

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

In the matter of the adoption of NEW) NOTICE OF PUBLIC HEARING ON
RULE I pertaining to reporting results) PROPOSED ADOPTION
during an election)

TO: All Concerned Persons

1. On January 5, 2024, at 10:00 a.m., the Secretary of State will hold a public hearing in the Secretary of State's Office conference room, Room 260, State Capitol, Helena, Montana, to consider the proposed adoption of the above-stated rule.

2. The Secretary of State will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Secretary of State no later than 5:00 p.m., December 22, 2023, to advise of the nature of the accommodation needed. Please contact Andy Ritter, Secretary of State's Office, P.O. Box 202801, Helena, MT 59620-2801; telephone (406) 444-7911; fax (406) 444-3976; TDD/Montana Relay Service (406) 444-9068; or email Andrew.Ritter@mt.gov.

3. The rule proposed to be adopted provides as follows:

NEW RULE I REPORTING RESULTS DURING AN ELECTION (1) For an election having at least one statewide race or statewide ballot issue, county election administrators must report results in accordance with 13-15-101, MCA. If the county election administrator has not complied with the reporting requirements in law (13-15-101, MCA), the county election administrator must contact the Secretary of State's office immediately and communicate why they were unable to comply with the law, a description of efforts being made to solve or mitigate the problem, and an estimate of when reporting will begin or resume. County election administrators must also notify the public of the delay.

(2) In the event that a county election administrator is unable to report results as required, the Secretary of State may authorize the county election administrator to publicly post results.

AUTH: 13-15-101, MCA

IMP: 13-15-101, MCA

REASONABLE NECESSITY: During the 68th Legislative Session, the Governor of Montana signed into law House Bill (HB) 196. HB 196 amended 13-15-101, MCA, to authorize the Secretary of State to adopt rules to specify procedures for notifications to the Secretary of State concerning vote total updates and associated delays during the counting of votes. NEW RULE I specifies the elections in which reporting is required and the process for election administrators unable to comply with the same.

4. With regard to the requirements of 2-4-302(1)(c), MCA, it has been determined that this proposed rule will not have a fiscal impact.

5. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Angela Nunn, Secretary of State's Office, P.O. Box 202801, Helena, Montana 59620-2801, or by e-mailing angela.nunn@mt.gov, and must be received no later than 5:00 p.m., January 5, 2024.

6. Austin James, Secretary of State's Office, has been designated to preside over and conduct the hearing.

7. The Secretary of State maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list may submit their request online at <https://sosmt.gov/arm/secretary-of-state-administrative-rules/> or submit a written request which includes the name and contact information of the person who wishes to receive notices. Written requests may be mailed or delivered to the Secretary of State's Office, Administrative Rules Services, 1301 E. 6th Avenue, P.O. Box 202801, Helena, MT 59620-2801, or emailed to sosarm@mt.gov.

8. With regard to the bill sponsor contact requirements of 2-4-302, MCA, the primary bill sponsor, Representative Lyn Hellegaard, was contacted by phone on October 5, 2023, and by email on October 13, 2023.

9. With regard to the requirements of 2-4-111, MCA, the Secretary of State has determined that the adoption of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Austin Markus James
Austin Markus James
Rule Reviewer

/s/ Christi Jacobsen
Christi Jacobsen
Secretary of State

Dated this 28th day of November, 2023.