



Montana Legislative Services Division
Legal Services Office

TO: State Administration and Veterans' Affairs Interim Committee

FROM: K. Virginia Aldrich

DATE: September 22, 2021

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: 44-2-245

AGENCY/BOARD: Secretary of State

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

SUBJECT: Poll Watchers at Places of Deposit

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

SUMMARY OF RULE(S):

The Secretary of State proposes to amend one rule by providing that a poll watcher from each political party must be permitted to be stationed at each place of deposit (a place of deposit is a place designated by an election administrator where ballots may be returned in a mail ballot election) when the place of deposit is open. The poll watcher must be "near enough to observe the depositing ballots" but must not "interfere with those deposits." Further, additional poll watchers will be permitted at the place of deposit if requested by a candidate, group of candidates, or a group having an interest in the election as long as the number of poll watchers does not interfere with the depositing of ballots.

Chapter 315, L. 2021, authorized poll watchers at each place of deposit during mail ballot elections, and the Secretary of State proposes to amend existing rules for consistency with the statutory changes made by Chapter 315.

NOTES: A public hearing will be held on October 14, 2021, at 9 a.m., Secretary of State's Office Conference Room, Room 260, State Capitol Building, Helena, Montana. The public comment period ends on October 22, 2021.

FULL TEXT OF NOTICE: Once published (September 24, 2021), the full text of the proposal notice and the amended proposal may be found online at <https://rules.mt.gov/>.