



**Montana Legislative Services Division**  
**Legal Services Office**

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**TO:** State Administration and Veterans' Affairs Interim Committee

**FROM:** K. Virginia Aldrich

**DATE:** April 6, 2022

**RE:** Legislative Administrative Rule Review Report

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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:** 44-2-256

**AGENCY/BOARD:** Secretary of State

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

**SUBJECT:** Disabled Voter Access Procedures

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

**SUMMARY OF RULE(S):**

The Secretary of State proposes to amend five new rules pertaining to procedures facilitating disabled voter access.

The Secretary of State proposes to amend one rule concerning exemption procedures to provide that school district polling places are subject to the same exemption procedures applicable to county polling places, update terminology consistent with Senate Bill 15, and make other minor grammatical clarifications.

The Secretary of State proposes to amend one rule concerning alternative means for casting a ballot by updating terminology and correcting the deadline for an elector to notify an election administrator of the elector's desire to vote at an accessible polling place, consistent with the changes in Senate Bill 15.

The Secretary of State proposes to amend one rule concerning the criteria and process for a person to become a designated agent for an elector with a disability by updating the rule's terminology for internal consistency and consistency with relevant statutory provisions.

The Secretary of State proposes to amend one rule concerning the electronic transmission of voting materials. The changes provide that the transmittal cover sheet with affirmation must be retained in a sealed envelope or container separately from the voted ballot. The proposed amendments clarify that 13-13-246, MCA, provides the requirements for how to consider if a received ballot is "acceptable." The proposed amendments also provide that if a ballot is returned using a secrecy page, the election administrator must place the ballot and secrecy page into an appropriate envelope that is then placed into a secure absentee envelope with the original ballot.

The Secretary of State proposes to amend one rule concerning plans for the conduct of an election. The proposed amendments require that a plan include procedures to ensure the voter interface devices are available at locations appropriate to provide accessibility for disabled electors.

**NOTES:** A public hearing will be held on May 6, 2022, at 1:30 p.m., Secretary of State's Office Conference Room, Room 260, State Capitol Building, Helena, Montana. The public comment period ends on May 13, 2022.

**FULL TEXT OF NOTICE:** The full text of the proposal notice and the amended proposal may be found online at <https://rules.mt.gov> after it is officially published.