



Montana Legislative Services Division

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

**FROM:** Andria Hardin

**DATE:** December 21, 2023

**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:** 44-2-269

**AGENCY/BOARD:** Secretary of State

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

**SUBJECT:** Ballot Form and Uniformity

**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 ARM 44.3.2408, which implements section 13-12-202, MCA. This amendment changes the rule to provide that county election administrators must follow the standards outlines in the Ballot Layout Guide dated November 28, 2023, adopted and incorporated by reference, that is published on the Secretary of State's website.

**NOTES:** A public hearing will be held on January 5, 2024 at 9:30 a.m. in the Secretary of State's Office conference room, Room 260, State Capitol, Helena, Montana. The public comment period ends on January 5, 2024 at 5:00 p.m.

**STAFF COMMENT:** During the November 9, 2023 meeting, SAVA objected to MAR Notice No. 44-2-268 relating to the Secretary of State's initial proposal to amend ARM 44.3.2408 regarding ballot form and uniformity. In response to the objection and concerns, the Secretary of State canceled the public hearing and decided not to proceed with the proposed rulemaking. The Secretary of State has now proposed a new amendment reviewed in this report. The new Ballot Layout Guide incorporated by reference in the proposed amendment can be found [here](#) under the Ballot Layout tab. Staff has no comment on this new proposed amendment as it addresses the objection and previous concerns.

**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=3756](https://rules.mt.gov/gateway/Cycle_Home.asp?CID=3756).