

BEFORE THE SECRETARY OF STATE  
OF THE STATE OF MONTANA

In the matter of the adoption of New	)	NOTICE OF PROPOSED
Rules I and II, and amendment of ARM	)	ADOPTION AND AMENDMENT
44.3.102, 44.3.103, 44.3.104, 44.3.105,	)	
44.3.106, 44.3.107, 44.3.108, 44.3.109,	)	NO PUBLIC HEARING
44.3.110, 44.3.113, 44.3.1303,	)	CONTEMPLATED
44.3.1712, 44.3.2005, 44.3.2010,	)	
44.3.2015, 44.3.2114, 44.3.2203,	)	
44.3.2401, 44.3.2405, 44.3.2511,	)	
44.9.305, and 44.9.402 pertaining to	)	
elections	)	

TO: All Concerned Persons

1. On June 26, 2008, the office of the Secretary of State proposes to adopt and amend the above-stated rules.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking 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., May 22, 2008, to advise us of the nature of the accommodation that you need. Please contact Janice Doggett, Secretary of State's Office, P.O. Box 202801, Helena, Montana 59620-2801; phone (406) 444-5375; fax (406) 444-2023; TDD (406) 444-9068; or e-mail jdoggett@mt.gov.

3. The proposed new rules provide as follows:

NEW RULE I LATE AND LATE TRANSFER REGISTRATION APPLICANTS IN MAIL BALLOT ELECTIONS (1) An individual seeking to register or transfer the elector's registration after the close of regular registration must appear in the county election office.

(2) If a late or late transfer registration applicant comes in to register in the county election office before mail ballots are mailed, a county election official must register the applicant in the statewide voter database and follow the procedures for absentee electors in 13-19-303, MCA, until noon on the day before the ballots are mailed.

(3) If a late or late transfer registration applicant comes into the county election office to register after noon on the day before the date on which the mail ballots are mailed, the applicant must fill out the form under ARM 44.9.305 and if the applicant meets all applicable requirements for being issued a ballot, an election official shall issue the elector a ballot.

(4) If a late transfer registration applicant who is registered in another county appears in the county election office in order to transfer the applicant's registration, an election official shall, if the county from which the applicant is transferring registration has already printed applicable precinct registers:

- (a) subject to 13-2-304(2), MCA, register the applicant in the statewide voter database as a duplicate voter;
- (b) issue the applicant a provisional ballot; and
- (c) after the election, contact the county from which the applicant is transferring the applicant's registration in order to determine whether the applicant voted in the other county, and follow all other applicable requirements specified in laws and rules for provisional electors.

AUTH: 13-19-105, MCA  
IMP: 13-2-304, MCA

#### NEW RULE II INACTIVE ELECTORS IN MAIL BALLOT ELECTIONS

(1) Inactive electors are not provided with mail ballots unless they reactivate under the following procedures:

(a) If an inactive elector requests a ballot, or mails in or brings in a voter registration card (or other document listing the elector's current residence address, including but not limited to a reactivation form) before the ballots are mailed, election officials must change the elector's status in the statewide voter registration database to "Active" and send the elector a ballot on the same date as all other mail ballots are mailed.

(b) If an inactive elector requests a ballot, or mails in or brings in a voter registration card (or other document listing the elector's current residence address, including but not limited to a reactivation form) after the day on which the ballots were mailed, election officials must change the elector's status in the statewide voter registration database to "Active" and provide the elector with a ballot in person or by mail.

(c) In neither (1)(a) or (b) is it necessary for an election official to require the elector to fill out a form under 13-19-305, MCA, since the elector, by following 13-2-222, MCA, is activating the elector's registration and is therefore automatically eligible for a ballot.

AUTH: 13-19-105, MCA  
IMP: 13-2-222, MCA

4. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

44.3.102 ROLE OF SECRETARY OF STATE (1) through (1)(c) remain the same.

(d) grant exemptions to the requirement that a polling place shall be accessible to the elderly and ~~handicapped~~ individuals with disabilities;

(e) establish procedures to ensure that any ~~handicapped individual with a disability~~ or elderly voter assigned to an inaccessible polling place will be provided with an alternative means for casting a ballot on election day;

(f) provide public notice, calculated to reach ~~elderly and handicapped electors~~ individuals with disabilities or elderly electors in a timely manner, of the:

(i) through (iii) remain the same.

(g) ~~not later than December 31 of each even-numbered year, report to the Federal Election Commission applicable federal agency, in a manner to be determined by the commission agency:~~

(i) through (2) remain the same.

AUTH: ~~13-1-202, 13-3-205, MCA~~

IMP: ~~13-1-202, 13-3-205, MCA~~

44.3.103 DEFINITIONS (1) Unless the context clearly requires otherwise, the following definitions shall apply:

(a) "Accessible" describes the combination of the various elements of the built environment as prescribed by these rules which allows unimpeded entrance to, emergence from, and use of polling place facilities by ~~handicapped and elderly voters~~ individuals with disabilities or elderly electors.

(b) through (e) remain the same.

(f) "Inaccessible" means not accessible under standards adopted pursuant to 13-3-205, MCA.

~~(f)~~(g) "Handicapped" "Individuals with disabilities" means:

(i) ~~these~~ individuals with impaired vision;

(ii) ~~these~~ individuals with impaired hearing, ~~and;~~

(iii) ~~these~~ individuals with impaired mobility, including wheelchair users and those who are ambulatory but who are nevertheless impaired by age, disability, or disease; ~~and~~

(iv) individuals with a physical or mental impairment that substantially limits one or more major life activities, who have a history or record of such an impairment, or who are perceived by others as having such an impairment.

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

(i) "Rural polling place" means a location that is expected to serve less than 200 registered electors.

AUTH: ~~13-1-202, 13-3-202, MCA~~

IMP: ~~13-1-202, 13-3-202, MCA~~

44.3.104 GUIDELINES FOR POLLING PLACE ACCESSIBILITY (1) To be designated as accessible to individuals with disabilities and elderly voters, the standards for a polling place approved pursuant to 13-3-205(1), MCA, prior to October 1, 2005, ~~whenever possible,~~ must be consistent with the standards for accessibility established by the American National Standards Institute and the Uniform Federal Accessibility Standards. Completed forms prescribed by the Secretary of State pursuant to ARM 44.2.102(1)(b) are the method by which an election administrator must demonstrate the compliance of each polling place with this section.

(2) remains the same.

AUTH: 13-1-202, 13-3-205, MCA

IMP: 13-1-202, 13-3-205, MCA

44.3.105 SURVEY PROCEDURE TO DETERMINE ACCESSIBILITY

(1) through (3) remain the same.

(4) A form prescribed by the Secretary of State shall be used as a checklist for each polling place surveyed. Copies of the survey shall be made available for public inspection and to the Secretary of State upon request, except as provided in (5) of this rule.

(5) If an existing polling place fails to satisfy the criteria for accessibility and cannot be permanently or temporarily altered in a safe and reasonable manner to satisfy the criteria before the date of the election, it will either be:

(a) designated "inaccessible" and shall not be used unless an exemption is granted by the Secretary of State in accordance with the provisions of ARM 44.3.106; or

(b) surveyed, evaluated and certified as "technically inaccessible but usable" by a voting accessibility advisory committee, as provided in ARM 44.3.109.

(6) and (7) remain the same.

(8) ~~A copy of an evaluation form as prescribed by the Secretary of State, signed by the members of a voting accessibility advisory committee shall be attached to the survey for a polling place designated "technically inaccessible but usable."~~

AUTH: ~~13-1-202~~, 13-3-202, MCA

IMP: ~~13-1-202~~, 13-3-207, MCA

44.3.106 EXEMPTION PROCEDURE (1) remains the same.

~~(2) Nothing herein shall require an election administrator to choose an accessible polling place facility located within the jurisdiction in such a manner as to require excessive travel or other hardships for the majority of the qualified electors.~~

(3) through (5) remain the same but are renumbered (2) through (4).

(5) The Secretary of State may grant an exemption pursuant to this subchapter if all potential polling places have been surveyed and it is determined that:

(a) an accessible polling place is not available and the county cannot safely or reasonably make a polling place temporarily accessible in the area involved; or

(b) the location is a rural polling place and designation of an accessible facility as a polling place will require excessive travel or impose other hardships for the majority of qualified electors in the precinct.

(6) If the Secretary of State has reason to believe such an exemption would not be in the best interest of the majority of the ~~elderly and handicapped~~ individuals with disabilities or elderly electors, he shall deny the exemption and:

(a) report to the election administrator and the county governing body his reasons for the denial; and

~~(b) request that an accessible or "technically inaccessible but usable" polling place facility be located.~~

(7) A polling place designated as "rural" 45 days prior to an election, shall be exempt from the on-site survey procedure provided in ARM 44.3.108.

(8) If one or more ~~disabled persons~~ individuals with disabilities or elderly electors contact the election administrator or the Secretary of State concerning a

specific exemption, the Secretary of State shall work in cooperation with the election administrator and the ~~disabled individuals with disabilities or elderly person(s)~~ in locating an available facility that is accessible or providing an acceptable alternative method of voting according to the provisions in ARM 44.3.110.

AUTH: ~~13-1-202~~, 13-3-205, MCA

IMP: ~~13-1-202~~, 13-3-212, MCA

44.3.107 EMERGENCY EXEMPTION (1) If a polling place designated "accessible" or ~~"inaccessible but usable"~~ becomes unavailable for reasons such as loss of lease, fire, snow, or other natural disasters less than ten days prior to an election, an emergency exists and an alternate polling place shall be selected.

(2) and (3) remain the same.

AUTH: ~~13-1-202~~, 13-3-205, MCA

IMP: ~~13-1-202~~, 13-3-211, MCA

44.3.108 POLLING PLACE DESIGNATION (1) As the result of an on-site survey, or current voter registration reports, a polling place shall be designated as:

- (a) "accessible"; or
- (b) "inaccessible"; ;
- (c) ~~"technically inaccessible but usable"; or~~
- (d) "rural".

~~(2) An "accessible" polling place is one that meets the criteria for accessibility as established by these rules.~~

~~(3) An "inaccessible" polling place is one that does not meet the criteria for accessibility and cannot be made accessible through practical, cost-effective methods.~~

~~(4) A "technically inaccessible but usable" polling place is one that does not meet all the criteria for accessibility but has been surveyed, evaluated and certified by a voting accessibility advisory committee as "usable". Such certification is cause for the Secretary of State to grant that polling place an exemption. However, the Secretary of State may issue an objection to the criteria used for the determination of "usability" for future elections.~~

~~(5) A "rural" polling place is one that serves 200 or less registered electors and is:~~

~~(a) granted an exemption from the criteria for accessibility by the Secretary of State;~~

~~(b) subject to review and redesignation 45 days prior to an election; and~~

~~(c) subject to redesignation following the 1986 election cycle.~~

~~(6) A "rural" designation shall not be construed as cause for denying elderly or handicapped electors in that polling place the right to choose to vote by an alternative method, as provided by ARM 44.3.110.~~

(2) A polling place that has been surveyed pursuant to this subchapter need not be surveyed again unless the conditions of accessibility change.

AUTH: ~~13-1-202~~, 13-3-205, MCA

IMP: ~~43-1-202~~, 13-3-206, 13-3-207, MCA

44.3.109 VOTING ACCESSIBILITY ADVISORY COMMITTEE (1) remains the same.

(2) Each committee shall consist of a minimum of three members, two of which shall represent an organization of elderly persons or an organization of ~~disabled persons~~ individuals with disabilities.

(3) remains the same.

~~(4) The committee has sole authority to evaluate and certify a polling place as "technically inaccessible but usable."~~

(5) through (7) remain the same but are renumbered (4) through (6).

AUTH: ~~43-1-202~~, 13-3-205, MCA

IMP: ~~43-1-202~~, 13-3-205, MCA

44.3.110 ALTERNATIVE MEANS FOR CASTING BALLOT (1) The election administrator shall provide an alternative method of voting for those electors who are unable, because of a ~~physical handicap~~ disability or age, to access their regular polling place. Those methods are limited to the following:

(a) through (c) remain the same.

(i) notify the election administrator, in writing at least seven days preceding the election, of his desire to vote on election day at an accessible polling place;

(ii) through (iv) remain the same.

~~(v)(2)~~ (2) For the purposes of this ~~part~~ rule, the ballot shall be processed and counted in the same manner as an absentee ballot.

AUTH: ~~43-1-202~~, 13-3-205, MCA

IMP: ~~43-1-202~~, 13-3-213, MCA

44.3.113 TELECOMMUNICATIONS DEVICE FOR THE HEARING IMPAIRED (1) remains the same.

~~(2) Election administrators shall clearly post the The Secretary of State's TDD number, and shall advertise it the TDD number wherever possible, for 60 days prior to each election.~~

AUTH: ~~43-1-202~~, 13-3-205, MCA

IMP: ~~43-1-202~~, 13-3-205, MCA

44.3.1303 FORMAT OF VOTER INFORMATION PAMPHLET ARGUMENTS AND REBUTTALS (1) and (1)(a) remain the same.

(b) Use of graphics, tables, or graphs is prohibited.

(c) remains the same.

(d) Bold, italics, and underlined words are acceptable.

(e) and (f) remain the same.

(g) Arguments submitted for publication in the VIP must be limited to 500 words; arguments in excess of this limit will only be printed through the 500th word. Rebuttals submitted for publication in the VIP must be limited to 250 words; rebuttals

in excess of this limit will only be printed through the 250th word. ~~Errors in typing or grammar will not be corrected or edited.~~

AUTH: 13-27-401, MCA  
IMP: 13-27-406, 13-27-407, MCA

44.3.1712 PERFORMANCE CERTIFICATION OF VOTING SYSTEMS PRIOR TO ELECTION (1) No more than 30 days prior to an election in which a voting system is used, the election administrator shall publicly test and certify that the system is performing properly.

(2) The Secretary of State shall ensure that at least 10% of all voting systems in the state, including each model of each type of voting system, have been randomly tested and certified at least once every calendar year. This rule shall be implemented through review by the Secretary of State of its prescribed voting system testing and certification forms completed by the county.

AUTH: 13-17-211, MCA  
IMP: 13-17-212, MCA

44.3.2005 VOTER REGISTRATION CARD INFORMATION REQUIREMENTS (1) through (3) remain the same.

(4) If an applicant does not provide all required information and the election administrator is unable to obtain that information, except for the information in (2) on the form prescribed by the Secretary of State, the applicant shall be registered as "pending - incomplete" in the statewide voter registration database. ~~The applicant shall not be registered unless and~~ until the required information is provided.

AUTH: 13-2-109, MCA  
IMP: 13-2-110, MCA

44.3.2010 APPLICANTS INELIGIBLE DUE TO AGE OR RESIDENCE REQUIREMENTS (1) An applicant for voter registration who is not eligible to register because of residence or age requirements, but who will be eligible on or before election day, may apply for voter registration pursuant to 13-2-110, MCA. An election official shall register the applicant as an active elector. The statewide voter registration database shall not include in the register the name of any individual who will not be at least 18 years of age on or before election day.

AUTH: 13-2-109, MCA  
IMP: 13-2-110, 13-2-205, MCA

44.3.2015 LATE REGISTRATION PROCEDURES (1) through (4) remain the same.

(5) If a late transfer registration applicant who is registered in another county appears in the county election office in order to transfer the applicant's registration, an election official shall, if the county from which the applicant is transferring registration has already printed applicable precinct registers:

(a) subject to 13-2-304(2), MCA, register the applicant in the statewide voter database as a duplicate voter;

(b) issue the applicant a provisional ballot; and

(c) after the election, contact the county from which the applicant is transferring the applicant's registration in order to determine whether the applicant voted in the other county, and follow all other applicable requirements specified in laws and rules for provisional electors.

AUTH: 13-2-108, MCA

IMP: 13-2-304, 13-2-514, MCA

44.3.2114 PROVISIONAL VOTING PROCEDURES ON ELECTION DAY AFTER THE CLOSE OF POLLS - THE SIXTH DAY AFTER ELECTION DAY

(1) through (3) remain the same.

(4) The election administrator may open a package containing a precinct register to resolve questions concerning provisional ballots.

(4) through (7)(b) remain the same but are renumbered (5) through (8)(b).

(c) remove the provisional ballot secrecy envelope, which must be opened to remove the provisional ballot, and which must then be grouped with other ballots in a manner that allows for the secrecy of the ballot to the greatest extent possible, and counted as any other ballot under ~~(8)~~(9); and

(d) remains the same.

(8) through (10) remain the same but are renumbered (9) through (11).

AUTH: 13-13-603, MCA

IMP: 13-15-107, 13-15-301, MCA

44.3.2203 FORM OF ABSENTEE BALLOT APPLICATION AND ABSENTEE BALLOT TRANSMISSION TO ELECTION ADMINISTRATOR (1) through (5)

remain the same.

(6) The election administrator shall mail an address confirmation form, prescribed by the Secretary of State, ~~at least 75 days before the election to each elector who has requested an absentee ballot for subsequent elections.~~ in January and July of each year to each elector who has requested an absentee ballot for subsequent elections. The address confirmation form mailed in January is for elections to be held between February 1 following the mailing through July of the same year, and the address confirmation form mailed in July is for elections to be held between August 1 following the mailing through January of the succeeding year. The form shall, in bold print, indicate that the elector may update the elector's mailing address using the form. The elector or elector's agent shall sign the form, indicate the address to which the absentee ballot should be sent, and return the form to the election administrator. If the form is not completed and returned, the election administrator shall remove the elector from the register of electors who have requested an absentee ballot for subsequent elections.

(7) and (8) remain the same.

AUTH: 13-13-212, MCA



IMP: 13-13-211, 13-13-212, 13-13-213, MCA

44.3.2401 BALLOT FORM AND UNIFORMITY (1) through (5) remain the same.

(6) Consistent with 13-13-205, MCA:

(a) The election administrator shall ensure that paper ballots are printed and available for absentee voting at least:

(i) 30 days prior to an election for those elections held in compliance with 13-1-107(1), MCA;

(ii) 20 days prior to an election for those elections held in compliance with 13-1-104(2) and (3) and 13-1-107(2), MCA; and

(b) 45 days prior to an election held in conjunction with a federal general election in compliance with 13-1-104(1), MCA;

(c) A ballot may not be provided to an elector for absentee voting sooner than 30 days before an election, except that an absentee ballot requested pursuant to Title 13, chapter 21, MCA, may be sent to the elector as soon as the ballot is printed; and

(c)(d) If paper ballots are sent more than 30 days before an election, the election administrator shall include a notice that the voter information pamphlet, when required to be distributed, will be provided pursuant to 13-27-410, MCA.

AUTH: 13-12-202, MCA

IMP: 13-12-202, MCA

44.3.2405 DETERMINING A VALID VOTE ON A FEDERAL WRITE-IN ABSENTEE BALLOT (1) A United States elector voting a federal write-in absentee ballot for a federal general election may designate a candidate by writing in the name of the candidate or by writing in the name of the political party for which the elector is voting. A written designation of the political party must be counted as a vote for the candidate of that party. A vote may not be voided for reasons of misspellings, abbreviations, or other minor variations of the candidate's name.

(2) Except as provided in (2)(a), a United States elector may vote in any election for a public office other than for a federal office by using the addendum provided in the federal write-in absentee ballot and writing in the title of the office and the name of the candidate for whom the elector is voting.

(a) If the elector is voting in a primary election, the elector shall identify the elector's political party affiliation as provided for in the appropriate section of the ballot. A vote cast by writing in the name of a candidate who is not affiliated with the elector's identified party is void and may not be counted.

AUTH: ~~13-15-206~~, 13-21-103, MCA

IMP: 13-21-205, MCA

44.3.2511 ELECTRONIC TRANSMISSION OF VOTING MATERIALS

(1) County election administrators shall allow United States electors to receive and transmit election materials electronically, as long as the security of transmission and identity of each elector is confirmed and facilities are available to

maintain the accuracy, integrity, and secrecy of the ballot process. The procedures in this subchapter shall be followed, wherever applicable, in regard to the receipt and transmission of election materials electronically:

(a) remains the same.

(b) Upon request for electronic transmission of a ballot, an election administrator who has received a valid application from a United States elector shall, subject to (1), send by electronic transmission a ballot, instructions to the elector, and a notice that the elector's ballot will not be secret in that it will be received by the election administrator and the elector's votes will be transcribed to the original ballot by a panel of no less than two election judges. The original instructions and original ballot shall be retained in a secure absentee envelope.

(c) through (j) remain the same.

(2) Nothing in this rule shall prohibit a county election official from participating in any secure program for facilitating voting by United States electors which is sponsored by an agency of the federal government.

AUTH: 13-21-104, MCA

IMP: ~~13-21-104~~, 13-21-207, MCA

44.9.305 REPLACEMENT BALLOTS (1) through (3) remain the same.

(4) Replacement ballots subsequently voted and returned by an elector shall be processed according to the established procedures. Particular care shall be taken to ~~insure~~ ensure that no more than one ballot is validated from any elector and any attempt to vote more than once shall be reported as required by the Act.

AUTH: 13-19-105, MCA

IMP: 13-19-305, MCA

44.9.402 RETURN/VERIFICATION ENVELOPE (1) remains the same.

(2) The face of the envelope should have the address of the election administrator both as return address and, in larger type, as mailing address. The words "POSTMASTER: OFFICIAL BALLOT - DO NOT DELAY" and "RETURN SERVICE REQUESTED", to ensure the nonforwardability of the mail ballots, should also appear.

(3) through (5) remain the same.

(a)

#### Voter's Affidavit

"I, the undersigned, hereby swear/affirm that I am registered to vote in Montana or that I am entitled to vote in this election because of special provisions; that I have not voted another ballot; that I have completed this ballot in secret; and that the address listed on this envelope is my correct address (or if it is not, my correct mailing address is:

\_\_\_\_\_). I understand that attempting to vote more than once is a violation of Montana election laws. I further understand that failure to complete the information below will invalidate my ballot."

\_\_\_\_\_  
(Signature of Elector)

\_\_\_\_\_  
(Today's Date)

or

(b) remains the same.

AUTH: 13-1-202, 13-19-105, MCA  
IMP: 13-19-105, MCA

5. Reasonable Necessity: These rules are being proposed and amended pursuant to legislation enacted during the 2007 legislative session. The main purpose of these rules is to ensure the full implementation of updates to election laws that were passed during the legislative session and to specify procedures that are not enumerated in the applicable laws, but which are necessary for the integrity and fairness of elections. The specific laws included House Bill 520, House Bill 570, Senate Bill 443, and Senate Bill 502. The rules attempt to continue to ensure that every eligible Montanan is able to exercise his or her right to vote, while at the same time protecting the integrity of the election process. The rules will now be up-to-date with statutes already in effect.

6. Concerned persons may submit their data, views, or arguments concerning the proposed actions in writing to: Janice Doggett, Secretary of State's Office, P.O. Box 202801, Helena, MT 59620-2801; phone (406) 444-5375; fax (406) 444-2023; or e-mail [jdoggett@mt.gov](mailto:jdoggett@mt.gov), and must be received no later than 5:00 p.m., June 5, 2008.

7. If persons who are directly affected by the proposed actions wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Janice Doggett, Secretary of State's Office, P.O. Box 202801, Helena, MT 59620-2801, or by e-mailing [jdoggett@mt.gov](mailto:jdoggett@mt.gov), and must be received no later than 5:00 p.m., June 5, 2008.

8. If the agency receives requests for a public hearing on the proposed actions from either 10% or 25, whichever is less, of the persons directly affected by the proposed actions; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 62,235 persons based on the number of registered voters in Montana.

9. 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, e-mail, 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 a combination thereof. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the Secretary of State's Office, Administrative Rules Bureau, 1236 Sixth Avenue, P.O. Box 202801, Helena, MT 59620-2801, faxed to the office at (406) 444-4263, e-mailed to [jabranscum@mt.gov](mailto:jabranscum@mt.gov), or may be made by completing a request form at any rules hearing held by the Secretary of State's Office.

10. An electronic copy of this Proposal Notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of this Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

11. These rule actions will be applied retroactively to June 2, 2008, to apply to the June 3 primary elections.

12. The bill sponsor notice requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsors were notified by U.S. mail and e-mail on April 22, 2008.

SECRETARY OF STATE

/s/ W. Ralph Peck, Chief Deputy for  
Brad Johnson  
Secretary of State

/s/ Janice Doggett  
Rule Reviewer

Certified April 28, 2008.