

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 reporting results)
during an election)

TO: All Concerned Persons

1. On December 8, 2023, the Secretary of State (SOS) published MAR Notice No. 44-2-270 pertaining to the public hearing on the proposed adoption of the above-stated rule at page 1741 of the 2023 Montana Administrative Register, Issue Number 23.

2. On January 5, 2024, a public hearing was held on the proposed adoption of the above-stated rule.

3. The Secretary of State has adopted NEW RULE I (44.3.1801) as proposed.

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

COMMENT #1: A commenter suggested the addition of new language in NEW RULE I(2), that indicates, "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~~ forgo the requirement to provide the results to the Secretary of State's election night reporting system prior to publicly posting the results."

RESPONSE #1: The Secretary of State appreciates the suggestion. However, the SOS does not have the authority to waive or forgo a statutory requirement in administrative rule.

/s/ AUSTIN MARKUS JAMES

Austin Markus James
Rule Reviewer

/s/ CHRISTI JACOBSEN

Christi Jacobsen
Secretary of State

Dated this 16th day of January, 2024.