



Living Independently for Today & Tomorrow
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Memorandum

Re.: HB 488

To: Montana 2025 Legislature

From: Carlos Ramalho, Executive Director

Living Independently for Today and Tomorrow – LIFTT

Introduction

My name is Carlos Ramalho, and I am the Executive Director of Living Independently for Today and Tomorrow (LIFTT). LIFTT is a Montana 501(c)(3) corporation organized as a Center for Independent Living (CIL), with offices in Billings and Glendive. We provide services to individuals with disabilities across 18 counties in South and Central Eastern Montana, including Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Garfield, Golden Valley, McCone, Musselshell, Powder River, Prairie, Richland, Rosebud, Stillwater, Treasure, Wibaux, and Yellowstone.

One of LIFTT's core missions is to advocate on behalf of the aging and disabled populations in our service area, working with the Montana Legislature to empower and include them through effective legislation.



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This memorandum outlines important revisions and considerations related to House Bill No. 488, which addresses electronic voting for disabled voters in Montana. It aims to enhance accessibility, security, and community engagement.

House Bill No. 488 from the state of Montana concerns the process of electronic ballot transmission for disabled voters. Here are the main points of the bill summarized:

1. Purpose

To revise laws related to how disabled voters can receive and return their ballots electronically, allowing for a more accessible voting process.

2. Key Provisions:

- 2.1** Disabled electors can request and receive electronic ballots via email or in person.
- 2.2** Election administrators are required to provide electronic ballots along with instructions, secrecy covers, and affirmation sheets to ensure ballot confidentiality.



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2.3 Voted ballots can be returned via mail or electronically, with strict timelines for submission to ensure they are counted.

2.4 If returning electronically, votes must be sent using a secure, encrypted transmission system that is approved by the Secretary of State.

3 Security and Oversight

The Secretary of State is tasked with establishing rules to ensure the security of the electronic transmission system and the integrity and secrecy of the ballots.

4 Funding

The bill appropriates \$10,000 for the implementation of the electronic transmission system.

5 Effective Date

The act is set to take effect on July 1, 2025, and will apply to federal elections starting with the general election in November 2026.

This bill aims to improve accessibility for disabled voters, ensuring their ability to participate in elections through secure electronic means.



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6. Alternatives for Voters Who Are Blind or Prefer Other Forms of Voting

Based on the provided text, House Bill No. 488 primarily focuses on the electronic transmission of ballots for disabled voters but does not specify alternatives explicitly for voters who are blind or those who may prefer different voting methods. However, since it allows for a written request for an electronic ballot and includes provisions for an affirmation of identity and secrecy envelope, it appears to accommodate diverse needs within the electronic voting framework.

7. Incorporation of Best Practices

HB 488 demonstrates some best practices regarding inclusive voting:

- 7.1 Requests for Ballots:** It allows voters to request electronic ballots, which can provide greater accessibility for individuals with disabilities.
- 7.2 Security Measures:** The requirement for using an encrypted electronic transmission system adds a layer of security that is crucial for protecting voter information.



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7.3 Clear Instructions: Including explicit instructions with the ballots and maintaining logs of all transactions show an effort to create transparency and clarity in the process.

However, full adherence to best practices requires the incorporation of comprehensive methods for outreach, clear alternatives for various disabilities, and ongoing participation from advocacy groups for people with disabilities during its implementation.

8. Examples from Other States or Countries

Many states and countries have implemented electronic voting systems to enhance accessibility for disabled voters. Here are some examples:

8.1 California: The state utilizes accessible voting systems that allow voters with disabilities to cast their ballots privately and independently. This includes touchscreen voting machines that provide audio instructions and the ability to use assistive devices.

8.2 Oregon: Oregon has adopted vote-by-mail as a standard practice, which enables all voters, including those with disabilities, to receive and submit their ballots in a manner that suits their needs. They also provide accessible voting systems for those who need them.



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8.3 Australia: The Australian Electoral Commission offers a telephone voting option specifically for voters with disabilities. This allows blind voters to hear their options and cast their votes securely over the phone.

8.4 Germany: Germany has implemented electronic voting machines equipped with accessibility options, such as audio support and tactile elements for visually impaired voters.

These examples highlight different approaches to ensuring accessibility while maintaining security and integrity in the voting process. For successful implementation, legislative proposals like HB 488 could benefit from drawing lessons from these practices and considering broad stakeholder input, including from organizations representing individuals with disabilities.

9. Further Evaluation

To thoroughly evaluate House Bill No. 488 and identify potential shortcomings or areas for improvement concerning best practices and Diversity, Equity, and Inclusion (DEI) policies, it's essential to consider specific aspects of the bill, additional options available, and established best practices in inclusive planning related to voting processes. While I don't have direct access to the entire legislative



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database or related documents beyond what you provided, I will highlight commonly recognized best practices and potential issues based on the content and context of HB 488.

10.Potential Shortcomings in HB 488

10.1 Limited Accessibility for Various Disabilities: The bill lacks detailed accommodations for diverse disabilities. It needs to address how the system will support those unable to effectively use electronic devices.

10.2 Optical Character Recognition (OCR) or Assistive Technologies: The bill doesn't specify compatibility with assistive technologies (screen readers). All voting technologies should be tested for accessibility.

10.3 Absence of Multiple Voting Options: While allowing electronic voting, the bill doesn't emphasize other methods (telephone, in-person accessible locations) that may be preferred by some voters with disabilities.

10.4 Stakeholder Engagement in Design: The bill could improve by explicitly requiring input from disabled voter advocacy groups and community stakeholders to guide the design and implementation.

10.5 Clear Instructions and Communication: While instructions are required, the definition of “effective communication” needs clarification, including multilingual and accessible formats.



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10.6 Data on Impact: Data collection on the system's effectiveness regarding participation rates among disabled voters is missing. Monitoring and reporting are crucial for assessing equity.

10.7 Security Measures: While encryption is mentioned, additional standards for accessibility within the security process are necessary. For example, training election officials in understanding accessibility and security needs is critical to prevent exclusion.

11. Best Practices and DEI Policies HB 488 Failed to Mention

11.1 Universal Design Principles: Voting systems should be universally designed to seamlessly accommodate all voters. HB 488 should promote a holistic systems approach rather than focusing narrowly on one segment of the population.

11.2 Procedures for Voter Education: Mandates for voter education programs tailored to disabled voters are needed.

11.3 Continuous Feedback Mechanisms: The bill lacks provisions for a continuous feedback system post-implementation.

12. Legislative Advocacy

Further legislative advocacy is needed, including analyses, testimony, and reviewing practices from successful states and countries. Considering reports from voting rights organizations would illuminate areas for improvement in HB 488.



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13. Is the \$10,000 funding enough?

The \$10,000 appropriation may be insufficient. Consideration should be given to the costs of development, implementation, testing, security, maintenance, training, and outreach. A detailed cost analysis is needed. Examining funding levels in other states that have implemented similar systems would inform budgeting.

14. Proposed Amendments to HB 488

Based on all the considerations above, it is necessary to create an amended version of HB 488 that addresses the identified issues and aligns with best practices for accessible voting would involve incorporating suggestions and clarifications based on our discussion. Here's a framework for crafting a more comprehensive and inclusive version of the bill:

I – Expanded Definitions and Scope

Clarify definitions of "disabled voters" and include specific provisions for various disabilities (e.g., visual, auditory, mobility impairments) to ensure comprehensive accessibility.



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II – Alternative Voting Methods

1. Section on Voting Options

Include provisions for various voting methods (e.g., telephone voting, in-person accessible voting locations) to accommodate different preferences and needs.

Specify that emotional support or accessibility tools should be available for those needing assistance during voting.

III – Engagement and Input:

1. Stakeholder Engagement Clause

Require ongoing consultation with advocacy groups for disabled voters in the design, implementation, and evaluation of the electronic voting system.

Mandate public hearings to gather input from affected communities before finalizing the voting system.



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2. Educational Programs

Require funding for voter education programs that inform disabled voters about how to use the electronic voting system, their voting rights, and available accommodations.

Include training for election officials and poll workers on accessibility requirements and technologies.

3. Security and Testing

Specify that the Secretary of State must establish stringent security and accessibility testing standards before final approval of any electronic transmission system.

Include a provision for auditing the electronic voting system annually for security and accessibility.

4. Monitoring and Reporting

Require the collection and analysis of data regarding participation rates and user experiences among disabled voters to identify barriers and inform future improvements.



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Establish a monitoring committee that includes disability advocates to oversee implementation and address any emerging issues.

5. Increased Funding

Adjust the appropriation to reflect a more realistic budget based on the outlined needs, possibly proposing \$100,000 or more, accompanied by an exploratory study to determine exact budget requirements based on comparable implementations in other states.

6. Feedback Mechanism

Implement a feedback mechanism allowing voters to report problems or suggestions regarding the electronic voting system for continuous improvement.

7. Conclusion

By incorporating these amendments, the revised version of HB 488 would more effectively address issues of accessibility, security, stakeholder engagement, and proper funding. It would also demonstrate a commitment to including diverse perspectives and ensuring that disabled voters can engage in the electoral process fully and securely.



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15. Proposed Revised Version of HB 488

Presented below is a revised version of HB 488 incorporating amendments designed to improve accessibility, security, and stakeholder participation in Montana's electronic voting system for disabled individuals. These changes significantly address prior shortcomings and reflect best practices in inclusive design and implementation.

HOUSE BILL NO. 488

INTRODUCED BY J. DARLING, M. BERTOGLIO, Z. WIRTH

A BILL FOR AN ACT ENTITLED: *“AN ACT GENERALLY REVISING LAWS RELATED TO THE ELECTRONIC TRANSMISSION OF A BALLOT BY A DISABLED VOTER; ALLOWING A DISABLED ELECTOR TO RETURN A VOTED BALLOT USING AN ENCRYPTED ELECTRONIC TRANSMISSION SYSTEM APPROVED BY THE SECRETARY OF STATE UNDER CERTAIN CIRCUMSTANCES; REQUIRING THE SECRETARY OF STATE TO ADOPT ENCRYPTION AND SECURITY STANDARDS FOR AN ELECTRONIC TRANSMISSION SYSTEM; PROVIDING EDUCATIONAL REQUIREMENTS AND STAKEHOLDER ENGAGEMENT; PROVIDING AN APPROPRIATION; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 13-13-246, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.”*



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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-13-246, MCA, is amended to read:

13-13-246. Electronic ballots for disabled persons -- procedures -- definition -- rulemaking.

- 1. Definitions:** (a) "Disabled elector" means a legally registered or provisionally registered voter with a disability, including but not limited to visual, auditory, and mobility impairments.
- 2. Electronic Ballots:** (a) Upon a written or an in-person request from a disabled elector, an election administrator shall provide the elector with an electronic ballot. The request may be made by electronic mail.
- 3. Ballot Provision:** (a) After verifying that the elector is legally registered or provisionally registered, the election administrator shall provide the elector an electronic ballot, instructions for completing the ballot, a secrecy envelope or page secrecy cover sheet, and a transmittal cover sheet including an elector affirmation.
- 4. Voting and Submission:** (a) The elector shall return the voted ballot and affirmation in a manner that ensures both are received by 8 p.m. on election



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day. (b) An elector may return the voted ballot in the regular mail; a valid ballot must be counted if received at the election administrator's office by the deadline. (c) An elector may return the voted ballot electronically in a federal primary or federal general election, provided they are received by the deadline using a secure, encrypted electronic transmission system approved by the Secretary of State.

- 5. Multiple Voting Options:** (a) Election administrators shall also offer alternative voting methods for disabled electors, including telephone voting and in-person accessible voting locations, to ensure that every voter has the opportunity to participate.
- 6. Stakeholder Engagement:** (a) The Secretary of State shall consult with organizations advocacy for individuals with disabilities to seek input throughout the design, implementation, and evaluation of the electronic voting system. (b) Public hearings shall be held to gather feedback from the community, ensuring diverse voices inform the process.
- 7. Education and Training:** (a) The Secretary of State shall develop educational materials on the use of electronic voting for disabled electors and ensure that election officials and poll workers receive suitable training on accessibility accommodations and the technology being utilized for voting.



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- 8. Security Standards and Compliance:** (a) The Secretary of State shall establish rules to ensure the security of the ballots and the secrecy of the votes, including encryption and security requirements for electronic systems. (b) The electronic voting system shall undergo thorough testing and compliance audits annually, ensuring all accessibility features meet established standards.
- 9. Funding Appropriation:** (a) There is appropriated \$100,000 from the general fund to the Secretary of State for the fiscal year beginning July 1, 2025, to address the implementation costs of the electronic transmission system, education, and stakeholder engagement.
- 10. Monitoring and Reporting:** (a) The Secretary of State shall collect and analyze data on voter participation rates among disabled voters and report findings to the Legislature biennially. This will inform necessary adjustments to the voting process.
- 11. Effective Date:** (a) This act is effective July 1, 2025.
- 12. Applicability:** (a) This act applies to federal primary and federal general elections beginning with the federal general election held in November 2026.

- END -



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Conclusion

This revised memorandum offers a comprehensive approach to improving accessibility, security, and stakeholder engagement for HB 488, ensuring that all voters can fully and securely participate in elections.

February 19, 2025

Carlos A. Ramalho, Executive Director

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Our Vision: Empowering aging and disabled individuals to LIFTT themselves above the barriers of life.

Our Mission: Living Independently for Today and Tomorrow – LIFTT’s mission is to empower aging and disabled individuals to live independently through education, support, and opportunities.

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