



Montana Legislative Services Division

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TO: State Administration and Veterans' Affairs Interim Committee

FROM: Andria Hardin

DATE: January 5, 2024

RE: Legislative Administrative Rule Review Report

Pursuant to 5-5-228, MCA, 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: 44-2-271

AGENCY/BOARD: Secretary of State

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

SUBJECT: Annual Security Assessments and Training

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

SUMMARY OF RULE(S): The Secretary of State proposes amending five rules pertaining to election annual security assessments and training.

The proposed amendment to ARM 44.3.2901 amends the definition of "Qualified assessor" making the date of the certification requirements to qualify as a "Qualified assessor" more recent. Also, the amendment recognizes a change in the title of the security professional of Certified Authorized Professional to Certified in Governance, Risk, and Compliance security professional under the definition of "Qualified assessor". There is a clerical error that omits any reference to subsection (b). The Secretary of State has confirmed with staff this is a clerical error that will be corrected in the final adoption and that no changes are being proposed for subsection (3)(b).

The proposed amendment to ARM 44.3.2902 provides an updated name, date, document version, and website location for the Center for Internet Security's election security handbook. Reference to the Center for Internet Security's Election Infrastructure Assessment Tool has been omitted as it is no longer available. Additionally, "third-party" is added to the rule to clarify that the results being provided to the Secretary of State are from the "third-party" assessments.

The proposed amendment to ARM 44.3.2903 provides a more specific timeframe, which also aligns with other reporting requirements, for county election administrators to provide records of the completion of the security awareness training.

The proposed amendment to ARM 44.3.2904 substitutes the reference to records with inventory, and removes the requirement that inventories be reported on forms prescribed by the Secretary of State. The Secretary of State notes that counties are already documenting electronically their inventories of assets.

The proposed amendment to ARM 44.3.2905 specifies that anti-virus software installed on county computing devices must be behavioral-based anti-virus software as an improvement in protection.

NOTES: A public hearing will be held on January 16, 2024 at 2:00 p.m. in the Secretary of State's Office conference room, Room 260, State Capitol, Helena, Montana. The public comment period ends on January 19, 2024 at 5:00 p.m.

STAFF COMMENT: As noted above, there is a clerical error in the proposed amendment to ARM 44.3.2901 that omits any reference to subsection (b). The Secretary of State has confirmed with staff this is a clerical error that will be corrected in the final adoption and that no changes will be made to subsection (3)(b).

FULL TEXT OF NOTICE: The full text of the proposal notice may be found online at https://rules.mt.gov/gateway/Cycle_Home.asp?CID=3772.