



**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:** 44-2-246

**AGENCY/BOARD:** Secretary of State

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

**SUBJECT:** Testing of Vote Tabulation Machines

**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 requiring that if automatic tabulation of ballots begins on the day before the election as authorized in section 13-13-241, MCA, the election administrator must publicly test all central count vote tabulation machines no more than 30 days prior to the election. This proposal amends existing rules for consistency with the statutory changes made by Chapter 400, L. 2021.

In addition, the proposal requires the testing and certification of voting systems not covered by the requirement discussed above to have a random test of 10% (rather than 5%) of each type of voting system. This change aligns the rule with the requirements of section 13-17-212, MCA, which requires the Secretary of State to ensure "that at least 10% of each type of voting system in the state has been randomly tested and certified at least once every calendar year."

**NOTES:** A public hearing will be held on October 14, 2021, at 9:30 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/>.