

BEFORE THE SECRETARY OF STATE  
OF THE STATE OF MONTANA

In the matter of the adoption of NEW ) NOTICE OF ADOPTION  
RULE I pertaining to third-party )  
testing of voting systems )

TO: All Concerned Persons

1. On September 22, 2023, the Secretary of State (SOS) published MAR Notice No. 44-2-265 pertaining to the public hearing on the proposed adoption of the above-stated rule at page 1082 of the 2023 Montana Administrative Register, Issue Number 18.

2. On October 16, 2023, a public hearing was held on the proposed adoption of the above-stated rule.

3. The Secretary of State has adopted NEW RULE I as proposed, with the following changes from the original proposal, new matter underlined:

NEW RULE I (44.3.1721) VOTING SYSTEM TESTING (1) through (4) remain as proposed.

(5) The county election administrator or designee must be present and ensure the chain of custody of the voting system is documented throughout the testing process.

(6) and (7) remain as proposed.

AUTH: 13-17-103, MCA

IMP: 13-17-103, 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 recommended in NEW RULE I(5) providing a county election administrator the ability to designate someone to represent them during the testing.

RESPONSE #1: The Secretary of State appreciates the recommendation and has incorporated in (5) the ability for a county election administrator to designate a person to represent them.

/s/ AUSTIN MARKUS JAMES  
Austin Markus James  
Rule Reviewer

/s/ CHRISTI JACOBSEN  
Christi Jacobsen  
Secretary of State

Dated this 7th day of November, 2023.