

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF PUBLIC HEARING ON
ARM 44.3.101, 44.3.1701, 44.3.1703,)	PROPOSED AMENDMENT,
44.3.1714, 44.3.1720, 44.3.2010,)	AMENDMENT AND TRANSFER,
44.3.2015, 44.3.2103, 44.3.2110,)	REPEAL, AND TRANSFER
44.3.2111, 44.3.2113, 44.3.2402,)	
44.3.2403, 44.3.2501, 44.3.2505,)	
44.9.201 through 44.9.203, 44.9.303,)	
44.9.306, 44.9.307, 44.9.310 through)	
44.9.312, and 44.9.401 through)	
44.9.404, the amendment and)	
transfer of 44.9.312, the repeal of)	
44.3.103, 44.3.2305, 44.3.2401,)	
44.9.101 through 44.9.103, 44.9.301,)	
44.9.302, 44.9.304, 44.9.305,)	
44.9.309, 44.9.314, 44.9.315, and)	
44.9.405, and the transfer of ARM)	
44.9.201 through 44.9.204, 44.9.303,)	
44.9.306, 44.9.307, 44.9.310,)	
44.9.311, and 44.9.401 through)	
44.9.404 pertaining to elections)	

TO: All Concerned Persons

1. On February 2, 2012, a public hearing will be held at 9:30 a.m. in the Secretary of State's Office Conference Room, Room 260, State Capitol Building, Helena, Montana, to consider the proposed amendment, amendment and transfer, repeal, and transfer of the above-stated rules.

2. The Secretary of State will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing 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 January 26, 2012, 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, MT 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 rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

44.3.101 INTRODUCTION, SCOPE, AND INTENT (1) The purpose of these rules is to establish minimum guidelines to be used in determining whether facilities used for voting in certain elections are accessible to electors with disabilities and elderly electors pursuant to the Americans With Disabilities Act, 42 U.S.C.

12132, and the Voting Accessibility for the Elderly and Handicapped Act, ~~Public Law 98-435, passed by the 98th Congress~~ 42 U.S.C. 1973ee, et seq.

(2) remains the same.

(3) For the purpose of clarity and throughout these rules, ~~Pub. L. 98-435 the Voting Accessibility for the Elderly and Handicapped Act~~ shall be referred to as the Voting Accessibility Act. The Americans With Disabilities Act will be referred to as the ADA.

(4) These rules shall only apply to federal elections conducted under 13-1-104~~(4)~~ and 13-1-107, MCA.

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

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

REASON: The amendment to (1) substituting the U.S.C. citation for the Public Law citation is reasonably necessary because the Act was not codified at the time the rule was originally written. The amendment to (2) is made for consistency. The amendments to (4) are to clarify that the rules only apply to federal primary and federal general elections and to conform to Secretary of State guidelines advising agencies to avoid using citation earmarks in rule text.

44.3.1701 EXAMINATION OF VOTING MACHINES AND DEVICES

(1) through (2)(b) remain the same.

~~(c) "Ballot card" means a ballot which is used for voting by the process of punching.~~

~~(d) "Ballot labels" means the cards, papers, booklets, pages or other material containing the names of offices and candidates and statements of ballot issues to be voted on.~~

~~(e)~~(c) "Ballot" includes ballot cards, ballot labels and paper ballots.

~~(f)~~(d) "Device" means an apparatus used for voting by the process of punching, piercing or otherwise marking of a ballot. Ballots are counted using automatic tabulating equipment.

(g) remains the same, but is renumbered (e).

~~(h)~~(f) "Examiners" means any or all persons having authority to conduct the examination under ARM 44.3.1701~~(3)~~.

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

~~(j)~~(h) "Marking device" means ~~either an apparatus in which ballots or ballot cards are inserted and used in connection with a punch apparatus for the piercing of ballots by the elector or any approved device for marking a paper ballot with ink or other substance which will enable the ballot to be tabulated by means of automatic tabulating equipment.~~

~~(k) "Mechanical voting machine" means an apparatus used for voting that is self-contained using levers and providing a tabulating system within the machine.~~

(l) and (m) remain the same, but are renumbered (i) and (j).

(3) through (7) remain the same.

AUTH: 13-1-202, 13-17-103, 13-17-107, MCA

IMP: 13-1-202, 13-17-101, 13-17-103, MCA

REASON: The elimination of (2)(c), (d), and (k) and the amendments to the new (2)(c), (d), and (h) are to clarify that since punch card ballots are prohibited by 13-17-108, MCA, the reference in the rules to piercing and punching ballots should be removed. The amendment to (2)(f) is to conform to Secretary of State guidelines advising agencies to avoid using citation earmarks in rule text.

44.3.1703 CRITERIA OF CONSTRUCTION (1) through (6) remain the same.

(7) Where applicable no device shall be approved if the act of voting by an elector does not produce a visible effect upon the ballot, ~~either by piercing thereof or~~ by application of a visible substance to the ballot.

AUTH: 13-17-107(4), MCA

IMP: 13-17-103, MCA

REASON: This amendment is reasonably necessary to clarify that since punch card ballots are prohibited by 13-17-108, MCA, no devices for piercing a ballot are used. The authority and implementation citations were reviewed and modified to conform to Secretary of State guidelines advising against using citation earmarks.

44.3.1714 HANDLING VOTING SYSTEM MACHINE ERROR DURING COUNT (1) During a count of paper ballots in which votes are being automatically tabulated by a voting ~~system~~ machine, if the election administrator or counting board has reason to believe that the voting ~~system~~ machine is not operating correctly, the count must be halted and the ~~system~~ machine must be tested, as applicable, in accordance with the procedures specified in the instruction manuals, user guides, and technical manuals provided by the manufacturer of the voting system, as well as the election judge handbook provided by the office of the secretary of state, except in cases in which those materials conflict with state laws or rules, in which case the laws or rules shall apply.

(2) If the test does not show any errors, the count must proceed using the voting ~~system~~ machine.

(3) If the test shows errors and the errors cannot be corrected or if a majority of the counting board agrees that the ~~system~~ machine may not be functioning correctly:

(a) if no other tested voting machine is available, votes cast on paper ballots must be counted manually in accordance with 13-15-206(2), MCA; and

(b) the vote-counting machine involved in the discrepancy in that county may not be used in another election until it has been examined and tested by a computer software expert in consultation with a voting machine vendor and approved by the secretary of state.

AUTH: 13-15-206, ~~13-15-209~~, 13-17-211, MCA

IMP: 13-15-209, MCA

REASON: The amendments to the rule title, (1), (2), and (3) substituting the words "voting machine" for "voting system" are reasonably necessary because although these terms are generally used interchangeably, the term "voting machine" is more precise than "voting system." The amendment eliminating the citation earmark in (3)(a) is to conform to Secretary of State guidelines advising agencies to avoid using citation earmarks in rule text. The proposed changes to (3)(a) and (b) are to specify that if there is a voting machine that is not operating correctly, that machine should be set aside, but if another tested voting machine is available, that machine should be able to be used instead. Otherwise, determining election results in large counties could take as long as a week or more. The machine in question should not be used in another election until it has been examined and tested. The authority and implementation statutes were reviewed and corrected.

44.3.1720 REPORTING PROCESS FOR RANDOM-SAMPLE AUDIT

(1) remains the same.

(2) The secretary of state shall post the results of the state board of canvassers' random-sample audit selections on its web site.

AUTH: 13-1-202, 13-17-503, MCA

IMP: 13-17-505, 13-17-506, 13-17-507, MCA

REASON: The amendment to (2) is reasonably necessary to clarify in rule that the Secretary of State is responsible for making a list of the State Board of Canvassers' random-sample audit selections available electronically consistent with 13-17-505, MCA. The authority and implementation statutes were reviewed and updated.

44.3.2010 APPLICANTS INELIGIBLE DUE TO AGE OR RESIDENCE REQUIREMENTS

(1) An applicant for voter registration who is ~~not~~ ineligible 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.~~

(2) For any applicants who are ineligible to register because of age requirements, an election official shall register them with a vote-eligible date that matches the individual's 18th birthday.

(3) For any applicants who are ineligible to register because of residency requirements, an election official shall register them with a vote-eligible date that matches the date the applicant will meet residency requirements.

(4) 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 or who will not have been a resident of Montana for at least 30 days on or before election day.

AUTH: 13-2-109, MCA

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

REASON: These amendments are reasonably necessary to clarify that individuals who are not 18 at the time of registration are given a vote-eligible date to match their 18th birthday and that individuals who do not meet the residency requirements at the

time of registration are given a vote-eligible date matching the date the applicant will meet the residency requirements.

44.3.2015 LATE REGISTRATION PROCEDURES (1) remains the same.

(a) Any elector wishing to register after noon on the day before election day may submit a voter registration application at the county election administrator's office, but the elector must appear at the county election office by 8 p.m. on election day in order to complete the late registration process and receive an absentee ballot.

(2) through (7) remain the same.

AUTH: 13-2-108, MCA

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

REASON: The amendment to (1)(a) is reasonably necessary to clarify that an elector desiring to complete the late registration process and receive an absentee ballot must appear at the county election office by the close of polls, that is 8 p.m. on election day.

44.3.2103 PRINTING OF IDENTIFICATION AND PROVISIONAL VOTING MATERIALS (1) through (1)(c) remain the same.

(d) verified and unverified provisional ballot ~~containers~~ labels;

(e) remains the same.

(f) polling place elector identification forms as defined in ARM 44.3.2102~~(8)~~;

and

(g) and (2) remain the same.

AUTH: 13-13-603, MCA

IMP: 13-13-112, 13-13-603, MCA

REASON: The amendment to (1)(d) is reasonably necessary to specify that provisional ballot "labels" rather than "containers" are printed. In (1)(f), the ARM citation earmark (8) is eliminated to conform to Secretary of State guidelines advising agencies to avoid using citation earmarks in rule text.

44.3.2110 PROCEDURES AT THE POLLING PLACE FOR DETERMINING THE SUFFICIENCY OF IDENTIFICATION - PRIOR TO CASTING A BALLOT

(1) Consistent with 13-13-114, MCA, before an elector is permitted to receive a ballot or vote, the elector shall present to an election judge one of the forms of required identification defined in ARM 44.3.2102~~(6)~~.

(2) and (a) remain the same.

(b) complete a polling place elector identification form, as defined in ARM 44.3.2102~~(8)~~.

(3) through (3)(b) remain the same.

(c) consistent with 13-13-114~~(1)(e) and (d)~~, MCA, if the identification provided differs from information in the precinct register, but an election judge determines that the information provided is sufficient to verify the voter's identity to vote pursuant to 13-2-512, MCA, the elector may sign the precinct register, complete a transfer form

or new registration form to correct the elector's voter registration information, and vote. An election judge shall write "transfer form" or "registration form" in the register beside the name of any elector submitting a form.

(4) Consistent with 13-13-114~~(3) and (4)~~, and 13-1-116, MCA, if the elector is not able to sign the elector's name to the precinct register, a fingerprint or other identifying mark may be used, or the elector may have an election administrator or election judge, or another person who has been designated by the elector as the elector's agent, provide a signature or identifying mark. If the elector fails or refuses to sign the elector's name or, if unable to write, fails to provide a fingerprint or other identifying mark, the elector may cast a provisional ballot as provided in 13-13-601, MCA, and these rules.

AUTH: 13-13-603, MCA

IMP: 13-1-116, 13-13-114, MCA

REASON: The amendments to (1), (2)(b), (3)(c), and (4) are reasonably necessary to conform to Secretary of State guidelines advising agencies to avoid using citation earmarks in rule text.

44.3.2111 PROCEDURES AT THE POLLING PLACE FOR DETERMINING ELIGIBILITY TO VOTE - PRIOR TO CASTING A BALLOT

(1) An individual who provides sufficient identification specified in ARM 44.3.2192~~(6)~~, but whose name does not appear on the precinct register, shall be permitted to:

(a) through (a)(iii) remain the same.

~~(iv)~~(b) if the election official is unable to verify the individual's eligibility while the individual is at the polling place, sign the precinct register and cast a provisional ballot.

(2) Consistent with 13-13-114~~(1)(c) and (d)~~, MCA, if the information provided by the elector differs from information in the precinct register, but an election judge determines that the information provided is sufficient to verify the voter's eligibility to vote pursuant to 13-2-512, MCA, the elector may sign the precinct register, complete a transfer form or new registration form to correct the elector's voter registration information, and vote. An election judge shall write "transfer form" or "registration form" beside the name of any elector submitting a form.

(3) Consistent with 13-13-114~~(3) and (4)~~, and 13-1-116, MCA, if the elector is not able to sign the elector's name to the precinct register, a fingerprint or other identifying mark may be used, or the elector may have an election administrator or election judge, or another person who has been designated by the elector as the elector's agent, provide a signature or identifying mark. If the elector fails or refuses to sign the elector's name or, if unable to write, fails to provide a fingerprint or other identifying mark, the elector may cast a provisional ballot as provided in 13-13-601, MCA, and these rules.

AUTH: 13-13-603, MCA

IMP: 13-13-114, MCA

REASON: The amendments to (1), (2), and (3) are reasonably necessary to conform to Secretary of State guidelines advising agencies to avoid using citation earmarks in rule text.

44.3.2113 PROVISIONAL VOTING PROCEDURES AT THE POLLING PLACE AND AT THE ELECTION ADMINISTRATOR'S OFFICE - CASTING A BALLOT (1) through (6) remain the same.

AUTH: 13-13-603, MCA

IMP: 13-13-114, 13-13-601, 13-15-107, MCA

REASON: It is reasonably necessary to amend the rule title to clarify that provisional voting procedures are available at either the polling place or at the election administrator's office. This amendment is particularly necessary due to the increased use of late registration.

44.3.2402 DETERMINING A VALID VOTE IN MANUALLY COUNTING AND RECOUNTING PAPER AND OPTI-SCAN BALLOTS (1) Before being counted, each questionable vote on a paper ballot set aside under 13-15-206(2)(a) or (3)(b), MCA, must be reviewed by the ~~counting~~ designated board. The ~~counting~~ board shall evaluate each questionable vote according to the rules below:

(a) and (b) remain the same.

(2) The following general rules shall apply in a count or recount of paper and ~~opti-scan~~ ballots:

(a) ~~two (or more)~~ more than one designated voting areas have has been marked and at least one ~~(or more)~~ mark has been erased, but residue is or is not left. The election officials shall ~~clarify the ballot and~~ cause a vote to be counted for the designated voting area that has been marked;

(b) one designated voting area is marked and ~~a second~~ at least one other designated voting area is marked with a heavy mark and no erasure has been attempted. The election officials shall cause this to be ~~counted~~ designated as an overvote;

(c) the designated voting area has been marked for one response candidate or ballot issue choice and a partially completed mark is made in a at least one other designated voting area. The mark may or may not have some erasure, although for the purpose of this rule erasure is not required. If an erasure is present and it is not sufficient to make the intent of the elector clear, ~~the~~ election officials shall cause this to be ~~counted~~ designated as an overvote; If no erasure attempt is made, the election officials shall cause this to be designated as an overvote;

(d) the designated voting area has been marked for one response candidate or ballot issue choice and a hesitation mark is present within at least one other designated voting area. The election officials shall ~~clarify the ballot and~~ cause a vote to be counted for the designated voting area that has been marked;

(e) the designated voting area has not been marked according to instructions, but the response designated voting area, candidate, or ballot issue choice is circled, underlined, checked, or otherwise clearly marked. The election officials shall ~~clarify the ballot by marking the designated voting area beside the~~

~~circled vote if the marking of the designated voting area is consistent throughout the individual's ballot, and cause a vote to be counted for the marked designated voting area choice;~~

~~(f) the designated voting area has not been marked according to instructions, but there is a connective line or arrow between the response candidate or ballot issue choice and the designated voting area to indicate the vote. The election officials shall ~~clarify the ballot if the connective line or arrow beside the designated voting area is consistent throughout the individual's ballot, and cause a vote to be counted for the marked designated voting area;~~~~

~~(g) more than one designated voting area has been marked, but no clear mark is used to indicate the ~~correct~~ intended candidate or ballot issue choice. This includes, but is not necessarily limited to, instances in which more than the allowable choices are marked, and an "X" has been marked in either or both of the designated voting areas. The election officials shall cause this to be ~~counted designated~~ as an overvote;~~

~~(h) more than one designated voting area has been marked, but a clear word, mark, or statement is used to indicate the ~~correct~~ intended vote. The election officials shall ~~clarify the ballot and cause a vote to be counted for the designated voting area indicated as the correct intended vote;~~~~

~~(i) a word or statement has been used to indicate the ~~correct~~ intended vote instead of marking the designated voting area according to instructions. The election officials shall ~~clarify the ballot and cause a vote to be counted for the designated voting area indicated as the correct intended vote;~~~~

~~(j) all of the designated voting areas are crossed out. The election officials shall ~~clarify the ballot and cause this to be counted~~ designated as an undervote;~~

~~(k) a mark is made outside the designated voting area but close enough to the designated voting area to determine voter intent, and the designated voting area is not marked. The election officials shall cause a vote to be counted for the designated voting area determined as the intended vote;~~

~~(l) a ballot is marked with different colors or types of marking instruments. The election officials shall cause votes to be counted as marked by the voter unless it is determined that the ballot is otherwise not valid.~~

AUTH: 13-15-206, MCA

IMP: 13-15-206, MCA

REASON: The amendment to (1) is reasonably necessary to conform to Secretary of State guidelines advising agencies to avoid using citation earmarks in rule text. The amendments changing the words "election official" to "election officials" are reasonably necessary to clarify that more than one election official is involved in each determination. The amendments to replace language referring to election officials clarifying ballots with language stating that the election officials shall cause votes to be counted or designated as overvotes or undervotes are reasonably necessary to cover a variety of circumstances in which election officials may clarify, duplicate, and/or reject votes. The remaining amendments are reasonably necessary to clarify the intent of current rules and to specify additional rules governing the determinations of valid and invalid votes. Subsections (k) and (l) were

added to cover situations which have arisen or are likely to arise since the past adoption and amendment of the rules, and provide sufficient guarantee that all votes are treated equally among jurisdictions using similar ballot types and voting systems and to further clarify what is a valid vote based on research of other states' valid vote laws and rules based on scenarios that have occurred or may occur, and after consultation with and input from Montana election administrators. Subsection (k) clarifies that if the voter's intent can be discerned, even if the mark is made outside the designated voting area, if no other designated voting area is marked, the vote should be counted for the designated voting area. Subsection (l) clarifies that even though ballot instruction indicates the type of instrument that can be used for marking ballots, ballots marked with other types or colors are still valid.

44.3.2403 DETERMINING A VALID WRITE-IN VOTE IN MANUALLY COUNTING AND RECOUNTING PAPER AND OPTI-SCAN BALLOTS (1) Before being counted, each questionable write-in vote on a paper ballot set aside under 13-15-206(2)(a) or (3)(b), MCA, must be reviewed by the counting designated board. The ~~counting~~ board shall evaluate each questionable vote according to the rules below:

(a) and (b) remain the same.

(2) Except as provided in (3), only votes for declared write-in candidates shall be counted. Except as provided in ARM 44.3.2405, a write-in vote may be counted only if the write-in vote identifies an individual by any of the designations filed pursuant to 13-10-211(4)(a), MCA, and the oval, box, or other designated voting area on the ballot is marked. The following rules shall apply to determining a valid write-in vote in a count or recount of paper and opti-scan ballots, and must be read in conjunction with ARM 44.3.2402:

(a) a name is written in, but the designated write-in voting area is not marked, and no other candidate is selected. The election officials shall cause this to be designated as an undervote;

~~(a)(b)~~ (b) no candidate name or office is written in, but the designated write-in voting area is marked and no other candidate is selected. The election officials shall count this cause this to be designated as an undervote;

~~(b)(c)~~ (c) a printed candidate is selected by marking of the designated voting area, and no name is written in, but the designated write-in voting area is marked. The election officials shall count this as a vote cause a vote to be counted for the printed candidate;

~~(c)(d)~~ (d) a printed candidate is selected by marking of the designated voting area, any individual's name is written in, and the designated write-in voting area is marked. If the name written in is different from the name of the printed candidate selected, the election officials shall count this cause this to be designated as an overvote. If the name written in is the same as the name of the printed candidate selected, the election officials shall count this as a vote cause a vote to be counted for the printed candidate selected.

~~(d)(e)~~ (e) the designated voting area for a printed candidate is marked and the same name is written in, but the designated write-in voting area is not marked. The election officials shall count this cause a vote to be counted for the marked designated voting area;

~~(e)~~(f) comments are written in which do not indicate a clear vote, and no candidate is marked. The election officials shall ~~count this~~ cause this to be designated as an undervote;

~~(f)~~(g) the designated voting area for a printed candidate is marked, a comment is written in, and the corresponding designated write-in voting area is or is not marked. The election officials shall ~~count this~~ cause this to be counted as a vote for the printed candidate, unless the comment creates uncertainty about who the choice is or directs the election official not to count the vote for the printed candidate selected. In the latter case, the election officials shall ~~count this~~ cause this to be designated as an undervote-;

(h) at least one printed candidate appears as a candidate for the office and the designated voting area is not marked for any printed candidates, but a name is written in that is not the name of a declared write-in candidate and the corresponding designated write-in voting area is or is not marked. The election officials shall cause this to be designated as an undervote.

(3) through (3)(d) remain the same.

AUTH: 13-15-206, MCA

IMP: 13-10-211, 13-15-206, MCA

REASON: The amendments to (1) and (2) eliminating citation earmarks are reasonably necessary to conform to Secretary of State guidelines advising agencies to avoid using citation earmarks in rule text. The amendments changing the words "election official" to "election officials" are reasonably necessary to clarify that more than one election official is involved in each determination. The amendments to replace language referring to election officials clarifying ballots with language stating that the election officials shall cause votes to be counted or designated as overvotes or undervotes are reasonably necessary to cover a variety of circumstances in which election officials may clarify, duplicate, and/or reject votes. The remaining amendments are reasonably necessary to clarify the intent of current rules and to specify additional rules governing the determinations of valid and invalid votes. The additional rules cover situations which have arisen or are likely to arise since the past adoption and amendment of the rules. Subsections (2)(a) and (2)(h) are added to further clarify what is a valid vote based on research of other states' valid vote laws and rules, based on scenarios that have occurred or may occur, and after consultation and input from Montana election administrators. Subsection (2)(a) clarifies that the designated voting area must be marked in order for a write-in vote to count consistent with 13-15-206(5)(b), MCA. Subsection (2)(h) is necessary to clarify that a write-in vote can only be counted if the name written in is the name of a declared write-in candidate, unless there are no write-in candidates and no candidate names appear on the ballot for that race, consistent with 13-15-206(5), MCA.

44.3.2501 UNITED STATES ELECTORS (1) through (1)(c) remain the same.

(d) in ~~even-year general elections~~ for which a voter information pamphlet is required, election administrators must notify United States electors that the voter information pamphlet is available online, which can be accomplished through either:
(i) and (ii) remain the same.

AUTH: 13-21-103, MCA

IMP: 13-13-205, 13-21-103, 13-21-201, MCA

REASON: The amendment is reasonably necessary to clarify that a voter information pamphlet may be printed for elections other than even-year general elections. The authority and implementation statutes were reviewed and updated.

44.3.2505 RECEIVING BALLOTS (1) The election administrator shall receive all facsimile ballots. As the ballots are printed out by the machine, they shall be checked by the election administrator to ensure that ~~they are~~:

(a) they are readable in that the transmission has not made it impossible for the election judges to determine the elector's intentions; and
(b) remains the same.

AUTH: 13-21-104, MCA

IMP: 13-21-207, MCA

REASON: The amendment is reasonably necessary to correct a typographical error in the rule text.

44.9.201 INITIATION OF USE IN MULTICOUNTY DISTRICT (1) remains the same.

(2) If the initiative is taken by the applicable governing body, it shall proceed as provided ~~in section 8 of the Act~~ by law, except that the requesting resolution shall be addressed to the election administrator in each affected county.

(3) through (5) remain the same.

(6) If the initiative for the use of the mail ballot option in a multicounty district is taken by the election administrators, then they shall proceed as provided ~~in section 9 of the Act~~ by law, except that some form of ~~written~~ concurrence to both the written plan and the designation of a chief election administrator shall be ~~signed~~ made by each election administrator involved and accompany the written plan.

AUTH: 13-19-105, MCA

IMP: 13-19-201, MCA

REASON: The amendments to (2) and (6) removing the reference to "the Act" and substituting "by law" are reasonably necessary as the mail ballot election statutes were not codified when the administrative rule was originally adopted. The amendment to (6) removing the words "written" and "signed" in reference to concurrences reflects the option for electronic concurrence that may not involve a writing or a signing.

44.9.202 WRITTEN PLAN SPECIFICATIONS (1) through (1)(g) remain the same.

(h) the total number of "places of deposit," other than the election office contemplated, if any, together with the address of each and a description of its nature;

(i) through (l) remain the same.

(m) sample written instructions shall be consistent with 13-19-205-~~(2)(b)~~, MCA.

AUTH: 13-19-105, MCA

IMP: 13-19-205, MCA

REASON: The word "WRITTEN" is eliminated in the rule title because it is repetitive and unnecessary. The amendment to (1)(h) that eliminates the election office as a place of deposit is reasonably necessary because the election office is always a place of deposit. Therefore, it is not necessary for the election administrator to list the election office on the plan as a place of deposit. Also, the words "of its nature" are deleted in (1)(h) because it is not clear what a place of deposit's "nature" would include. A description of a place of deposit is sufficient. The citation earmark in (1)(m) is eliminated to conform to Secretary of State guidelines advising agencies to avoid using citation earmarks in rule text.

44.9.203 WRITTEN TIMETABLE SPECIFICATIONS (1) The election administrator shall prepare a ~~written~~ timetable for the conduct of the mail ballot election. The timetable shall be in ~~check-off~~ date entry form. It may contain additional activities and may be arranged in a different chronological order but otherwise shall be in substantially the following form:

CALENDAR DATE	ACTIVITY
_____	Copy of written plan to governing body.
_____	Last day for governing body to opt out.
_____	Submission of written plan to secretary of state's office.
_____	Approval by secretary of state.
_____	Publish notice specifying close of registration as provided by 13-2-301, MCA.
_____	Close of registration as provided by 13-2-301, MCA.
_____	Ballots mailed.
_____	Election day.

AUTH: 13-19-105, MCA

IMP: 13-19-205, MCA

REASON: The word "WRITTEN" is eliminated in the rule title because it is repetitive and unnecessary. The amendment to substitute "date entry" for "check off" is reasonably necessary because the form requires entry of calendar dates and is in date entry form, not check off form. The removal of the "Approval by secretary of state" activity is reasonably necessary because the Secretary of State's date of

approval is based on the date when the Secretary of State receives the timetable and the counties do not necessarily know the date the Secretary of State receives the timetable.

44.9.303 VOTING BY NONREGISTERED ELIGIBLE ELECTORS

(1) through (3) remain the same.

(a) duly note the elector's nonregistered status on the ~~return/verification signature~~ envelope, either at the time of voting if in person, or prior to mailing; and

(b) remains the same.

AUTH: 13-19-105, MCA

IMP: 13-19-304, MCA

REASON: The amendment to (3)(a) is reasonably necessary due to the passage of House Bill 99 by the 2011 Montana Legislature. House Bill 99 generally revised the laws relating to absentee ballots and mail ballots. One of the revisions made was to change the name of the "return/verification envelope" to "signature envelope." Therefore, the amendment reflected above is necessary to ensure the administrative rule language conforms to the amended statutory language.

44.9.306 DISPOSITION OF BALLOTS RETURNED AS UNDELIVERABLE

(1) ~~The election administrator follows the procedures in 13-19-313 and 13-13-245, MCA, for mail Bballots returned by the post office as undeliverable should be filed and shall be and files and~~ securely retained ~~said ballots.~~

(2) and (a) remain the same.

(b) if the elector's ballot is found there, then deliver it to the elector, either in person or, by mail, after the elector updates the elector's address verification, by submitting a new voter registration card or other written update of the elector's address, either in person or by mail; and

~~(c) provide a Change of Address card if appropriate; and~~

(c) document the action taken in a log maintained for that purpose or in the statewide voter registration system.

~~(d) make the appropriate notation in the daily ballot return log.~~

(3) and (4) remain the same.

AUTH: 13-19-105, MCA

IMP: ~~13-19-206~~ 13-19-313, MCA

REASON: The amendments are reasonably necessary due to the passage of House Bill 99 by the 2011 Montana Legislature. House Bill 99 generally revised the laws relating to absentee ballots and mail ballots. The amendments to (1), (2)(b), and (2)(c) conform the administrative rule to statutory changes made in House Bill 99 to clarify that if a mail ballot is undeliverable, the elector must update their address in writing in order to be provided with their ballot or with a replacement ballot. The authority and implementation statutes were reviewed and updated.

44.9.307 PLACES OF DEPOSIT - ELECTION OFFICIAL DUTIES ~~(1) The Act provides that the election administrator may designate one or more places within the political subdivision in which the election is conducted as places of deposit where ballots may be returned by the elector or the elector's agent or designee.~~

~~(2) Whenever a place of deposit is designated, the election administrator shall also designate at least two election officials who are selected in the same manner as provided for the selection of election judges in 13-4-102, MCA, to be responsible for all mail ballot election procedures at that place of deposit. Such designated election officials shall:~~

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

~~(a) be duly appointed and deputized as provided by law 13-19-307, MCA;~~

~~(b) through (d) remain the same.~~

~~(e) be personally available at such place of deposit as specified in 13-19-307(2), MCA;~~

~~(f) remains the same.~~

~~(g) personally ensure that all ballots and other official materials in his their possession are and remain secure at all times.~~

~~(3) The election administrator shall provide a transport box, secured as required, for the deposit of ballots returned to each place of deposit.~~

AUTH: 13-19-105, MCA

IMP: 13-19-307, MCA

REASON: The rule title is updated to clarify that the rule addresses election official duties at the places of deposit. Sections (1), (2), and (3) are deleted because the provisions are now addressed in 13-19-307, MCA. The amendment to (1)(e) is to conform to Secretary of State guidelines advising agencies to avoid using citation earmarks in rule text. The amendment to (1)(g) is to apply gender neutrality.

44.9.310 PROCEDURES TO SECURE BALLOTS (1) Ballots and related materials must be secure at all times, including during necessary transport times.

(2) The procedures to secure ballots and materials, including during necessary transport times, shall be substantially similar to procedures used to secure ballots in a regular election.

AUTH: 13-19-105, MCA

IMP: 13-19-105, 13-19-307, MCA

REASON: The rule amendments are reasonably necessary to include the provisions of ARM 44.9.309, which is being repealed. The authority and implementation statutes were reviewed and updated.

44.9.311 RECORDS OF BALLOTS RECEIVED (1) The election administrator shall record in a log or in the statewide voter registration system he maintained for that purpose the number and source of all ballots received at the processing center including:

(a) through (d) remain the same.

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

REASON: The amendment to (1) is reasonably necessary to apply gender neutrality. The amendment to add an alternative option, to record mail ballot receipt information in the statewide voter registration system instead of in a log is reasonably necessary in order to reflect the option of tracking absentee or mail ballots in the statewide voter registration system and to avoid duplication of effort.

44.9.312 SIGNATURE VERIFICATION PROCEDURES (1) and (a) remain the same.

(b) unopened ~~return/verification~~ signature envelopes shall be counted by the school district clerk (election administrator) placed in transport boxes and the number of ~~return/verification~~ signature envelopes recorded on the ballot transport logs which are to be sealed inside the transport boxes;

(c) the county election administrator shall break the seal on the transport boxes and verify signatures on the ~~return-verification~~ signature envelopes;

(d) remains the same.

(e) the unvalidated ~~return/verification~~ signature envelopes shall be banded together, marked "to be voided and not counted" and placed in the transport boxes with the valid ~~return/verification~~ signature envelopes. The transport boxes shall be resealed and returned to the school district clerk (election administrator) for counting or disposition as provided by law;

(f) through (3) remain the same.

(4) The official shall check and initial each envelope if so required by administrative procedures, as the signature is verified.

AUTH: 13-19-105, MCA
IMP: ~~43-19-310~~ 13-19-304, 13-19-312, MCA

REASON: The amendments to (1) are reasonably necessary due to the passage of House Bill 99 by the 2011 Montana Legislature. House Bill 99 generally revised the laws relating to absentee ballots and mail ballots. One of the revisions made was to change the name of the "return/verification envelope" to "signature envelope." Therefore, the amendments reflected above are necessary to ensure the administrative rule language conforms to the amended statutory language. The amendment to (4) is reasonably necessary because initialing of each envelope is no longer necessary since the signatures are verified in the statewide voter registration database. However, this amendment will still allow the election administrator to initial the envelope at their discretion. The authority and implementation statutes were reviewed and updated.

44.9.401 TRANSMITTAL ENVELOPE (1) remains the same.

~~(2) The words "OFFICIAL BALLOT - DO NOT DELAY" and the full official return address of the election administrator conducting the election shall appear on~~

~~the face of the envelope. The flap side of the envelope may have "VOTE AND RETURN PROMPTLY" printed in large type.~~

~~(3) The transmittal envelope may be a window envelope so that the name and address on the enclosed return/verification envelope is visible.~~

~~(4) Addressing the transmittal envelope to the proper elector is not a substitute for also affixing the elector's name and address to the return verification envelope.~~

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

IMP: 13-19-105, MCA

REASON: Section 13-19-105, MCA, gives the Secretary of State the authority to prescribe the form of materials to be used in the conduct of mail ballot elections with advice from the county election administrators. By deleting (2) through (4) in this administrative rule, the Secretary of State is eliminating specific form requirements that can and do change from time to time based on advice from the county election administrators thereby eliminating the need to amend the administrative rule each time a form requirement is changed.

44.9.402 RETURN/VERIFICATION SIGNATURE ENVELOPE (1) The return/verification signature envelope is used by the elector to mail or return the voted ballot to the proper election administrator and it shall be in substantially the same form as prescribed by the secretary of state.

~~(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 "OFFICIAL BALLOT - DO NOT DELAY" and wording that conforms to postal regulations to require the return, not forwarding of undelivered packets should also appear.~~

~~(3) In the upper-right hand corner should be the words "Place Sufficient Postage Here (1st Class)" enclosed in a box to indicate stamp placement.~~

~~(4) The flap side of the envelope should show by corner brackets where the elector's name and address is to be placed with the following words printed immediately below: "POSTAL CARRIER: DO NOT DELIVER TO THIS ADDRESS-- (SEE OTHER SIDE)."~~

~~(5) Beside this space an affidavit shall be printed substantially in one of the following forms:~~

~~(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)

~~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 the address is not correct, I have completed a change of address form which I have enclosed in this envelope). 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)~~

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

IMP: 13-19-105, MCA

REASON: The amendment to (1) changing the name of the "return/verification envelope" to "signature envelope" is reasonably necessary due to the passage of House Bill 99 by the 2011 Montana Legislature. House Bill 99 generally revised the laws relating to absentee ballots and mail ballots. One of the revisions made was to change the name of the "return/verification envelope" to "signature envelope." Therefore, the amendment to (1) reflected above is necessary to ensure the administrative rule language conforms to the amended statutory language. Section 13-19-105, MCA, gives the Secretary of State the authority to prescribe the form of materials to be used in the conduct of mail ballot elections with advice from the county election administrators. By deleting (2) through (5) in this administrative rule, the Secretary of State is eliminating specific form requirements that can and do change from time to time based on advice from the county election administrators thereby eliminating the need to amend the administrative rule each time a form requirement is changed.

44.9.403 SECRECY ENVELOPE (1) The ballot secrecy envelope shall be of a size to fit within the ~~return/verification~~ signature envelope and shall be in substantially the same form as prescribed by the secretary of state. The words "BALLOT SECRECY ENVELOPE" should be printed on the face.

(2) remains the same.

AUTH: 13-19-105, MCA

IMP: 13-19-105, MCA

REASON: The amendment to (1) changing the name of the "return/verification envelope" to "signature envelope" is reasonably necessary due to the passage of House Bill 99 by the 2011 Montana Legislature. House Bill 99 generally revised the laws relating to absentee ballots and mail ballots. One of the revisions made was to change the name of the "return/verification envelope" to "signature envelope." Therefore, the amendment to (1) reflected above is necessary to ensure the administrative rule language conforms to the amended statutory language.

44.9.404 INSTRUCTIONS TO VOTERS ELECTORS (1) Instructions, as approved by the Secretary of State pursuant to 13-19-205, MCA, shall be included with the ballot, the secrecy envelope, and the ~~return-verification~~ signature envelope as part of the packet mailed to the ~~voter~~ elector. The instructions shall detail the mechanical process which must be followed in order to properly cast the ballot. The instructions shall also:

(a) advise the ~~voter~~ elector that the election is to be by mail ballot only, that ~~he~~ the elector must provide ~~his own~~ postage, if ~~such is the case~~ necessary, and that regular polling places will not open;

(b) list the location where the ~~voter~~ elector may obtain a replacement ballot if ~~his~~ the elector's ballot is not received, or is destroyed, spoiled, or lost;

(c) list the location(s) where the ~~voter~~ elector may deposit ~~his~~ the elector's ballot if ~~he~~ the elector chooses not to mail it; and

(d) advise the ~~voter~~ elector that in order for the ~~voter's~~ elector's ballot to be counted, it must be received in the election administrator's office no later than 8:00 p.m. on the day of the election, except as provided in 13-21-206 and 13-21-207, MCA; and

(e) include the information specified under ARM 44.9.202(1)(m).

AUTH: 13-19-105, MCA

IMP: 13-19-105, 13-19-205, MCA

REASON: The amendments to the rule title and throughout the rule text to substitute the word "elector" for "voter" are reasonably necessary to conform to statutory language. The amendment to (1) to change the reference from "return verification envelope" to "signature envelope" is reasonably necessary due to the passage of House Bill 99 by the 2011 Montana Legislature. House Bill 99 generally revised the laws relating to absentee ballots and mail ballots. One of the revisions made was to change the name of the "return/verification envelope" to "signature envelope." Amendments to (1)(a) and (1)(c) are to ensure that the rule text is gender neutral. In (1)(d), an additional statutory reference is included to clarify that there are two instances whereby ballots may be accepted after 8 p.m. on election day. The amendment to (1)(e) is to eliminate the reference to the rule citation earmark to conform to Secretary of State guidelines advising agencies to avoid using citation earmarks in rule text.

4. The rule as proposed to be amended and transferred provides as follows, new matter underlined, deleted matter interlined:

44.9.312 (44.3.2716) SIGNATURE VERIFICATION PROCEDURES
(1) through (4) remain the same.

AUTH: 13-19-105, MCA
IMP: ~~13-19-310~~ 13-19-309, MCA

REASON: The rule implementation statute was reviewed and amended because 13-19-310, MCA, was repealed effective January 1, 2012. ARM 44.9.312 is being transferred to ARM Title 44, chapter 3, where all the other rules regarding elections reside because the placement of the elections rules in ARM Title 44, chapter 9, has proven confusing for the election administrators and the general public.

5. The Secretary of State proposes to repeal the following rules:

44.3.103 DEFINITIONS

AUTH: 13-3-202, MCA
IMP: 13-3-202, MCA

REASON: The definitions provided in this rule are outdated and/or unnecessary because the words are now either defined or clarified in statute.

44.3.2305 PROCEDURES FOR ABSENTEE AND MAIL BALLOT VOTING -
PRINTING ERROR OR BALLOT DESTROYED - FAILURE TO RECEIVE BALLOT

AUTH: 13-13-603, MCA
IMP: 13-13-204, 13-13-603, 13-15-107, 13-19-313, MCA

REASON: Section 13-13-204, MCA, as amended by the 2011 Montana Legislature in House Bill 99, includes the information contained in this administrative rule thereby eliminating the necessity for this rule.

44.3.2401 BALLOT FORM AND UNIFORMITY

AUTH: 13-12-202, MCA
IMP: 13-12-202, 13-13-205, MCA

REASON: The information provided in this rule is now contained in 13-13-205, MCA, thus eliminating the need for the rule.

44.9.101 INTRODUCTION, SCOPE AND INTENT

AUTH: 13-1-202, 13-19-105, MCA
IMP: 13-19-101, MCA

REASON: The content of this rule is addressed in statute, thereby eliminating the need for the rule.

44.9.102 ROLE OF THE SECRETARY OF STATE

AUTH: 13-19-105

IMP: 13-19-105

REASON: The content of this rule is addressed in statute, thereby eliminating the need for the rule.

44.9.103 DEFINITIONS

AUTH: 13-19-105, MCA

IMP: 13-19-102, MCA

REASON: The definitions provided in this rule are outdated and/or unnecessary because the words are now either defined or clarified in statute.

44.9.301 PROCEDURES FOR VOTING IN PERSON

AUTH: 13-19-105, MCA

IMP: 13-19-303, 13-19-304, MCA

REASON: The provisions of this rule are now addressed in statute, thereby eliminating the need for the rule.

44.9.302 DISPOSITION OF BALLOTS VOTED IN PERSON

AUTH: 13-19-105, MCA

IMP: 13-19-308, MCA

REASON: The provisions of this rule are now addressed in statute, thereby eliminating the need for the rule.

44.9.304 DESIGNATION OF MAILING ADDRESS OR ALTERNATIVE ADDRESS

AUTH: 13-19-105, MCA

IMP: 13-19-308, MCA

REASON: The provisions of this rule are now addressed in statute, thereby eliminating the need for the rule.

44.9.305 REPLACEMENT BALLOTS

AUTH: 13-19-105, MCA

IMP: 13-19-305, MCA

REASON: Sections 13-13-204 and 13-19-305, MCA, as amended by the 2011 Montana Legislature in House Bill 99, ensure that replacement mail ballots and absentee ballots are treated the same. The information contained in ARM 44.9.305 regarding replacement ballots is outdated and has been updated and clarified in statute through the passage of House Bill 99 thereby eliminating the necessity for this rule.

44.9.309 PROCEDURES FOR TRANSPORTING BALLOTS

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

REASON: The provisions of this rule have been incorporated into ARM 44.9.310 in this rule notice.

44.9.314 LATE AND LATE TRANSFER REGISTRATION APPLICANTS IN MAIL BALLOT ELECTIONS

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

REASON: The provisions of this rule are now addressed in statute, thereby eliminating the need for the rule.

44.9.315 INACTIVE ELECTORS IN MAIL BALLOT ELECTIONS

AUTH: 13-19-105, MCA
IMP: 13-2-222, 13-19-207, MCA

REASON: The provisions of this rule are now addressed in statute, thereby eliminating the need for the rule.

44.9.405 REGISTER

AUTH: 13-19-105, MCA
IMP: 13-19-305, MCA

REASON: This rule is being repealed because it is outdated due to the use of the statewide voter registration database.

6. The Secretary of State proposes to transfer the following rules:

<u>OLD</u>	<u>NEW</u>	
ARM 44.9.201	ARM 44.3.2701	INITIATION OF USE IN MULTICOUNTY DISTRICT

AUTH: 13-19-105, MCA

IMP: 13-19-201, MCA

<u>OLD</u>	<u>NEW</u>	
ARM 44.9.202	ARM 44.3.2702	PLAN SPECIFICATIONS

AUTH: 13-19-105, MCA
IMP: 13-19-205, MCA

<u>OLD</u>	<u>NEW</u>	
ARM 44.9.203	ARM 44.3.2703	TIMETABLE SPECIFICATIONS

AUTH: 13-19-105, MCA
IMP: 13-19-205, MCA

<u>OLD</u>	<u>NEW</u>	
ARM 44.9.204	ARM 44.3.2704	PROPORTIONAL VOTING

AUTH: 13-19-105, MCA
IMP: 13-19-302, MCA

<u>OLD</u>	<u>NEW</u>	
ARM 44.9.303	ARM 44.3.2707	VOTING BY NONREGISTERED ELIGIBLE ELECTORS

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

<u>OLD</u>	<u>NEW</u>	
ARM 44.9.306	ARM 44.3.2710	DISPOSITION OF BALLOTS RETURNED AS UNDELIVERABLE

AUTH: 13-19-105, MCA
IMP: 13-19-206, MCA

<u>OLD</u>	<u>NEW</u>	
ARM 44.9.307	ARM 44.3.2711	PLACES OF DEPOSIT – ELECTION OFFICIAL DUTIES

AUTH: 13-19-105, MCA
IMP: 13-19-307, MCA

<u>OLD</u>	<u>NEW</u>	
ARM 44.9.310	ARM 44.3.2714	PROCEDURES TO SECURE BALLOTS

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

OLD NEW
ARM 44.9.311 ARM 44.3.2715 RECORDS OF BALLOTS RECEIVED

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

OLD NEW
ARM 44.9.401 ARM 44.3.2720 TRANSMITTAL ENVELOPE

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

OLD NEW
ARM 44.9.402 ARM 44.3.2721 SIGNATURE ENVELOPE

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

OLD NEW
ARM 44.9.403 ARM 44.3.2722 SECRECY ENVELOPE

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

OLD NEW
ARM 44.9.404 ARM 44.3.2723 INSTRUCTIONS TO ELECTORS

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

REASON: The Secretary of State finds it reasonably necessary to transfer the administrative rules concerning Mail Ballot Elections into ARM Title 44, chapter 3, where all the other rules regarding elections reside because the placement of the rules in ARM Title 44, chapter 9, has proven confusing for the election administrators and the general public.

7. 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: Jorge Quintana, Secretary of State's Office, P.O. Box 202801, Helena, Montana 59620-2801; telephone (406) 461-5173; fax (406) 444-4240; or e-mail jquintana@mt.gov, and must be received no later than 5:00 p.m., February 9, 2012.

8. Jorge Quintana, Secretary of State's Office, has been designated to preside over and conduct this hearing.

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 that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. 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 contact person in 7 above or may be made by completing a request form at any rules hearing held by the Secretary of State.

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 the 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. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

/s/ JORGE QUINTANA
Jorge Quintana
Rule Reviewer

/s/ LINDA MCCULLOCH
Linda McCulloch
Secretary of State

Dated this 3rd day of January, 2012.