

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

In the matter of the amendment of)	AMENDED NOTICE AND
ARM 44.3.104, 44.3.2014, 44.3.2015,)	EXTENSION OF COMMENT
44.3.2109, 44.3.2113, 44.3.2114,)	PERIOD ON PROPOSED
44.3.2401, 44.9.202, 44.9.301,)	AMENDMENT
44.9.303, 44.9.305, 44.9.307,)	
44.9.312, 44.9.315, 44.9.402, and)	
44.9.404 pertaining to elections)	

TO: All Concerned Persons

1. On February 25, 2010, the Secretary of State published MAR Notice No. 44-2-158 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 520 of the 2010 Montana Administrative Register, Issue Number 4.

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. on April 22, 2010, to advise us of the nature of the accommodation that you need. Please contact Jorge Quintana, Secretary of State's Office, P.O. Box 202801, Helena, Montana, 59620-2801; telephone (406) 461-5173; fax (406) 444-4249; TDD/Montana Relay Service (406) 444-9068; or e-mail jquintana@mt.gov.

3. The Secretary of State is extending the comment period because it has revised the statements of reasonable necessity for the proposed amendments to ARM 44.3.104 and ARM 44.3.2114 pursuant to e-mailed comments received from David Niss on behalf of the State Administration and Veterans' Affairs Interim Committee. Sections 2-4-305(8)(b) and (c), MCA, require that an agency must use an amended proposal notice to correct any deficiencies in a statement of reasonable necessity.

4. The statements of reasonable necessity are being amended as follows, new matter underlined, deleted matter interlined:

44.3.104 GUIDELINES FOR POLLING PLACE ACCESSIBILITY
(1) remains as proposed.

REASON: ~~As a result of an interim legislative study, the 2009 Legislature passed House Bill 19, which updated, clarified, and cleaned up election law statutes.~~ The foregoing rule amendment eliminates outdated standards for polling place accessibility and reflects the changes made to the election laws during the legislative session.

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

(1) through (12) remain as proposed.

REASON: As a result of an interim legislative study, the 2009 Legislature passed House Bill 19, which updated, clarified, and cleaned up election law statutes. The foregoing rule amendments ~~add a voter's designated agent, clarify that identity and eligibility need to be verified, allow voters to verify signatures by mail or in person and to correct other minor issues by several different methods, require a ballot to be handled as a provisional ballot if issues are not resolved, and reflect the statutory changes made during the legislative session.~~

44.9.315 INACTIVE ELECTORS IN MAIL BALLOT ELECTIONS

(1) and (2) remain as proposed.

REASON: As a result of an interim legislative study, the 2009 Legislature passed House Bill 19, which updated, clarified, and cleaned up election law statutes. The foregoing rule amendments reflect the statutory changes made to 13-2-222 and 13-19-307, MCA, during the legislative session to clarify that a person may reactivate registration by voting in a mail ballot election.

5. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Jorge Quintana, Secretary of State's Office, P.O. Box 202801, Helena, Montana, 59620-2801; telephone (406) 461-5173; fax (406) 444-4249; TDD/Montana Relay Service (406) 444-9068; or e-mail jquintana@mt.gov, and must be received no later than 5:00 p.m., April 29, 2010.

/s/ JORGE QUINTANA
Jorge Quintana
Rule Reviewer

/s/ LINDA MCCULLOCH
Linda McCulloch
Secretary of State

Dated this 5th day of April, 2010.