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MONTANA SECRETARY OF STATE



TO: MONTANA ELECTION ADMINISTRATORS
FROM: SECRETARY OF STATE JACOBSEN
DATE: MARCH 3, 2023
RE: ELECTION EQUIPMENT DISPOSAL STANDARD

Over the last few decades, jurisdictions across the state and nation invested in election equipment and technology to improve security and accuracy. Equipment and technology have a life cycle and must be replaced at the end of the life cycle. Security vulnerabilities may exist in outdated equipment and technology. The purpose of this memo is to provide information regarding best practices to comply with security standards for securely disposing of aged election equipment. Election equipment must be securely disposed to prevent unauthorized access to disposed equipment and data. The following guides election officials through the process:

1. Contractual Obligations

- Review applicable contracts and contact your equipment/software vendors to determine if there are contractual obligations related to the disposition or destruction of the identified equipment.

2. Funding Source

- Management of equipment purchased with grant funds, such as HAVA, is federally regulated. The pertinent regulations to follow fall under [41 CFR §105-71.132](#) and [2 CFR §200.313](#).
 - Election administrators must follow the United States Election Assistance Commission [Guidance](#)¹ for disposition of equipment purchased with HAVA funds.
 - If the equipment has a per-unit fair market value in excess of \$5,000, counties must coordinate with the SOS Office on the return of proceeds to the United States Election Assistance Commission (in the proportion of funds used to purchase).

¹ [DispositionofEquipmentPurchasedwithHAVAFunds.pdf \(eac.gov\)](#)

3. Perform All Necessary Backups

- Perform all necessary backups of stored data before any disposition steps are taken.
 - *Ensure data stored on election equipment is retained according to local retention schedules.*

4. Purge or Destroy Media

- Prior to the disposition, all equipment must be sanitized of all data and taken back to the condition of a non-functioning piece of hardware with no software or firmware remaining on the equipment.
- The appropriate level and method of sanitization for election equipment is purging or destroying media.
 - Please refer to [NIST Special Publication 800-88 Revision 1](#) for guidance on appropriate purging or destroying methods based on type of technology, system, or equipment.

5. Destruction of Election Equipment

- Election Administrators must certify in writing that all the data stored on the election equipment has been properly purged or destroyed and all hardware has been appropriately discarded.
- A county may choose to utilize a disposal company for the disposal and destruction of the election equipment.
 - The disposal company must be certified to the R2 or e-Stewards standards.
 - The county must request and preserve Certificates of Destruction from the disposal company stating all the data stored on the election equipment has been properly purged or destroyed and all hardware has been appropriately discarded.
- Certificates of Destruction must be retained according to local retention schedules.

Properly disposing of election equipment is a critical aspect of keeping elections in Montana safe and secure. Thank you for your diligence and dedication to following security best practices. For any questions, clarification, or suggestions, please contact the Montana Secretary of State's Office.