



## MONTANA SECRETARY OF STATE'S OFFICE



### 1. Rule Review

- The committee voted to informally object to MAR notice 2025-256.1. The committee has requested a brief presentation on the proposed change.

We received notice of the committee's action and look forward to educating the committee about the proposed change.

### 2. HJ 48 study

- The committee asked election administrators to suggest a few dates for the committee to consider for a new federal primary date. This is more of a heads-up than a request to your office in case you'd like to consult with the EAs on their suggestions.

Thank you

### 3. SJ 35 study

- Concerns were raised during public comment about frequent inaccuracies on the voter rolls, particularly (1) provisional voters who seemed to be allowed to stay on as provisional for too long, (2) multiple entries for the same person, and (3) the inclusion of inactive voters on the voter list. The committee requested that Director James or someone from the elections team provide some additional information on these points.
- Related to multiple entries for the same person on the voter list, the statement was made that there was evidence of double-voting on the part of these individuals and the committee requested more information from Director James or someone from the elections team.
- A public commenter mentioned South Dakota's HB 1062 [[sdlegislature.gov](https://sdlegislature.gov)], which makes voter rolls more accessible and affordable, and the committee would like more information from Director James or someone from the elections team about whether it would be possible to implement something similar in Montana, along with any associated risks/concerns.

We very much appreciate the handful of concerned members of the public who regularly attend and provide public comments on the topic of elections. With our Adoption of MAR 2025-318 today, Montana is (to our knowledge) the first state in the country to address provisional voters who are perpetually residing on the voter rolls. On the second point, Secretary Jacobsen's administration tackled duplicate voter data entry head-on by innovating with the system to identify possible matches at the time of entry. Finally, note that Secretary Jacobsen and the legislature signed legislation into law to combat double-voting in Montana; however, those efforts were blocked in federal court. Nonetheless, we continue to report all identified instances of double-voting to the United States Department of Justice for prosecution.

#### 4. Public Comment

- There were some concerns raised during public comment about the state's cybersecurity policies and expertise. The committee requested a response/overview from the SOS office about its current policies, expertise, training, and other resources available.

SOS is proud to be a nationally recognized leader regarding cybersecurity expertise in elections. Any assertion to the contrary is inaccurate.

- A public commenter raised concerned that MT may be out of compliance with the VVSG 2.0 [eac.gov] and the committee asked for a response from the SOS office on this.

Montana is compliant. Attached are FAQ's regarding the VVSG Migration taken directly from the EAC's webpage.

- There were some concerns raised about whether voting machines in Montana can be and/or are connected to the internet. The election administrators addressed this a little when asked to by committee members, but they requested a response from the SOS office as well.

The 2023 Montana Legislature adopted Secretary Jacobsen's administrative rule (prohibiting voting systems from being connected to the internet) into law by requiring voting systems be free of any modems or unauthorized external communication devices. [13-17-103, MCA; ARM 44.3.2905]

- Related to the previous request, the issue of thumb drives used for election results and whether or not they're secure also came up and the committee asked that the SOS office respond to this.

SOS recommends that counties use only American-made, top-quality, and the most secure product devices. Counties must maintain chain of custody of thumb drives according to ARM 44.3.2904. Counties must securely sanitize and dispose of thumb drives according to standard.

- A committee member asked that the SOS office talk about the state's ability to audit the voting machines and what conflicts, if any, there are between the ES&S contract and state law related to maintenance and auditability.

Voting systems produce audit logs. In addition, the Montana Elections Team audits tabulators through public logic and accuracy tests and post-election audits.

- Cast Vote Records were mentioned and the committee asked for the SOS office's opinion on whether MT is out of compliance with federal law on this issue.

Montana just received a perfect audit for HAVA compliance.

## 5. Youth Voting Program

The report is attached.