

BEFORE THE SECRETARY OF STATE  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF AMENDMENT  
ARM 44.3.116, 44.3.2204, and )  
44.3.2511 pertaining to clarification of )  
timing of certain activities of Election )  
Administrators )

TO: All Concerned Persons

1. On July 22, 2022, the Secretary of State published MAR Notice No. 44-2-259 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 1299 of the 2022 Montana Administrative Register, Issue Number 14.

2. On August 12, 2022, a public hearing was held on the proposed amendment of the above-stated rules.

3. The Secretary of State has amended the following rules as proposed, with the following changes from the original proposal, deleted matter interlined:

44.3.116 ELECTRONIC TRANSMISSION OF VOTING MATERIALS

(1) through (1)(d) remain as proposed.

(e) No sooner than the time permitted for preparation of ballots pursuant to 13-13-241(7), MCA, the election administrator shall have the returned ballots transcribed using the procedure prescribed below. If the received ballot is acceptable pursuant to the requirements of 13-13-246, MCA, the election administrator shall:

(e)(i) through (k) remain as proposed.

AUTH: 13-13-246, MCA

IMP: 13-13-246, MCA

44.3.2204 PROCESSES AND PROCEDURES FOR EARLY PREPARATION OF ABSENTEE BALLOTS (1) remains as proposed.

(2) The following processes and procedures, when implemented by the election administrator, are intended to ensure the security of ballots and secrecy of votes during the early preparation of ballots not sooner than the earliest time permitted by 13-13-241(7), MCA. The election administrator shall ensure that the early absentee ballot preparation area:

(a) through (8) remain as proposed.

AUTH: 13-13-241, MCA

IMP: 13-13-241, MCA

44.3.2511 ELECTRONIC TRANSMISSION OF VOTING MATERIALS

(1) through (1)(e) remain as proposed.

(f) No sooner than the time permitted for preparation of ballots pursuant to 13-13-241(7), MCA, the election administrator shall have the returned ballots transcribed, as applicable, using the procedure prescribed below.

(g) through (2) remain as proposed.

AUTH: 13-21-104, MCA

IMP: 13-13-241, 13-21-104, MCA

4. The Secretary of State has thoroughly considered the comments received. A summary of the comments and SOS's responses are as follows:

COMMENT #1: A commenter said that it was not clear if the proposed amendments to the rules intend for the exception in 13-13-241(8), MCA, to apply or not to apply. The commenter noted that 13-13-241(7), MCA contains an exception clause for (8); as proposed, however, the reference is ambiguous.

RESPONSE #1: The Secretary of State appreciates the commenter's concern and has adjusted the references to avoid ambiguity.

/s/ AUSTIN JAMES  
Austin James  
Rule Reviewer

/s/ CHRISTI JACOBSEN  
Christi Jacobsen  
Secretary of State

Dated this 30th day of August, 2022.