



Montana Legislative Services Division

Legal Services Office

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

**FROM:** Andria Hardin, Legislative Attorney

**DATE:** September 12, 2025

**RE:** Legislative Administrative Rule Review Report

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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).

**SECRETARY OF STATE**

**MAR NOTICE NUMBER:** 2025-256.1

**AGENCY/BOARD:** Secretary of State

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

**SUBJECT:** Changes in the annual election security assessment requirement.

**NOTICE DESCRIPTION** (e.g., proposal notice/adoption notice): Notice of Proposed Rulemaking

**SUMMARY OF RULE(S):** The proposal seeks to amend ARM 44.3.2902 to update the incorporation by reference of the "Framework for Improving Critical Infrastructure Cybersecurity" to the version 2.0 published in 2024. The amendment also removes the requirement that security assessments be performed using the Nationwide Cybersecurity Review under subsection (2) of the rule, allowing for broader self-assessment options. The requirement for third-party, independent assessment every three years remains unchanged.

**NOTES:** A public hearing will be held on September 15, 2025 at 1:00 p.m. in the Secretary of State's Office conference room, Room 260, State Capitol, Helena, Montana. The public comment period ends on September 19, 2025 at 5:00 p.m.

**STAFF COMMENT:** None.

**FULL TEXT OF NOTICE:** <https://rules.mt.gov/browse/collections/5e1173a6-33c7-4df8-b426-5e0077cfc430/policies/e251b968-d285-45c9-8709-c67b34869102>

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**MAR NOTICE NUMBER:** 2025-901.1

**AGENCY/BOARD:** Secretary of State

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

**SUBJECT:** Clarify rules for business/mark name registration.

**NOTICE DESCRIPTION** (e.g., proposal notice/adoption notice): Notice of Proposed Rulemaking

**SUMMARY OF RULE(S):** The proposal seeks to amend ARM 44.5.131 to clarify the requirements that a business or mark name be sufficiently distinctive from other business or mark names for registration purposes. The proposal seeks to streamline the business filing approval process and promote more efficient and friendly business practices.

**NOTES:** A public hearing will be held on October 3, 2025 at 11:00 a.m. in the Secretary of State's Office conference room, Room 260, State Capitol, Helena, Montana. The public comment period ends on October 10, 2025 at 5:00 p.m.

**STAFF COMMENT:** None.

**FULL TEXT OF NOTICE:** <https://rules.mt.gov/browse/collections/5e1173a6-33c7-4df8-b426-5e0077cfc430/policies/303e9cd4-3fc8-4184-bf42-89cdaad18c26>

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**MAR NOTICE NUMBER:** 2025-279.1

**AGENCY/BOARD:** Secretary of State

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

**SUBJECT:** Disclosure requirements for paid signature gatherers in the ballot initiative process.

**NOTICE DESCRIPTION** (e.g., proposal notice/adoption notice): Notice of Proposed Rulemaking

**SUMMARY OF RULE(S):** The proposal seeks to amend ARM 44.3.2801 to provide that signatures gathered by paid signature gatherers prior to registration by their employer and disclosure of their employment to the Secretary of State (as required currently under the rule) will not be counted. 13-27-112, MCA requires such registration prior to the collection of signatures.

The proposal also seeks to adopt a new rule implementing HB 201 (2025) requiring paid signature gatherers wear a badge and provides for the format and size of the badge, font of the print on the badge, and the visibility of the badge. The new rule also provides that failure to comply will result in the signatures not being counted.

**NOTES:** A public hearing will be held on October 3, 2025 at 10:30 a.m. in the Secretary of State's Office conference room, Room 260, State Capitol, Helena, Montana. The public comment period ends on October 10, 2025 at 5:00 p.m.

**STAFF COMMENT:** None.

**FULL TEXT OF NOTICE:** <https://rules.mt.gov/browse/collections/5e1173a6-33c7-4df8-b426-5e0077cfc430/policies/facb1a75-327e-48d7-bf60-266bacd36de1>

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**MAR NOTICE NUMBER:** 2025-277.1

**AGENCY/BOARD:** Secretary of State

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

**SUBJECT:** Elimination of business filing fee.

**NOTICE DESCRIPTION** (e.g., proposal notice/adoption notice): Notice of Proposed Rulemaking

**SUMMARY OF RULE(S):** The proposal seeks to amend ARM 44.5.120 to eliminate the \$20 fee for cancellation of mark and substitute the \$20 fee for "filing any other statement" with "change of applicant or registrant name." A cancellation fee is no longer necessary as it does not impose a cost on the office, and efficiencies have made filing additional statements obsolete while a fee for changing an applicant or registrants name is necessary under 30-130315(2), MCA.

**NOTES:** A public hearing will be held on October 3, 2025 at 10:00 a.m. in the Secretary of State's Office conference room, Room 260, State Capitol, Helena, Montana. The public comment period ends on October 10, 2025 at 5:00 p.m.

**STAFF COMMENT:** None.

**FULL TEXT OF NOTICE:** <https://rules.mt.gov/browse/collections/5e1173a6-33c7-4df8-b426-5e0077cfc430/policies/27283c95-6348-46df-8f84-03257b2a45cb>

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**MAR NOTICE NUMBER:** 2025-50.1

**AGENCY/BOARD:** Secretary of State

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

**SUBJECT:** Clarify the role and duties of various election officials and workers, implementing newly defined terms under SB 61 (2023).

**NOTICE DESCRIPTION** (e.g., proposal notice/adoption notice): Notice of Proposed Rulemaking

**SUMMARY OF RULE(S):** The proposal seeks to amend ARM 44.3.115, 44.3.1003, 44.3.1004, 44.3.1005, 44.3.1102, 44.3.2002, 44.3.2012, 44.3.2013, 44.33.2102, 44.3.2110, 44.3.2114, 44.3.2115, 44.3.2202, 44.3.2204, 44.3.2302, 44.3.2304, 44.3.2402, 44.3.2403, and 44.3.2710 to clarify the proper individuals involved in the election process according to definitions provided in SB 61 (2023). For instance, it may be necessary to omit the use of the term "election officials" in certain rules because the definition now includes election judges, however, election judges have no role under the particular rule.

**NOTES:** A public hearing will be held on October 3, 2025 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 October 10, 2025 at 5:00 p.m.

**STAFF COMMENT:** None.

**FULL TEXT OF NOTICE:** <https://rules.mt.gov/browse/collections/5e1173a6-33c7-4df8-b426-5e0077cfc430/policies/93decb8d-cdb4-4fb9-bf64-26dd1df50d35>

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**MAR NOTICE NUMBER:** 2025-329.1

**AGENCY/BOARD:** Commissioner of Political Practices

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

**SUBJECT:** Amending rules related to write-in candidates and campaign contribution limits.

**NOTICE DESCRIPTION** (e.g., proposal notice/adoption notice): Notice of Proposed Rulemaking

**SUMMARY OF RULE(S):** HB 207 (2025) amended 3-1-403, MCA to prohibit an unsuccessful candidate for office at a primary election from seeking nomination by write-in vote or petition for the same office at the general election. The proposed amendment to 44.11.223 reflects this change in statute.

The proposal also seeks to amend 44.11.227 to update contributions limits to campaigns, calculated as required under 13-37-216(3), MCA.

**NOTES:** No public hearing is contemplated. The public comment period ends on October 10, 2025 at 5:00 p.m.

**STAFF COMMENT:** The statement of reasonable necessity for the amendment to ARM 44.11.223 notes the passage of HB 207 (2025) and proposed language in the amendment mirrors language in the bill. HB 592 (2025) requires an agency contact the primary bill sponsor when the agency begins to work on the substantive content of a proposal notice for the first rule implementing legislation. However, the MAR Notice states this requirement does not apply. Staff has reached out to the COPP for more information and clarification.

**FULL TEXT OF NOTICE:** <https://rules.mt.gov/browse/collections/5e1173a6-33c7-4df8-b426-5e0077cfc430/policies/1e6c2f28-576f-440c-b4cd-221f9e042d39>

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