

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

In the matter of the adoption of New)	NOTICE OF ADOPTION,
Rules I through XVIII pertaining to)	AMENDMENT, AND
elections, the amendment of)	REPEAL
ARM 44.3.101, 44.3.104, 44.3.114,)	
44.3.1101, 44.3.1701, 44.3.2001,)	
44.3.2003, 44.3.2005, 44.3.2010,)	
44.3.2110, 44.3.2111, 44.3.2113,)	
44.3.2114, 44.3.2203, 44.3.2301,)	
44.3.2302, 44.3.2303, 44.3.2304,)	
44.3.2401, 44.3.2402, 44.3.2403,)	
44.3.2404 and 44.3.2601 pertaining to)	
elections, and the repeal of ARM)	
44.3.1731 through 44.3.1750, 44.3.1760)	
through 44.3.1775, 44.3.1781 through)	
44.3.1787, and 44.3.2112 pertaining to)	
elections)	

TO: All Concerned Persons

1. On September 7, 2006, the Secretary of State's Office published MAR Notice No. 44-2-135 regarding the public hearing on the proposed adoption, amendment, and repeal of the above-stated rules at page 2077 of the 2006 Montana Administrative Register, issue no.17.

2. On September 28, 2006, the Secretary of State held a public hearing on the proposed adoption, amendment, and repeal of the above-stated rules in Helena. Several comments were received by the October 6, 2006, deadline.

3. The department has adopted the following rules as proposed: Rule I (44.3.115), II (44.3.1711), III (44.3.1712), V (44.3.1714), VII (44.3.1716), VIII (44.3.1717), XIII (44.3.2506), XIV (44.3.2507), XV (44.3.2508), XVI (44.3.2509), and XVII (44.3.2510).

4. The department has adopted the following new rules as proposed but with the following changes from the original proposal, matter to be stricken interlined, new matter underlined:

NEW RULE IV (ARM 44.3.1713) UNIFORM PROCEDURES FOR USING VOTING SYSTEMS (1) For each voting system approved under 13-17-101, MCA, the system must comply, as applicable, with the following procedures specified in the instruction manuals, user guides, and technical manuals provided by the manufacturer and distributor of the ~~database system~~, as well as the election judge handbook provided by the office of the Secretary of State, (except in cases in which those materials conflict with state laws or rules, in which case the laws or rules shall

apply):

(a) through (f) remain as proposed.

AUTH: 13-17-211, MCA

IMP: 13-17-211, MCA

NEW RULE VI (44.3.1715) METHOD OF CORRECTION OF BALLOT

(1) and (1)(a) remain the same.

(i) if the ballot is a paper ballot that is not produced for use with a voting system, follow the procedures in ~~(2)~~ (1)(b) or ~~(3)(c)~~;

(ii) through (c) remain the same.

AUTH: 13-12-204, MCA

IMP: 13-12-204, MCA

NEW RULE IX (ARM 44.3.2014) MAINTENANCE OF ACTIVE AND INACTIVE VOTER REGISTRATION LISTS FOR ELECTIONS (1) through (3)

remain as proposed.

(4) The election administrator shall cancel the registration of an elector if the elector fails to respond to certain confirmation mailings, is placed on the inactive list, and fails to vote in two consecutive federal general elections after being placed on the inactive list.

(5) The name of an elector must be moved by an election administrator from the inactive list to the active list of a county if an elector meets the requirements for registration provided in this chapter and appears in order to vote or votes by absentee ballot in any election.

(6) An elector reactivated pursuant to (5) is a legally registered elector for purposes of the election in which the elector voted.

AUTH: 13-2-108, MCA

IMP: 13-2-220, MCA

NEW RULE X (ARM 44.3.2015) LATE REGISTRATION PROCEDURES

(1) remains as proposed.

(2) Except as provided in (3)(a), an elector who registers or changes the elector's voter information pursuant to this rule may vote in the election only if the elector votes at the county election administrator's office. For the purposes of this rule, voting at the county election administrator's office includes:

(a) remains as proposed.

(b) at any time after registering under the procedures of this rule, receiving in person from the election administrator and returning an absentee ballot directly to the county election administrator's office, either in person or by mail, subject to applicable deadlines.

(3) and (4) remain as proposed.

AUTH: 13-2-108, MCA

IMP: 13-2-304, 13-2-514, MCA

NEW RULE XI (ARM 44.3.2016) STATEWIDE VOTER REGISTRATION DATABASE (1) and (2) remain as proposed.

(3) Consistent with (1)(f):

(a) the driver's license numbers, whole or partial social security numbers, and address information protected from general disclosure pursuant to 13-2-115, MCA, may not be provided unless required by a court order, ~~or permitted by written request and the consent of the Secretary of State;~~ and

(b) ~~at the option of each county election administrator and of the Secretary of State,~~ all identifying information about an individual protected from disclosure pursuant to 13-2-115, MCA, ~~including but not limited to the individual's name,~~ may not be provided, unless required by a court order, ~~requested by another agency in writing in the official course of business, or permitted by written consent of the Secretary of State.~~

(4) remains as proposed.

AUTH: 13-2-108, MCA

IMP: 13-2-108, MCA

NEW RULE XII (ARM 44.3.2109) PROCEDURES FOR CHALLENGES (1) remains as proposed.

(2) A challenge may be made on the grounds that the elector:

(a) through (e) remain as proposed.

(f) has not been, for at least 30 days, a resident of the county in which the elector is offering to vote, unless the elector is exempt under 13-2-514, MCA, and has been a resident of the state for at least 30 days; or

(g) through (6) remain as proposed.

AUTH: 13-13-301, MCA

IMP: 13-13-301, MCA

NEW RULE XVIII (ARM 44.3.2511) ELECTRONIC TRANSMISSION OF VOTING MATERIALS (1) County election administrators shall allow United States electors to receive and transmit election materials electronically, as long as the identity of each elector is confirmed and facilities are available ~~that provide secrecy and security to the greatest extent possible~~ maintain the accuracy, integrity, and secrecy of the ballot process. The procedures in this subchapter shall be followed, wherever applicable, in regard to the receipt and transmission of election materials electronically;

(a) A county election administrator desiring to offer electronic transmission of voting materials must use a system that is secure from unauthorized access. Access to the system must be limited by the following means: it has the technological ability to store the ballots that are sent and received by electronic transmission, and ballots stored in such manner can only be accessed by the election administrator or specially appointed deputies.

(b) Upon request for electronic transmission of a ballot, an election administrator who has received a valid application from a United States elector shall,

subject to (1), send by electronic transmission a ballot, instructions to the elector and a notice that the elector's ballot will not be secret in that it will be received by the election administrator and the elector's votes will be transcribed to the original ballot by a panel of no less than two election judges. The original instructions and original ballot shall be retained in a secure absentee envelope.

(c) The election administrator shall keep an official log of all ballots transmitted and received electronically.

(d) If the returned electronically transmitted ballot is acceptable, the election administrator shall log in the receipt of the ballot and place it in the secure absentee envelope with the original ballot until the ballots are ready to be transcribed.

(e) On or before election day, the election administrator shall have the electronically transmitted ballots transcribed using the procedure prescribed for assistance to voters with disabilities.

(f) No less than two election judges shall participate in the transcription process to transfer the elector's vote from an electronically transmitted ballot to the standard ballot used in the precinct.

(g) There may be noted next to the elector's name in the precinct register "Electronically Transmitted Ballot".

(h) An electronically transmitted ballot identifying number shall be written on the original transcribed ballot and the electronically transmitted ballot.

(i) The election judges who transcribed the electronically transmitted ballot shall sign in the log next to the name of the elector.

(j) No one participating in the electronic ballot transmission process may reveal any information about the elector's ballot.

AUTH: 13-21-104, MCA

IMP: 13-21-104, MCA

5. The department has amended the following rules as proposed: ARM 44.3.101, 44.3.104, 44.3.114, 44.3.1101, 44.3.1701, 44.3.2001, 44.3.2003, 44.3.2005, 44.3.2010, 44.3.2110, 44.3.2111, 44.3.2301, 44.3.2302, 44.3.2303, 44.3.2401, 44.3.2402, 44.3.2403, 44.3.2404, and 44.3.2601. After consideration, the department has decided not to amend the following rule which was proposed to be amended: ARM 44.3.2113.

6. The department has amended the following rules as proposed with the following changes from the original proposal, matter to be stricken interlined, new matter underlined:

44.3.2114 PROVISIONAL VOTING PROCEDURES ON ELECTION DAY
AFTER THE CLOSE OF POLLS - THE SIXTH DAY AFTER ELECTION DAY

(1) through (5) remain the same.

(6) If a legally registered elector casts a provisional ballot because the elector failed to provide sufficient identification as required pursuant to 13-13-114(1)(a), MCA, the election administrator or designee shall compare the elector's signature or the signature of an elector's agent designated pursuant to 13-1-116, MCA, on the affirmation required under 13-13-601, MCA, to the elector's or elector's agent's

signature on the elector's voter registration card.

(a) through (10) remain as proposed.

AUTH: 13-13-603, MCA

IMP: 13-15-107, MCA

44.3.2203 FORM OF ABSENTEE BALLOT APPLICATION AND ABSENTEE BALLOT TRANSMISSION TO ELECTION ADMINISTRATOR

(1) Consistent with 13-13-212, MCA, an elector may apply for an absentee ballot by using a standardized form provided by rule by the Secretary of State, or by making a written request which must include the applicant's birth date and must be signed by the applicant or by an agent designated pursuant to 13-1-116, MCA, except that if the election administrator can independently obtain the applicant's birth date, the application shall not be rejected for lack of the applicant's birth date. The request must be submitted to the election administrator of the applicant's county of residence within the time period specified in 13-13-211, MCA.

(2) The minimum acceptable prescribed form for an application for an absentee ballot must include a written request for the absentee ballot, the elector's birth date, and the elector's or the elector's agent's signature. Additional recommended statements include the election for which the elector is requesting an absentee ballot and the address to which the elector wants the ballot mailed. Electors are strongly encouraged to use the form used by election administrators, which appears in the forms booklet that is provided by the Secretary of State to each election administrator.

(3) and (4) remain as proposed.

(5) An election administrator who receives a request under (4) shall determine whether the elector's or the elector's agent's signature on the request matches the elector's or the elector's agent's signature on the elector's voter registration card, prior to placing the elector on a list of individuals who wish to receive absentee ballots in subsequent elections.

(6) The election administrator shall mail an address confirmation form, prescribed by the Secretary of State, at least 75 days before the election to each elector who has requested an absentee ballot for subsequent elections. The form shall, in bold print, indicate that the elector may update the elector's mailing address using the form. The elector or elector's agent shall sign the form, indicate the address to which the absentee ballot should be sent, and return the form to the election administrator. If the form is not completed and returned, the election administrator shall remove the elector from the register of electors who have requested an absentee ballot for subsequent elections.

(7) and (8) remain as proposed.

AUTH: 13-13-212, MCA

IMP: 13-13-211, 13-13-212, 13-13-213, MCA

44.3.2304 PROCEDURES FOR ABSENTEE AND MAIL BALLOT VOTING – DETERMINING THE SUFFICIENCY OF IDENTIFICATION OF PROVISIONALLY REGISTERED ELECTORS (1) remains as proposed.

AUTH: 13-13-603, MCA

IMP: 13-13-114, 13-13-201, 13-13-241, 13-19-309, MCA

7. The department repeals the following rules as proposed: ARM 44.3.1731 through 44.3.1750, 44.3.1760 through 44.3.1775, 44.3.1781 through 44.3.1787, and 44.3.2112.

8. The Secretary of State has thoroughly considered the comments and testimony received. A summary of the comments received and the department's responses are as follows:

COMMENT 1: This comment was regarding proposed New Rule IX:

Both 13-2-108 and 13-2-220, MCA, specifically refer to rules for maintaining the statewide voter registration list, including maintaining the active and inactive voter lists. This proposed New Rule IX ends at the point at which electors are placed on the inactive voter list; it does not describe either the process by which inactive eligible electors may vote, or when inactive electors' registrations may be cancelled. We suggest that such language be added:

There is a provision in the 2006 Election Judges Handbook which describes how, as of October 1, 2005, inactive voters can reactive their registration status at any election and vote in that election at the polls or by absentee ballot. This should be added to the rules.

Montana statute (13-2-402, MCA) states that election administrators shall cancel the registration of an elector if the elector fails to respond to certain confirmation mailings and fails to vote in two consecutive elections. This part of the process should be added to the rules.

RESPONSE: The state agrees that these rule changes should be adopted since they provide a more complete description of the maintenance process for active and inactive voter lists, are consistent with current law, and are already current practices used by the county election administrators. The proposed New Rule IX has been amended accordingly.

COMMENT 2: This comment was regarding proposed New Rule XI:

We appreciate that language allowing certain restricted database information to be given to other state agencies has been removed from (3)(a), and support this deletion. However, we remain concerned that there are no guidelines for situations under which the Secretary of State will give the same information to undefined parties. In addition, we are concerned that other protected information may be released at the option of an election administrator or Secretary of State through request of a state agency or again, consent of the Secretary of State, without any guidelines (3)(b). There is the potential for even state or other agencies to neglect adopting sufficient security measures to ensure that released information is not misused or abused. The issues of security and privacy, and concerns over identity

theft and abuse of personal information, suggest such that stricter controls be placed on the release of such information.

The Montana Supreme Court's Commission on Technology established a privacy and access task force in 2005 that recently recommended model rules for access to certain records; one of those recommendations was that there should not be any public access to social security numbers. We suggest that at a minimum, no part of a person's social security number, or the driver's license number, which in Montana may still be a person's social security number, be released without a court order. In addition, we would suggest limiting the release of any protected information unless required by a court order, or unless the request meets other criteria or guidelines stated in the rules, and security measures are in place to ensure the information is not released to the public or otherwise misused.

RESPONSE: We agree with these comments and have amended proposed New Rule XI accordingly.

COMMENT 3: This comment was regarding proposed New Rule XVIII:

Earlier, we had raised concerns that these draft rules referenced faxed ballots but not ballots electronically transmitted, such as via the internet as is permitted in 13-21-207, MCA, for absent uniformed services and overseas electors. In response, New Rule XVIII has been amended to say that the procedures regarding receipt, acceptance, logging, transcription, and secrecy of faxed ballots should be followed in regard to the receipt and transmission of election materials electronically. We want to ensure that all steps, including logging in, accepting, transcribing, and ensuring the secrecy of all ballots received electronically apply to ballots received over the internet. Since these are new rules, it is not clear under what heading they will appear, but are concerned that it is less efficient and effective to just include the sentence in New Rule XVIII instead of clearly stating each step that must be taken for electronically transmitted ballots, i.e., to include "electronically transmitted" ballots in New Rules XIII, XV, XVI, and XVII. It may be possible to simply repeat these rules under the section of the rules that applies to electronically transmitted ballots, if that is a different section.

In addition, suggesting in New Rule XVIII that facilities for sending and receiving ballots must ensure secrecy and security "to the greatest extent possible" does not meet the requirements of 13-21-104, MCA, which says that the rules "must maintain the accuracy, integrity, and secrecy of the ballot process." We suggest that the rule be amended to say that the facilities "must maintain the accuracy, integrity, and secrecy of the ballot process," and furthermore, suggest that the Secretary of State's office confirm that such measures are in place in each county.

RESPONSE: We agree with the suggestions to amend New Rule XVIII, consistent with directives sent to the counties.

COMMENT 4: This comment was regarding proposed amendments to Rule 44.3.1101:

A previous draft of these rules proposed deleting this rule, since it originally pertained to the Centralized Voter File, which has been replaced by the Statewide Voter Database. We assume that in deciding to keep the rule but amend it, you are also amending the title of the subchapter to "Statewide Voter Database."

RESPONSE: We agree with this comment. It has been communicated to the Administrative Rules Bureau for amendment of the applicable title of the subchapter.

COMMENT 5: This comment was regarding proposed amendments to Rule 44.3.2113:

The new language – section (6) - provides a process for verifying a provisional voter's identification by confirming the voter's signature of affirmation on the provisional ballot outer envelope with the elector's signature on the elector's voter registration card, as required by law. However, this process cannot occur at the polling place, as the voter registration cards are not at the polling places. This process must occur after the close of polls, but before the sixth day after Election Day. Consequently, this language should be incorporated in Rule 44.3.2114.

RESPONSE: We agree with these comments and accordingly have removed the proposed amendments to Rule 44.3.2113.

COMMENT 6: This comment was regarding proposed amendments to Rules 44.3.2203, 44.3.2114, and 44.3.2203:

The Montana League of Women Voters has raised legitimate concerns about the process of matching signatures on absentee ballot/permanent absentee voter list requests to voter registration cards. Currently, if the signatures don't match, the absentee ballot/permanent absentee voter list request is simply rejected. MT LWV has suggested that if the signatures don't match, the elector be notified and be given a chance to either re-apply or confirm that they did not make the request. Since the use of absentee ballots and the permanent absentee voter list is going to continually increase, we believe the issue of mismatched signatures in such cases may deserve more attention, either through these rules, or legislation, if necessary.

In addition, other election rules include an allowance for situations where signatures may not match because the elector has designated an agent to provide a signature or identifying mark. We ask that this allowance be added to this rule as well.

RESPONSE: In regard to the first paragraph, current statutes do not require county election administrators to notify absentee voting applicants that their application signatures do not match the signatures on their registration cards. We believe a statutory change would be necessary to implement this suggestion.

In regard to the second paragraph, we believe that this is consistent with current law and procedures, and the rules have been amended accordingly.

COMMENT 7: This comment was regarding proposed amendments to Rule 44.3.2401:

Rule 44.3.2401, sections (1) through (4), generally repeats 13-12-202, MCA, which specifically requires rules for ballot forms and the manner of correcting ballots, which is also addressed in New Rule VI, Method of Correction of a Ballot. As currently written, New Rule 44.3.2401 states that ballot corrections, order and arrangement of ballots, etc., are prescribed in the forms booklet. As proposed to be amended, such items could also be prescribed in the election judge handbook. Neither the forms booklet nor the handbook goes through the same formal public review as rules, and neither is posted on the Secretary of State's web site. While we have in the past received ready access to both the forms and the handbook when we requested either, we are concerned that something that the law requires be prescribed in rule is being done in a manner that is, for the most part, not readily available or subject to public review. We suggest that at a minimum, the forms booklet and election judge handbook be accessible on the Secretary of State's web site so that anyone can review the ballot form prescriptions.

RESPONSE: We agree that the forms booklet and election judge handbook should be accessible on the Secretary of State's web site, in order to provide information about the procedures required in the laws and rules.

COMMENT 8: This comment was regarding proposed amendments to New Rule IV:

The state is urged to consider these proposed revisions: (delete strike-through text, add underlined) (1) (e) The security measures necessary to secure the voting system before, during, and after an election, including secure and documented handling of machines and memory cards (PCMCIA) by authorized election personnel at all times, disabling of all wireless communication outlets, and security following a recount under 13-16-417, MCA: and

REASONS: Both machines and memory cards are subject to malicious attacks. Allowing either to be taken home the night before an election, or allowing other insecure scenarios, opens up opportunities for mischief, misplacement, and lawsuits. A malicious code "could be inserted into a PCOS (precinct counter optical scanner) scanner source code tree, operating system COTS (commercial over the counter software) software, and software patches and updates." –Brennan Center report p. 78. A software attack inserted on memory cards is the "least difficult" attack, because it can be accomplished by one person who gains access to the card, either to replace it with a reprogrammed one, or modify it via a modem if the central tabulator that programs the card is connected to a phone line, or the PCOS that reads the cards is connected to a phone line, or via a hand held device through

a wireless communication outlet on the PCOS machine. –Brennan Center Report, p. 78.

A law suit has been brought against San Diego County by voting rights advocates because poll workers were allowed to take voting machines home the night before the special election between Francine Busby and Brian Bilbray for the House seat of jailed Rep. Randy “Duke” Cunningham. “The legal suit charges that unrestricted access to the machines by poll workers compromised the election and violated both state and federal law.”-“Hack the Vote? No problem,” Brad Friedman. Wireless communication outlets make voting machines vulnerable to malicious attacks. “The most vulnerable voting machines use wireless components open to attack by virtually any member of the public with some knowledge and a personal digital assistant.” -Brennan Center Report, p. 85

RESPONSE: In coordination with county election administrators, the Secretary of State has developed procedures for testing and security of voting systems in handbooks, instruction manuals, user guides, and from technical manuals provided by the manufacturer and distributor of the systems, and looks forward to working with the commenters for modifying those documents as necessary.

COMMENT 9: This comment was also regarding proposed amendments to New Rule IV:

NEW RULE IV UNIFORM PROCEDURES FOR USING VOTING SYSTEMS
(1)(f) Testing and certification of voting systems pursuant to 13-17-212, MCA, including a random test conducted by a county election administrator or designee of 5% of voting systems, a minimum of one per county, on election day, during an election to validate the accuracy of valid paper ballots with the voting system results.

(i) Specific machines and PCMCIA cards shall be selected at the last possible moment.

(ii) Tests shall be conducted by personnel chosen at the last minute from a pool of trained election workers.

(iii) Tests shall be observed by at least two members of the public, one from each of the major political parties and videotaped for future record.

(iv) Real voters shall vote each test ballot and be observed by at least two observers who note choices made.

(v) Test ballots shall be flagged by different colored ballots or other identifying devices. Test votes shall be flagged on machines with different colored printer ink.

(vi) Test ballots shall be quarantined from other ballots by placing them in a special envelope to be delivered to the central election office.

(vii) If any discrepancy appears between the valid ballot and machine tally, the machine shall be shut down and procedures followed in ARM 44.3.1714.

REASONS: Without audits to uncover programming errors and malicious attacks, rigorous testing becomes critical. Precinct count optical scanners (PCOS) are vulnerable to undetectable, malicious software attacks during an election, according to The Brennan Center Task Force on Voting System Security Report, "The Machinery of Democracy: Protecting Elections in an Electronic World," Summer 2006:

"It is fairly easy to enumerate a long list of conditions that corrupt election software could check in order to distinguish between testing and real elections. It could check the date, for example, misbehaving only on the first Tuesday after the first Monday of November in even numbered years, and it could test the length of time the polls had been open, misbehaving only if the polls were open for at least 6 hours, and it could test the number of ballots cast, misbehaving only if at least 75 were encountered, or it could test the distribution of votes over the candidates, misbehaving only if most of the votes go to a small number of the candidates in the vote-for-one races or only if many voters abstain from most of the races at the tail of the ballot."

David Wagner, Ph.D. University of California, Berkeley, who tested California's voting systems at the request of that state, agrees. In testimony before the U.S. House committees on Science and House Administration on July 19, 2006, he stated:

"In the short term, adopting the recommendations of the Brennan Center report on e-voting is the most effective and practical step election officials could take to make existing voting systems as secure and reliable as possible for this November."

It is appropriate to include detailed directives for testing during an election in the rules where the public has input, rather than in directives or handbooks. Detailed directions are included for other aspects of the election process, such as absentee voting, voter registration, vote counting, etc., and should be for election day testing.

RESPONSE: As noted above, in coordination with county election administrators, the Secretary of State has developed procedures for testing and security of voting systems in handbooks, instruction manuals, user guides, and from technical manuals provided by the manufacturer and distributor of the systems, and looks forward to working with the commenters for modifying those documents as necessary.

COMMENT 10: This comment was regarding proposed amendments to Rules 44.3.2203 and 44.3.2304. Language suggested by the commenter is underlined below.

44.3.2203 FORM OF ABSENTEE BALLOT APPLICATION AND ABSENTEE BALLOT TRANSMISSION TO ELECTION ADMINISTRATOR

(5) An election administrator who receives a request under (4) shall determine whether the elector's signature on the request matches the elector's signature on the elector's voter registration card, prior to placing the elector on a list of individuals who wish to receive absentee ballots in subsequent elections. If there is no match and the request is received two weeks prior to an election, contact shall be made to inform the elector of the mismatch and an opportunity given for resubmission of the signature.

44.3.2304 PROCEDURES FOR ABSENTEE AND MAIL BALLOT VOTING- DETERMINING THE SUFFICIENCY OF IDENTIFICATION

(1)(b) Upon receipt of one of the forms of required identification defined in ARM 44.3.2302(6), if the identification form is verified through a voter verification process or another form of identification provided in ARM 44.3.2302(6) is sufficient, an election official or election worker shall mark on the absentee or mail ballot outer return envelope that sufficient identification was provided by the elector. If the identification is insufficient and the ballot is received two weeks prior to an election, contact shall be made to notify the elector about insufficient identification, and an opportunity given for submission of the correct identification.

REASONS: Voters deserve to know why they have not been added to the permanent absentee list or why their ballot has been rejected. An opportunity to resubmit their identification should be given. Provisional voters who lack identification are given until the day after election day to provide it. Registered voters deserve a similar opportunity to provide proper I.D.

RESPONSE: Current statutes do not require county election administrators to notify absentee voting applicants that their application signatures do not match the signatures on their registration cards. We believe a statutory change would be necessary to implement this suggestion. Current statutes and the full text of ARM 44.3.2304 already require county election administrators to notify provisionally registered electors of insufficient identification.

COMMENT 11: This comment was regarding proposed amendments to New Rule X:

We would like to clarify under late registration that an elector must receive a ballot in person from the election administrator.

RESPONSE: We agree with this minor change since it is consistent with directives to the counties. The applicable change to the rule has been made.

SECRETARY OF STATE

/s/ BRAD JOHNSON
Secretary of State

/s/ JANICE DOGGETT
Rule Reviewer

Certified to the Secretary of State, October 16, 2006.