

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 44.3.2711 pertaining to poll) PROPOSED AMENDMENT
watchers at places of deposit)

TO: All Concerned Persons

1. On October 14, 2021, at 9:00 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 amendment 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., October 7, 2021, to advise us of the nature of the accommodation that you need. Please contact Ray Dagnall, Secretary of State's Office, P.O. Box 202801, Helena, MT 59620-2801; telephone (406) 444-9009; fax (406) 444-3976; TDD/Montana Relay Service (406) 444-9068; or email RDagnall@mt.gov.

3. The rule proposed to be amended is as follows, new matter underlined, deleted matter interlined:

44.3.2711 PLACES OF DEPOSIT – ELECTION OFFICIAL DUTIES

(1) Election officials, as designated in 13-19-307, MCA, shall:

(a) through (e) remain the same.

(f) permit one poll watcher from each political party to be stationed in a location at each place of deposit during the days and times that the place of deposit is open that is near enough to observe the depositing ballots but does not interfere with those deposits;

(g) under the conditions specified in (f), permit additional poll watchers at the request of a candidate, a group of candidates, or any group having an interest in the election so long as the number of poll watchers at the place of deposit does not interfere with the depositing of ballots;

(f) ~~(h)~~ ensure personally ~~insure~~ ensure that all required procedures are adhered to; and

(g) remains the same but is renumbered (i).

AUTH: 13-19-105, MCA

IMP: 13-13-120, 13-13-121, 13-19-307 MCA

REASONABLE NECESSITY: On April 30, 2021, the Governor of Montana signed into law Senate Bill (SB) 93. SB 93 revised provisions related to poll watchers. The Office of the Secretary of State is proposing changes to ARM 44.3.2711 to reflect the changes in statute.

4. 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 emailing angela.nunn@mt.gov, and must be received no later than 5:00 p.m., October 22, 2021.

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

6. 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 shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding administrative rules, corporations, elections, notaries, records, uniform commercial code, or combination thereof. Such written request 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 the office at sosarm@mt.gov.

7. With regard to the bill sponsor contact requirements of 2-4-302, MCA, the primary bill sponsor, Senator Vance, was contacted by mail, email, and phone on September 8, 2021.

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

/s/ AUSTIN JAMES
Austin James
Rule Reviewer

/s/ CHRISTI JACOBSEN
Christi Jacobsen
Secretary of State

Dated this 14th day of September, 2021.