

# Emergency Rules

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## Regular Rules Timeline

Day 1 – Notice of Proposed Agency Action

 ≥ 30 days – minimum time to adopt rule

 6 months – maximum time to adopt rule

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## Emergency Rules Timeline: Imminent peril to the public health, safety, or welfare

- Agency may adopt upon special notice with the rulemaking oversight committee
- Requires imminent peril to the public health, safety, or welfare
  - Expires after 120 days

### During Rulemaking Process

- Majority of members object to chair regarding proposed rules in order to delay adoption of the rule by an agency (2-4-305(9), 2-4-306(4)(c) MCA).
- Object to a proposed rule for purposes of shifting the burden of showing legality of adoption (2-4-306 and 2-4-406, MCA.)
- Conduct poll of Legislature to see if proposed rule follows legislative intent (admissible in any court proceeding involving the validity of the proposed/adopted rule) (2-4-403, MCA)

### Post Rulemaking

- Recommend amendment, rejection, or repeal of rule (2-4-402, 2-4-411, and 2-4-412, MCA).

### Anytime

- Bring or participate in litigation involving MAPA (2-4-402, MCA)

MAR 44-2-181  
Regular Rule  
Status: Objection

# Secretary of State

## Old Proposal:

NEW RULE I BALLOT FORM AND UNIFORMITY (1) Guidelines that prescribe the ballot form for each type of ballot used in this state are provided to each election administrator in the prescribed forms and election judge handbook, as applicable. (2) The guidelines conform to the requirements of 13-12-202, MCA.

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## Pertinent Code:

2-4-307. Omissions from ARM or register. . . (2) The model code, rule, or other publication must be adopted by reference in a rule adopted under the rulemaking procedure required by this chapter. The rule must contain a citation to the material adopted by reference and a statement of the general subject matter of the omitted rule and must state where a copy of the omitted material may be obtained. . . .

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## New Proposal:

NEW RULE I BALLOT FORM AND UNIFORMITY (1) The secretary of state adopts and incorporates by reference the document entitled, "Ballot Form and Uniformity Pursuant to 13-12-202 MCA Layout Instructions and Sample Ballots," which is available on the secretary of state's website at the following link:

<http://sos.mt.gov/Elections/Officials/Forms/index.asp>, updated March 20, 2012.

(2) The document incorporated by reference is provided to each election administrator and contains guidelines that prescribe the ballot form for each type of ballot used in this state, giving guidelines as to font, spacing, and printed instructions, to conform to the requirements of 13-12-202, MCA.