority
- 17) Citizen Advisory Council same members as Legislative Election Committee
- 18) Tabulation Companies provide the source codes for each tabulation machine the day following the election. The investigation unit must review the source codes for irregularities.
- 19) Review the ballot resolution logs.
- 20) Review all voters over 100 for viability

### **Personnel Qualification Suggestions**

Prior Investigation Experience; either private or public

Ability to analyze Data, identify trends, utilize all public information sources for fact finding.

Patience with the public

Cybersecurity Background

Prior Law Enforcement Background/Constitutional Education in Citizens' Rights

**Personnel Required:** Investigator, Website/Cyber, Prosecuting Attorney, Admin Assistant Researcher

Not required to live in Helena.

Prosecutions are not required to be filed in Lewis and County.

## Funding

50% of the rental car tax

Fines collected

funding allocation from the COPP budget

Travel Budget

**Major changes:** Implementing an election investigation and enforcement mechanism for oversight.  
Move the investigation of COPP complaint referrals to this group.