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Montana Legislative Services Division
Legal Services Office

TO: State Administration and Veterans' Affairs Interim Committee

FROM: K. Virginia Aldrich

DATE: August 8, 2019

RE: Legislative Administrative Rule Review Report

Pursuant to 5-5-228, MCA, the State Administration and Veterans' Affairs Interim Committee is responsible for reviewing administrative rules within its jurisdiction. Staff for the State Administration and Veterans' Affairs Interim Committee has prepared this report for informational purposes only. This report does not represent any action or opinion of the State Administration and Veterans' Affairs Interim Committee and does not preclude additional action that may be taken by the State Administration and Veterans' Affairs Interim Committee pursuant to its authority under the Montana Administrative Procedure Act (Title 2, chapter 4, MCA).

MAR NOTICE NUMBER: 44-2-234

AGENCY/BOARD: Secretary of State

RULE CLASSIFICATION: (e.g. substantive/interpretive/emergency/temporary): Substantive

SUBJECT: Performance Standards for Devices That Provide Accessible Voting Technology for Electors With Hearing, Vision, Speech, or Ambulatory Impairments.

NOTICE DESCRIPTION: (e.g. proposal notice/adoption notice): Notice of Public Hearing on Proposed Adoption

SUMMARY OF RULE(S):

The Secretary of State proposes to adopt one rule that sets voter interface device standards. In 2019, the Legislature passed Senate Bill 291 (Chap. 325, L. 2019), which specified that the Secretary of State was required to adopt rules setting benchmark performance standards and electronic security standards for voting systems that are accessible to electors with disabilities (voter interface devices). In response, the Secretary of State proposes to adopt New Rule I, which requires a voter interface device to meet standards promulgated by the U.S. Elections Assistance Commission (an independent agency of the federal government).

Because the guidelines are not contained in the rule itself, the material is being adopted by reference. If material is being adopted by reference, statute requires "a citation to the material adopted by reference and a statement of the general subject matter of the omitted rule". Section 2-4-307, MCA. In addition, the rule "must state where a copy of the omitted material may be obtained." Because the rule, as proposed, lacks the statement and where the material may be obtained as well as specifying the exact version of the guidelines being adopted by reference, the Secretary of State has agreed to update the proposal with this information and extend the public comment period.

NOTES: A public hearing will be held on August 15, 2019, at 9:30 a.m. in Room 260, State Capitol Building, Helena, Montana. The public comment period ends on August 26, 2019.

FULL TEXT OF NOTICE: The full text of the notice proposal and the amended proposal may be found online at http://www.mtrules.org/gateway/Cycle_Home.asp?CID=2936.

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