



MONTANA SECRETARY OF STATE'S OFFICE



June 6, 2023

American Oversight
Attn: Taylor Stoneman
1030 15th St NW, Suite 8255
Washington DC 20005

RE: PUBLIC INFORMATION REQUEST

Dear Taylor:

Thank you for your payment in the amount of \$512.80, which is full payment for the public information you requested from this office. Enclosed you will find the requested documents, and this is confirmation that the above referenced public information request is now closed.

Sincerely,

MONTANA SECRETARY OF STATE'S OFFICE

Enc.

COMMISSIONER OF
POLITICAL PRACTICES



STATE OF MONTANA

JEFFREY A. MANGAN
COMMISSIONER
TELEPHONE (406) 444-2942
FAX (406) 444-1643

1209 EIGHTH AVENUE
PO BOX 202401
HELENA, MONTANA 59620-2401
www.politicalpractices.mt.gov

July 15, 2021

Mr. Roy McKenzie
Via email: roy@roymckenzie.me
415-471-0253

Dear Mr. McKenzie;

We are in receipt of your correspondence dated July 12, 2021. In response to the questions posed,

Question 1 - the Office of the Commissioner of Political Practices (COPP) has not been involved in the resolution of the issue regarding the Missoula County ballot signature envelopes.

Question 2 - the link you provided which included Ms. Anderson's comments, she references investigations by legislators and Missoula County Elections, not a state agency. However, as stated above the COPP has not been involved in an investigation in this matter.

Question 3 - you request that the COPP consider your email a formal complaint if one has not been made. The COPP has not, to date, received a written complaint alleging a violation of Montana's Campaign Finance and Practice laws regarding the issue you raise, Mont. Code Ann. § 13-37-111(2)(a). The Commissioner shares jurisdiction over complaints of alleged violations with the County Attorney, Mont. Code Ann. § 13-37-124, 125 etc. To the best of my knowledge, the Missoula County Attorney's office is aware of the issue raised. It is my understanding they too have not received a formal complaint in this matter.

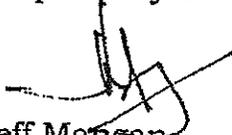
The COPP cannot accept an email as a formal complaint. While we can accept a complaint that doesn't include our complaint form, it must be notarized, detailed description of the alleged violation, accompanied by any evidentiary material, with citation to each statute and or rule that is alleged to have been violated, Mont. Admin R. 44.11.106(2). That being said, the COPP has reviewed your email and links, and cannot find a potential violation of a statute or rule within the Commissioner's jurisdiction, Mont. Admin. R. 44.11.106(4).

In closing, my office routinely engages with the Montana Secretary of State and all local election offices, particularly in sharing education and resource information with the public, including on social media as referenced in your email. We believe in the value of transparency, open processes, and educating the public about the workings of government at all levels, and appreciate the efforts the Montana SOS and all local election departments put forth.

Finally, we understand that records requests have been made, but the Commissioner's office does not have jurisdiction over public records requests made to other state or local governments.

Thank you for contacting the COPP.

Respectfully submitted,



Jeff Mangan
Commissioner of Political Practices

Cc:

Montana Governor Greg Gianforte
Montana Secretary of State Christy Jacobsen
Montana Attorney General Austin Knudsen
Representative Brad Tschida
Representative Geraldine Custer
Representative Derek Skees
Representative Terry Moore
Missoula County Deputy County Attorney Brian West
Missoula County Election Administrator Bradley Seaman
City of Missoula Councilwoman Stacie Anderson
Quentin Rhoades

Ames, Susan

From: Kary Douglas <doug.kary@mtleg.gov>
Sent: Monday, August 2, 2021 11:35 AM
To: Aldrich, Ginger; Jacobsen, Christi
Subject: [EXTERNAL] Fwd: Full Forensic Audit Request
Attachments: Post-Election-Audit-Guide.docx

My response to e-mail, demanding audits

Senator Doug Kary
Senate District 22
Montana State Senate
Majority Whip



From: "doug kary" <doug.kary@mtleg.gov>
To: "Amy Elliott" <elliotta73@googlemail.com>
Sent: Monday, August 2, 2021 11:30:49 AM
Subject: Re: Full Forensic Audit Request

Ms. Elliott,

I am not quit sure what your intent is in requesting a Legislative Audit on those six counties. Your numbers relating to excess votes equals 30,000. Taking into context that President Trump won Montana with a vote count of 343,602 votes vs Biden's 244,786 votes (a difference of 313,602 votes). If we give the entire 30,000 "excess voters" ballots all to Biden, Trump still wins by 38,816 votes! All three of Montana's electoral votes still would have been cast for President Trump.

I see nothing but additional costs to our state with the only outcome being some group trying to prove a point! What is that point? Elections are run by men and women who are humans and my recollection tells me that human will make mistakes no matter how many mandates and how many security measures exist. This is not to make any excuses for our county election administrators. They do need to follow all the laws and rules promulgated by the Secretary of States Office.

During this past legislative session a group of individuals did a "sort" of audit on Missoula County and brought up a number of concerning facts that showed a discrepancy in the amount of envelopes vs the amount of ballots. After that meeting it was discussed as what should be done (if anything). The consensus was that there was indeed a number of facts found that needed to be corrected and that the Secretary of State would work on rules to address those concerns. As this was brought to the legislatures attention at such a late date, there was not time to start to write legislation as the cross-over dates had passed, and there could be no further general bills introduced.

I have spoken with the Secretary of State and she did confirm that rule changes were being worked on, however due to the number of bills concerning her office that were being challenged in the MT Supreme Court, staff time was limited.

If an audit were to be performed in these six counties what could happen? It may show that indeed those numbers you threw out were good numbers and that may cause a change in who won or lost local races from County Commissioners to State Representative, State Senators and even a County Sheriff and other county offices. What do we do then? Seat the "now verified" winners? Do we call all business conducted by the Legislative body null and void as well as work done at the county level? Our own Secretary of State who was elected in November of 2020 would an audit also have a different result.... Where do we stop? The former Secretary of State was in charge of the statewide election and the numbers from each county were verified by the current Secretary. That does not mean her office counts each vote and looks at all voter registrations and reviews signatures etc., that is the responsibility of each of our counties and their Election Officials. This is where a challenge could and should have been made on any counts.

I would refer you to the Montana MCA Title 13, please read it in it's entirety as it does cover audits and when they shall occur and how the vote counts can be challenged. It appears that if you want an audit at this point in time it would have to be "court ordered". An audit of an election could and should be more than "counting" ballots and envelopes. It should also look at the entire operation of as to how the entire election process was run, from the primary to the final results of the general election.

Sorry for droning on, however if your group was so interested in the ballots vs the envelopes, why was the "evidence" allowed to be resealed? Why did it take so long after the election to be concerned about the results?

Respectfully,

Senator Doug Kary
Senate District 22
Montana State Senate
Majority Whip



From: "Amy Elliott" <elliotta73@googlemail.com>

To: "Sen. Duane Ankney" <goodwind1.duane@gmail.com>, "tom welch" <tom.welch@mtleg.gov>, "pena rynalea" <pena_rynalea@yahoo.com>, "Katie Zolnikov" <Katie.Zolnikov@mtleg.gov>, rep32jwb@gmail.com, "Kathy Whitman" <Kathy.Whitman@mtleg.gov>, "Jeff Welborn" <Jeff.welborn@mtleg.gov>, "Susan Webber" <nitzitapii@gmail.com>, repmarvinwaxjr@gmail.com, "Marta Bertoglio" <marta.bertoglio@mtleg.gov>, "kenneth walsh" <kenneth.walsh@mtleg.gov>, "VINTON SUE" <sue.vinton@mtleg.gov>, "VanceSD34" <vancesd34@gmail.com>, "Barry Usher" <barry.usher@mtleg.gov>, brad@tschida.org, trebasformhouse@gmail.com, thanehd99@gmail.com, drtenenbaum@gmail.com, "Russ Tempel" <Russ.Tempel@mtleg.gov>, masween@hotmail.com, "katie sullivan" <katie.sullivan@mtleg.gov>, "Mallerie Stromswold" <Mallerie.Stromswold@mtleg.gov>, "edstafman" <Edstafmane numbers are known.

Montana's election integrity was strengthened during this past session and once the courts agree on the constitutionality of those bills, rules will be written and all 56 counties will be educated in how they will enact them.@gmail.com>, clairena@hughes.net, "Smith Cary" <cary.smith@mtleg.gov>, "j2thedsmall" <j2thedsmall@gmail.com>, "Derek Skees" <Derek.Skees@mtleg.gov>, "lola sheldon-galloway" <lola.sheldon-galloway@mtleg.gov>, "kerri4mt" <Kerri4MT@gmail.com>, "jerry schillinger"

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Cc: elliot73@protonmail.com
Sent: Thursday, July 22, 2021 10:51:30 AM
Subject: Full Forensic Audit Request

All MT Legislators,

I live in Ravalli County and I support/demand a FULL FORENSIC AUDIT of every county in MT, but especially Flathead, Cascade, Missoula, Ravalli, Gallatin, Yellowstone and Lewis & Clark Counties.

Data analyst Seth Keshel shared his data analysis of 2020 Montana elections. Using historical voting and population trends, Keshel estimates overvotes in the following 6 counties:

Missoula ~6,000 excess votes
Cascade ~3,000 excess votes
Flathead ~5,000 excess votes
Gallatin ~7,000 excess votes
Lewis & Clark ~3,000 excess votes
Yellowstone ~6,000 excess votes

I would also like full transparency on how the Zuckerberg monies (CTCL) were utilized in the counties that received them. Attached reflects his data and which counties received funding.

Sincerely,
Amy L. Elliott

Legislators are publicly elected officials. Legislator emails sent or received involving legislative business may be subject to the Right to Know provisions of the Montana Constitution and may be considered a "public record" pursuant to Montana law. As such, email, sent or received, its sender and receiver, and the email contents, may be subject to public disclosure, except as otherwise provided by Montana law.

Montana Secretary of State

sosmt.gov • soselections@mt.gov



POST ELECTION AUDIT GUIDE

The Post Election Audit Guide is drafted to provide direction and guidance to county election administrators in the audit process. This draft is subject to change. It is available online at <https://sosmt.gov/Portals/142/Elections/Documents/Officials/Post-Election-Audit-Guide.docx>

Updated June 2020



Montana Secretary of State Post Election Audit Guide

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Post Election Audits – Background

In the 2007 Legislature, House Bill 632 was introduced to require post election audits in Montana. The bill failed to pass the House by a single vote.

With knowledge that a post election audit bill would be back in subsequent legislative sessions, the Secretary of State's office worked with county election administrators and the League of Women Voters of Montana on a compromise bill.

Members of the Montana Election and Technology Advisory Council provided the technical and process information needed to draft a bill that was workable for county election administrators.

The 2009 Legislature passed the "Postelection Audit Act," effective October 1, 2009. Testifying in support of Senate Bill 155, the postelection audit bill, were the Montana Association of Clerks and Recorders, the Montana Association of Counties (MACo), AARP, the League of Women Voters, Montana Common Cause, and the Secretary of State.

This Guide and the [Reconciliation Form and Report](#), as well as the sample [Tally Sheet](#), are intended to provide guidance regarding the Act. Each is an evolving document, based on successful post election audit practices in other states as well as accommodating current processes in Montana election administration. The forms are updated and modified as the counties work through the post election audit process during several election cycles.

Working together on this legislation and implementation of it, county election administrators and the Secretary of State have increased transparency and confidence in the election process, while insuring that the careful and comprehensive processes that result in open, honest, and fair elections in Montana are intact.

Post Election Audit Guide

Post Election Audit Checklist		
Deadline (filled in by EA – see timeline next page)	Task	Completed
	Governing body appoints county post election audit committee (governing body should appoint committee to serve in both the primary and general elections).	
	EA gives instruction to audit committee on how tabulation equipment counts votes.	
	Before election day, EA color codes each tabulator and ballot container, or implements another system to match each precinct's ballots with tabulator(s).	
	EA schedules and notices county audit (similar process as used to notice a canvass or recount).	
	Counties notify SOS of any potential county recount.	
	SOS notifies counties of randomly selected precincts and contests.	
	EA prepares audit supplies, forms, guidelines, etc.	
	Conduct Audit (open to the public):	
	1. EA checks seals on ballot containers to ensure they are intact.	
	2. EA or audit committee opens ballot containers.	
	3. EA or audit committee places ballots into stacks per Guide, similar to the method used in a recount.	
	4. Members of county audit committee hand count stacks of ballots and reconcile number of ballots with total ballots on machine tape, noting on reconciliation form any discrepancy in the total number of ballots.	
	5. One member reads ballots (each selected contest separately).	
	6. Two members tally, ensure hand count tallies match each other.	
	7. EA records results on Reconciliation Form and Report (separate form for each contest audited).	
	8. Committee members and EA sign Reconciliation Form and Report.	
	9. Expand audit if required.	
	10. Re-seal ballots in ballot containers.	
	Scan and email (or mail) Reconciliation Form and Report to SOS.	
	Conduct official county canvass.	
	<ul style="list-style-type: none"> • Use audit results as definitive results for canvass. 	

Post Election Audit Timeline for 2020 Federal Primary Election	
Tuesday, June 2	Primary Election Post-Election Timeline
Monday, June 8	Provisional ballots, UOCAVA electronic ballots, FWABs not resolved in time for counting on election night are counted (after 3 p.m.); Deadline to notify SOS of potential recount
Tuesday, June 9	Date chosen for state board of canvassers to randomly select precincts, races and ballot issues
Wednesday, June 10	Earliest date for county Post Election Audit (subject to when the process above is completed and counties are notified of results of random selection)
Thursday, June 11	Earliest date for county canvass (at least one day after Post Election Audit)
Monday, June 15	Latest date for county Post Election Audit
Tuesday, June 16	Latest date for county canvass (at least one day after Post Election Audit)
Tuesday, June 23	Statewide canvass scheduled

Post Election Audit Guide

Preparing for Hand Count for Audit

- Based on applicable deadlines, the county election administrator shall determine the date, time and place of the hand count and provide notification as is provided for any public meeting.
- The Election Administrator should give to the post election audit committee a **tutorial** on how the vote tabulating equipment counts and reports votes as preparation for the hand count.
 - The Election Administrator should also provide to each member of the audit committee instructions on hand counting ballots.
 - Instructions on hand count procedures can be found in the Election Judge Handbook provided by the Secretary of State. **Note:** *not all hand count procedures specified in the Election Judge Handbook are applicable to the post election audit hand count.*
- Before beginning service, the audit committee members shall take and subscribe the official oath prescribed by the Montana constitution. The audit committee members may administer the oath to each other. The county election administrator serves as the secretary to the county audit committee.
 - The county audit committee breaks the seal on the container(s) containing the ballots to be counted. **Note:** *the county election administrator, in the presence of at least one other person, may break the seals prior to the meeting of the county audit committee if preliminary preparation of the ballots is necessary to prepare for the hand count. The ballots should be resealed after preliminary preparation is complete.* The seal-breaking process must be open to the public.
 - Observers may examine the seals prior to, during, and after the breaking of the seals to make certain that they have not been broken or tampered with.
- Absentee ballots that are centrally counted must be separated by precinct for the audit. The election administrator may separate the absentee ballots, but must ensure that the process of separating them is open to the public.
- Each tabulator(s), tabulator(s) results tape, and ballot container should be color coded or otherwise marked so that each precinct's results and ballots can be tied to the associated tabulator(s) that tabulated them.
- The audit shall be open to the public and must be conducted in public view without the use of tabulating equipment.
- Observers may not be permitted to touch ballots unless specifically permitted by the election administrator or interfere in any way with the hand count.

Hand Count Process

- The post election audit will be conducted similarly to a recount, except that:
 - Provisions in law that allow votes in a recount to be changed based on the recount board's judgment of the intent of the voter are not applicable to the post election audit hand count.
- See page 11 and 12 for comparisons between post election audits and recounts.
- The county election administrator assembles all ballot containers, forms and supplies necessary for the hand count.
- Ballots should be separated in stacks similar to the way ballots are separated for a recount.
- **The following process is followed for each precinct and contest being audited, with a separate form being completed for each precinct and contest that is subject to the audit:**
 - After the ballots are separated into appropriate stacks, the county audit committee shall hand count each ballot, with one member reading the votes, and two members marking the tallies. Please see COUNTING HAND-COUNT BALLOTS in the Election Judge Handbook.
 - ***Note:*** *the county audit board is not permitted to see the tabulator results until the hand count is completed.*
 - When the ballots for a particular contest have been hand counted, the two members tallying shall compare their totals.
 - If the two tallies match, that number shall be posted on the Reconciliation Form and Report.
 - **If the two hand count tallies do not match each other, the ballots must be counted again, until the hand count tallies match.**
 - **This process is repeated for each precinct and contest being audited, with a separate form being completed for each precinct and contest that is subject to the audit.**

Post Election Audit Guide

Accounting for Overvotes and Undervotes

- An **overvote** occurs when an elector marks more than the allowable choices for a particular contest that is subject to the post election audit.
- An **undervote** occurs when the elector does not mark any choice for a contest that is subject to the post election audit.
- Each apparently overvoted and undervoted ballot must be examined to confirm whether the machine correctly processed the vote as it is programmed to do. (Such examination, if already conducted by election judges, may not need to be conducted by the county audit committee.)

Reconciliation of Hand Count and Machine Count

- The post election audit will be conducted similarly to a recount, except that provisions in law that allow votes in a recount to be changed based on the recount board's judgment of the intent of the voter are not applicable to the post election audit hand count and therefore are not part of the reconciliation.
- The county audit board and county election administrator will compare the original vote count from the tabulator and the hand count. If the hand count results differ from the tabulator results, the audit board and election administrator will analyze the ballots to determine if the reason(s) for the difference can be identified, similar to the process in a recount.
- The results of the hand count shall be entered into the form provided. Any difference between the hand count and the tabulator count must be explained to the best of the audit board and election administrator's abilities on the form provided, or on attached sheets if necessary.

Classification and Handling of Discrepancies

Listed below are three general causes of discrepancies between the machine counts and the manual counts during a recount or audit. The county audit committee must carefully consider the reason for each discrepancy if it was not already identified and resolved by election judges on election day.

1. **Voter error:** Voters might mark ballots incorrectly, or may not follow the given directions. Because the purpose of the post election audit is to determine if the machine counted the votes correctly, the audit committee should be instructed to count votes consistent with the way a tabulator machine would count votes.

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2. **Administrative or election official error:** Administrative errors can happen on a busy election day and be identified later. Again, the purpose of the audit is to determine if the machine processed the votes correctly. An administrative or election official error that is discovered is an explainable difference and will not affect the discrepancy percentage.
3. **Voting system error:** Machine errors are most likely technology-specific. Tabulating machines may be miscalibrated, counts stored on memory cards may be corrupted, or software bugs could theoretically cause some ballots to be misinterpreted, either systematically or randomly. Voting system errors such as these would most likely be caught during the pre-election test, or the election day test, and be resolved or, if not resolved, the equipment in question would not be used.

When handling discrepancies, the following general actions are appropriate:

1. **Resolution and/or reporting** of discrepancies;
2. **Verification** whether the contests involved have been called correctly, through expanded manual counts if required by law; and
3. **Investigation and correction** of systematic hardware, software, and procedural problems. However, any correction of hardware or software can be made only within the timeframe specified in [13-17-509](#), MCA.

Completing the Reconciliation Form and Report

The Form has been provided in an Excel worksheet with seven tabs: Candidate Example; Ballot Issue Example; Federal Office; Statewide Office; Legislative Office; Statewide Ballot Issue; and an Optional Grand Total Sheet for Multiple Precincts/Machines.

The county election administrator will enter the following information on the form:

- Information in Gray Sections at top left of spreadsheet
(Reminder: the county audit board is not permitted to see the tabulator results until the hand count is completed)
- Column A: Candidate Names or Ballot Issue # or Type of Votes
- Column B: Hand Count Audit Tally
- Column C: Machine Tally (Filled in by Election Administrator after Hand Count Tally)
- Column E: Difference (Hand Tally Minus Machine Count Tally)
- Column F: Number of Explainable Differences (Administrative or Election Official Error)
- Column G: Explainable Difference Reasons
- Column H: Unexplained Difference (Column F Subtracted from Column E). In this column, the form will calculate whether the hand count is over or under the machine count, and by how many votes.
- Column I: Other Comments/Explanations

Post Election Audit Guide

- The totals and the calculation of what constitutes .5% or 5 ballots, whichever is greater, are embedded formulas at the bottom of the spreadsheet under the heading “Analysis.” The Analysis section formula will calculate and indicate whether any unexplainable difference will result in the machine(s) involved being set aside to be examined and three additional precincts being audited. (The form includes instructions on how to calculate the .5% discrepancy threshold if the form is filled out by hand rather than through computer data entry.)
- *Please note that if, for example, one candidate receives 10 more votes in the hand count than in the machine count, and another candidate in the same precinct receives 5 less votes in the hand count than in the machine count, and the reasons are unexplained, the spreadsheet should reflect that the unexplained difference is 15 votes.*
- A separate form must be filed with the Secretary of State for each precinct, and for each of the contests that are audited. The report must be filed as soon as possible and by no later than the deadline for submitting the official county canvass to the Secretary of State.

“Not Acceptable” Results

- If the formula indicates that the results are “Not Acceptable,” the audit board and election administrator will **analyze the ballots** to determine if the reason(s) for the difference can be identified. If this analysis does not result in an identification of why there is a difference, the same ballots may be hand counted a second time. If the second hand count results in “Not Acceptable” status, the tabulation machine(s) must be removed from service until further review of the machine(s), and an additional three precincts must be hand counted. (The additional three precincts will have been randomly selected and provided by the Secretary of State to the election administrator at the same time as the random selection of the original precincts.) If the expanded hand count results in “Not Acceptable” status, the tabulation machine(s) in the expanded audit must also be removed from service until further review of the machine(s).
- The Reconciliation Form and Report must be signed by all members of the county audit committee, and by the election administrator. One copy is sent to the Secretary of State, and one copy is posted in the place of auditing.

“Acceptable” Results

If the formula indicates that the results are “Acceptable,” the Reconciliation and Report Form must be signed by all members of the county audit committee, and by the election administrator. One copy is sent to the Secretary of State, and one copy is posted in the place of auditing.

Comparison of Post Election Audits and Recounts

Activity	Post Election Audits	Recounts
Initiated by petition or tie vote	No	Yes
Required in each voting system tabulator county after each federal primary election and federal general election	Yes	No
Can include local offices	No	Yes
Requires at least three individuals to count and tally the votes	Yes	Yes
Occurs before the county canvass	Yes	No
Secretary of State reimburses each county for any costs incurred	Yes	No
Requires ballots to be tied to the specific machine or machines that counted them	Yes	No
Requires changing vote totals if hand count reveals voter intent that machine could not determine	No*	Yes
Requires changing vote totals if machine error or administrative or election official error caused machine totals to be incorrect	Yes*	Yes
Results affect the official county canvass	Yes	Yes
Report of results must be sent to the Secretary of State	Yes	Yes**

*The purpose of the Post Election Audit is to determine if the machine counted the votes correctly; therefore the audit committee should be instructed to count votes consistent with the way a tabulator machine is designed to count votes.

**Recount results are only sent to the SOS if the race was for a statewide or state-district office (including legislative) or a statewide ballot issue.

Changing Vote Totals in Post Election Audits and Recounts

Example	Changes Vote Total in Post Election Audit	Changes County Canvass Vote Total in Recount
Voter fills in oval too lightly for machine to read although human eye can determine intent	No*	Yes
Voter makes clear written statement of the voter's intent to vote for (or not vote for) a candidate or make a choice on a ballot issue	No*	Yes
Voter otherwise marks ovals not according to instructions but consistently throughout the ballot	No*	Yes
Administrative or election official error discovered	Yes	Yes
Machine hardware error discovered	Yes	Yes
Machine software error discovered	Yes	Yes
Machine tampering discovered	Yes	Yes

*Because the purpose of the Post Election Audit is to determine if the machine counted the votes correctly, the audit committee should be instructed to count votes consistent with the way a tabulator machine is designed to count votes. Votes that would not be picked up by a tabulator machine are not counted in the post-election audit, except in cases of machine error or administrative or election official error.

Post Election Audit Frequently Asked Questions

1) What does a “random sample audit” mean?

- A) "Random-sample audit," also called a Post Election Audit or PEA, means an audit involving a manual count of ballots from designated races and ballot issues in precincts selected through a random process.

2) When is the random audit conducted? May the audit be conducted on the same day as the county canvass?

- A) The random audit is conducted after the unofficial results are available to the public but before the official county canvass. See timeline at beginning of the Guide.

The audit **cannot** be conducted on the same day as the county canvass. The audit must be completed at least one day before the official county canvass.

3) Are some counties exempt? What ballots are not included in the audit?

- A) Counties that hand count all their ballots are exempt.

Also, if a candidate race (except races for precinct committee representative) or a ballot issue has a tie or a total **within the margins for a recount without a court order**, the county is exempt from having to conduct a post election audit.

Also, ballots are not included in the audit if they were not able to be processed by a vote tabulating machine and were not resolved because the ballot appeared to have at least one overvote, appeared to be blank, was in a condition that prevented it from being processed by a vote tabulating machine, or contained a mark, error, or omission that prevented its processing by a vote tabulating machine.

4) How many precincts are chosen and what races are chosen?

- A) At least 5 percent of the precincts in the county (a minimum of 1 precinct per county), and an election for a federal race, statewide race, a legislative office race, and one statewide ballot issue.

If there are no statewide ballot issues, these are not included in the audit.

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Races will not be audited if they include a retention election for a judicial candidate or a race in which a candidate is unopposed.

5) Are there administrative rules associated with the process?

- A) Yes, the Secretary of State is charged with adopting rules, but the specific process is outlined in this Guide.

6) When and how are the members of the county audit committee chosen?

- A) The county audit committee is composed of at least three members, all of whom are appointed by the county governing body. The members appointed prior to the primary election should at that time be appointed to serve the entire federal election cycle.

The audit committee appointees are chosen from a list of county employees (this list can include county elected and appointed officials and employees of the county election office) and/or county residents who have offered to serve on the committee, except for election judges who served in the election, a person employed by the vote tabulating machine vendor, or a person who performed maintenance on the vote tabulating machines subject to the audit.

The members appointed are not required to be registered voters, but must be residents of the county where the post election audit is being conducted.

7) What additional requirements are there for the county audit committee?

- A) They must each be sworn in and the county election administrator serves as the secretary to the committee.

It is recommended that the county election administrator train the audit committee members on how the vote tabulating equipment counts ballots, and on the hand-count process.

8) Who chooses the precincts and races to be audited, and how is this done?

- A) Between 7 and 9 days after the election, the state board of canvassers randomly chooses the precincts, races, and statewide ballot issue (as well as three additional precincts per county in case there is a discrepancy larger than .5% or 5 ballots, whichever is greater, in the post election audit compared to the machine count).

9) Are the selection process as well as the manual audits open to the public?

- A) Yes.

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- 10) How does the state board of canvassers make its random choices?**
- A) By using ten-sided dice.
- 11) How does the state board of canvassers make notifications of the selections?**
- A) By directing the Secretary of State to notify each county election administrator of the selections and making a list of the selections available electronically.
- 12) Once the counties are notified, how long do they have to conduct the manual audits?**
- A) See the timetable at the beginning of the Guide.
- 13) How is the manual audit conducted? What are the differences between a manual audit and a manual recount? When do the vote totals change as a result of the manual audit?**
- A) The process is very similar to a manual recount, although there are a few notable differences. See page 7 of this Guide for the manual audit process and pages 11 and 12 for applicable manual audit and manual recount comparison charts.
- 14) What machine totals are used for the post election audit?**
- A) The final totals after any provisional/FWAB ballots are counted the Monday after election day (this rolls to the Tuesday after election day if Monday is a holiday) are always used except in cases in which the provisional/FWAB ballots are not machine-counted.
- 15) What is the process for comparing the post election audit counts against the voting machine counts?**
- A) During or after the post election audit, the machine counts are inputted into the applicable section of the Post Election Audit Reconciliation Form and Report. The post election audit hand counts are then compared to the machine counts. If the numbers are below the discrepancy threshold, then the results are certified to the county election administrator and to the Secretary of State.
- 16) What happens in relation to the county canvass if there is an unexplainable discrepancy?**

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- A) If there is an unexplainable discrepancy, the random sample audit results are the definitive record for the purposes of the canvass for the precinct(s) involved, and those results are certified to the county election administrator and to the Secretary of State.

17) What is the threshold for an unacceptable discrepancy?

- A) The threshold for an unacceptable discrepancy is met if the random-sample audit results in a discrepancy of more than .5% of total ballots cast or five ballots, whichever is greater, and if the discrepancy is determined to be due to the tabulating machine and not to administrative or election official error.

18) What happens to the vote tabulating machine(s) involved if there is an unacceptable discrepancy of more than .5% or 5 ballots, whichever is greater?

- A) The vote tabulating machine(s) involved in the unacceptable discrepancy in that county may not be used in another election until:
 - a. The machine(s) have been examined and tested by a computer software expert in consultation with a voting system vendor; and
 - b. The machine(s) are approved for subsequent use by the Secretary of State.

If there is an unacceptable discrepancy after hand counting the ballots a second time, contact the Secretary of State, who will arrange for a computer software expert to work with the equipment vendor to examine and test the machine(s) in question.

19) Are additional precincts audited if there is an unacceptable discrepancy of more than .5% or 5 ballots, whichever is greater?

- A) Yes. If there is an unacceptable discrepancy, at least three additional precincts within the county must be audited for the office or ballot issue in question. If the county has fewer than three additional precincts, all remaining precincts must be audited.

Again, if after the ballots are hand counted a second time, the audit of the additional precincts results in a discrepancy for those precincts of more than 0.5% of total ballots cast or five ballots, whichever is greater, and if the discrepancy is determined to be due to the vote tabulating machine(s) and not to administrative error or election official error, the vote tabulating machine(s) involved in the discrepancy in that county may not be used in another election until:

- a. They have been examined and tested by a computer software expert in consultation with a voting system vendor; and
- b. The machine(s) are approved for subsequent use by the Secretary of State.

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- 20) **Are all the state's vote tabulating machine of the same type subject to examination if one fails an audit?**
- A) The machine is subject to examination by a computer software expert in consultation with a voting system vendor. The machine(s) that counted the ballots involved in the failed audit are subject to examination, but not all the machines in the state, nor all machines of the same type.
- 21) **Can the governing body order a recount?**
- A) Yes. Under 13-15-403(4) MCA, if during a canvass the board finds an error in a precinct or precincts affecting the accuracy of vote totals, the board immediately may petition for a recount of the votes cast in the precinct or precincts, or for an inspection of ballots as provided by law.
- 22) **How are the costs of the post election audit reimbursed?**
- A) The Secretary of State shall reimburse each county for costs incurred in the post election audit.
- However, a vendor who supplies a vote tabulating machine that was purchased after October 1, 2009, and that fails an audit due to software or machine defects or vendor employee error shall pay the costs incurred for the audit of vote tabulating machine in the affected county. These provisions must be reflected in the contract for the purchase of vote tabulating machine.
- 23) **How long are the ballots kept after a federal election?**
- A) After a federal election, the ballots and associated ballot materials must be retained for 22 months, as long as there is no contest begun, recount pending, or appeal of a decision relating to a contest, a recount, or a postelection random-sample audit.
- 23) **What are some best practices for Post Election Audits?**
- A) About one week after each federal election, the Secretary of State emails the list of precincts, candidates, and ballot issues to county election officials, following the random selection of each of these by the state canvass board.
- Be sure to audit each race and each precinct selected, **especially the legislative race, if there is one.**
- If you use multiple voting tabulators to count your ballots, make sure that the ballot containers into which the tabulated ballots are deposited are clearly

Post Election Audit Guide

marked to indicate which machine tabulator counted the ballots. This is so that if your counts are off, you can determine which tabulator was affected and remove it from service, rather than having to remove all of your tabulators from service.

The canvass and the post election audit are each required to be open to the public.

You can save time and money by providing notice of the time and place of the Post Election Audit by the same method and at the same time that you provide notice of your canvass. The audit and canvass must be public, and the date, time and location should be published or posted as any public meeting is.

24) What are some best practices for Post Election Audits from the perspective of county election administrators?

A) Below are a few suggestions from county election officials:

- 1) Appoint post election audit committee members who have accounting and/or bookkeeping skills, since these individuals are highly familiar with numbers and with reconciling apparent discrepancies between totals;
- 2) Ask potential post election audit committee members whether they will be able to commit to both the primary and the general elections, especially since many potential members may travel south for the winter;
- 3) Contact high schools to recruit potential members, and also ask retired election judges and members of service clubs;
- 4) Appoint more than the number of members seemingly necessary, in order to account for members who are not able to attend and to make the audit proceed more quickly;
- 5) Maintain a designated, secure area for the voted ballots, in order to easily access them for the audit;
- 6) Send out this Guide to Post Election Audit committee members in advance of the audit, and ask members to read the Guide and contact the county election administrator with questions;
- 7) Prepare the Reconciliation Form and Report and Tallying Sheet(s) as soon as the Secretary of State emails the precincts and races chosen, so the forms are filled out and ready to go for the audit.
- 8) Plan to have separate counting areas for the Primary, one for each set of party ballots;
- 9) Supply colored tabs for any ballots for which the voter's intent is questionable, and check these ballots first if there is an apparent discrepancy.

Ames, Susan

From: Brad Tschida <betschida54@gmail.com>
Sent: Friday, August 13, 2021 9:06 AM
To: Jacobsen, Christi; Corson, Dana
Subject: [EXTERNAL] Voting Integrity

Secretary Jacobsen:

Yesterday, I had a brief conversation with Austin James from your office.

I informed him that I have been made aware that voting software companies like Dominion, ES&S, Smartmatic and others, are conducting periodic software updates on their machines. What these updates are doing is erasing former code and replacing it with new code. In effect, information related to elections is being erased and replaced, in violation of federal and state law. I saw an actual sequence of code that showed an update which allowed parties to access the software within the machine by "de-hardening" the code. The programmers conducting the assessment indicated that this action was highly unusual and suspect.

I requested that Austin have you immediately send out instructions to ALL county elections officials to either not allow these periodic "updates" or, in the event they wish to allow them, to do 2 very critical things.

The first, and less important, is to back up the information and the software, so that a comparison with the updated information can be conducted.

The second step, and the most critical, is that the counties using voting machines capture a "Forensic Image" of the software prior to updates. Since most election's folks are probably no more computer savvy than I am, they may not know how to capture a "forensic image", and may not know of anyone who can do this for them. There is also the likelihood that they may attempt to have this done, with the result being that the attempt is unsuccessful, despite their best efforts to do it right. Thus, it would be much safer to have the counties forego any updates, to preserve the current code in the machines.

A delay in sending out this message to elections' officials, by even 1 day, may very well result in the loss of information that is required to be maintained and preserved, under state and federal law. Therefore, I strongly encourage you to send this message out today to all county elections officials, so that no one involved in elections in Montana may run afoul of election laws, potentially putting themselves in the path of civil or criminal charges.

Please confirm receipt of this email.

Respectfully,

Rep. Brad Tschida

Ames, Susan

From: Brad Tschida <betschida54@gmail.com>
Sent: Monday, August 16, 2021 1:57 PM
To: Jacobsen, Christi
Subject: [EXTERNAL] A meeting tomorrow

Christi:

I'm sorry that I was out of call service near the end of our discussion today and the call dropped.

I am going to be in Helena tomorrow for the Districting and Apportionment meeting tomorrow and would appreciate the chance to visit with you in person about the items that were raised today.

I reached out to Angela Nunn to coordinate this meeting. Hopefully, 9:00 AM will fit your schedule.

Brad Tschida

Ames, Susan

From: Brad Tschida <betschida54@gmail.com>
Sent: Tuesday, August 17, 2021 11:01 AM
To: Jacobsen, Christi; Corson, Dana; Nunn, Angela
Subject: [EXTERNAL] Meeting today

Thank you all again (I don't have email addresses for the others, or I would have included them as well) for taking time to meet with me today. It is critical that we do 2 things: 1) Make voter integrity our paramount issue going forward, and: 2) be unified in our efforts to root out problems and get them resolved. Be assured I am fully onboard with your office.

I would ask Dana, and one other member of your team, to take 10 minutes and read this article. Ironically, it was provided to me just after we met, or I would have made it part of the information in discussion with Dana. It appears that ES&S has serious issues with security, even possibly having access occur without elections' officials being aware that access and modifications have occurred. While not conclusive, such information being brought forward, with little opposition from the ES&S leadership evident, raises another question in the minds of Montana voters, causing further frustration and angst, when there is already far too much currently in play.

Thanks again for your time today. I am available to help out as you need, allowing for my current schedule and time constraints.

Respectfully,

Brad Tschida

Ames, Susan

From: Wendy McKamey <wsgmckamey@gmail.com>
Sent: Monday, September 20, 2021 5:57 PM
To: Jacobsen, Christi; Corson, Dana
Subject: [EXTERNAL] Fwd: FW: National speakers on election fraud investigation in Missoula. Sept 22
Attachments: IMG_0480.JPG; Take Back Montana 2020 Election Analysis Invite.pdf; MEIP - Take Back Montana PRESS RELEASE.pdf; CTCL Montana wKeshel.pdf; PastedGraphic-1.pdf; KeshelExcessVotes.pdf

Simply FYI.

----- Forwarded message -----

From: Kerry Yates <kerry.yates@bayer.com>
Date: Mon, Sep 20, 2021, 11:53 AM
Subject: FW: National speakers on election fraud investigation in Missoula. Sept 22
To: Wendy McKamey <wsgmckamey@gmail.com>
Cc: Cyndi Baker <cyndiann101@hotmail.com>

FYI

From: Steven Galloway <segdreams@yahoo.com>
Sent: Saturday, September 18, 2021 11:51 AM
To: Jim White <NWLNews@protonmail.com>; Mac MacManara <macconmara733@gmail.com>; Keith Regier <keithregier@gmail.com>; Mike Polaske <mpolaske@gmail.com>; Scot Kerns <Kernsds@gmail.com>; Jordan Hall <jordan@gideonknox.com>; Ryan Dean Jordan <ryan@ryanjordancpa.com>; Kerry Yates <kerry.yates@bayer.com>; Russ Miner <russminer4@gmail.com>; Steve Zabawa <z@safemontana.com>; Stephen Casher <Steve@Performance-Inc.com>; William Bill Shaw Sr. <wshaw42255@yahoo.com>; Shawn Hertel <shertel@staradio.onmicrosoft.com>; Judy Tankink <jtankinkmvp@gmail.com>; Barry Usher <busher@beartoothharley.com>; Ron Winter <ronw@thefallsmt.com>; Pres Grooms <sngrooms@yahoo.com>
Subject: Fwd: National speakers on election fraud investigation in Missoula. Sept 22

From: steven Galloway

Subject: Fw: National speakers on election fraud investigation in Missoula. Sept 22
To:

Hey guys, Montana Senator Theresa Manzella and other Montana Representatives have worked hard to go to Mike Lindell's Cyber Symposium. I want to say there were four other Montana Legislatures that went, and I apologize for not recalling their names at the writing of this email.

This is too much info to put in a quick newsletter.

Marcia

PAY ATTENTION AS THERE ARE TWO EVENTS: ONE IN MISSOULA AT 9 A.M. WITH A REGISTRATION LINK: <https://montanaelectionintegrity.org> [montanaelectionintegrity.org]

ONE IN HAMILTON THAT REQUIRES NO REGISTRATION

SEE ATTACHED DOCUMENTS FOR INFORMATION

Here's the flyer and press release about the program that will be at Discovery Alliance Church in Missoula on Sept 22 starting at 9:00, on the investigation into the November election with analysis of the US and Montana results. The three main speakers at Mike Lindell's Cyber Symposium in Sioux Falls, SD, will be in Missoula that morning to explain what happened with the election in Montana. Theresa Manzella's flyer for the Hamilton event later on the same day is also attached if you don't have it already. She and I gave a joint talk in Kalispell on Thursday and I had the flyers printed back to back to make it easy for people to get to at least one of the events, if not both. The one in Missoula is more data focused with the three speakers from the Symposium, while the one in Hamilton has a wider focus with Couy Griffen along with Dr. Frank and possibly Prof. Clements, though Seth Keshel won't be at that one.

Something is very strange in Montana with the November election results compared to the surrounding states - a neon light in a field of green neighbors. Based on Seth Keshel's estimated excess votes of 46,000 in Montana, the state ranks as #4 in per capita election fraud in the country. It is only 1 of 2 in the top 21 states of excess votes per capita to have voted for Trump - the other is Utah at #6. When we see people elected to city council who have lived in the area for less than a year, or Conrad Burns losing to Jon Tester in 2006 by fewer votes than the missing signature envelopes discovered in Missoula in the November 2020 election, or school bonds losing by wide margins only to have the machines shut down during the count and when they come back on, the bonds are passing easily, we do have to wonder what has been going on in Montana elections. The results of the 2006 Burns/Tester race apparently were delayed for a day due to "machine problems."

Here is a chart which tracks the funds coming to Montana counties from the Mark Zuckerberg funded Center for Tech and Civic Life (CTCL), Keshel's estimate of excess votes, and the ES&S tabulator machines in each county based on a report from the Secretary of State. It is startling to compare Montana to the states surrounding it, another indication that something is amiss in Big Sky Country.

Thanks for your help in distributing this information. I hope people will come from around the state to hear from these national experts at one or both of the presentations in Missoula and Hamilton on September 22.

Regards,

Jane Rectenwald

Missoula



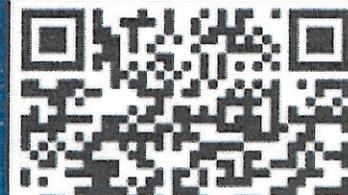
Sept 22, 2021
4:00PM-9:00PM

KEYNOTE SPEAKER
7:00PM – DR FRANK

Dr Douglas Frank discovered the algorithms that controlled the 2020 elections in all 50 states. He will present his world class analysis for your consideration. SPECIAL GUEST - Couy Griffen. Cowboys for Trump Founder, County Commissioner and Political Prisoner. Rep Brad Tschida and the Missoula Election Integrity Project will present their findings in Missoula County. Sen Theresa Manzella to facilitate.

\$10 Per adult (under 12 free)
Ravalli County Fairgrounds –
First Interstate Building,

Food available,
including:
• Cookies
• Burgers (\$5.00)



Montana Counties Awarded Grants from Zuckerberg-Funded Center for Tech & Civic Life (CTCL) for use in 11/2020 Election with Seth Keshel's Analysis Indicating Potential Election Fraud

<https://www.techandcivillife.org/our-work/civic-data/how-its-used/>
<https://www.techandcivillife.org/grant-awards/>
<https://docs.google.com/spreadsheets/d/1E7P3owU6UjwMY1GaaE8ntVw2x6E-i9d37hEeR5ZA/>
<https://uncoverdc.com/2021/08/03/vulnerabilities-of-the-ess-ds200-vote-tabulator/>

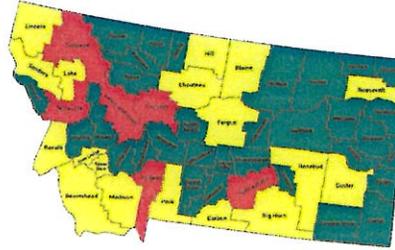
Seth Keshel Montana Analysis

<https://t.me/RealSethKeshel/290>

*Keshel Fraud Chart Colors
 Red - Rampant, Obvious, Ugly (6)
 Yellow - Suspect/Likely Fraud (18)
 Green - Clean (34)

Green means historic data is consistent with 2020 results, not that fraud didn't occur

Jurisdiction	CTCL Grant Award Amount	Keshel Chart Color*	Keshel Estimated Excess Voters*	Ballot Tabulation Method**
Anaconda-Deer Lodge		yellow		ES&S-DS 450
Blaine		yellow		ES&S-DS 450
Cascade	\$294,128	red	3,000	ES&S-DS 850
Custer		yellow		ES&S-DS 200
Daniels		green		Hand Count
Gallatin	\$292,839	red	7,000	ES&S-DS 850
Glacier		green		ES&S-DS 200
Hill		yellow		ES&S-DS 450
Jefferson		green		ES&S-DS 450
Lake County	\$272,932	yellow		ES&S-DS 450
Lewis and Clark	\$215,000	red	3,000	ES&S-DS 850
Liberty		green		ES&S-DS 200
Madison	\$5,000	yellow		ES&S-DS 450
Missoula	\$312,000	red	6,000	ES&S-DS 850
Park		yellow		ES&S-DS 450
Phillips County	\$5,000	green		ES&S-DS 200
Pondera		green		ES&S-DS 200
Powell County	\$5,000	green		ES&S-DS 450
Prairie		green		Hand Count
Ravalli	\$19,593	yellow		ES&S-DS 850
Sanders	\$0	yellow		ES&S-DS 850
Sheridan		green		ES&S-DS 200
Stillwater	\$5,000	green		ES&S 100
Sweet Grass		green		ES&S-DS 200
Teton County	\$5,000	green		ES&S-DS 200
Toole		green		ES&S-DS 200
Valley County		green		ES&S-DS 200
Wheatland		green		Hand Count
Wibaux		green		ES&S-DS 200
Yellowstone	\$320,593	red	6,000	ES&S-DS 850
30	\$1,752,085			



MT Counties that did not apply for CTCL Funds

Beaverhead	yellow		ES&S-DS 450
Bighorn	yellow		ES&S-DS 850
Broadwater	green		ES&S 100
Butte-Silverbow	yellow		ES&S-DS450&DS850
Carbon	yellow		ES&S-DS 200
Carter	green		ES&S-DS 200
Chouteau	yellow		ES&S-DS 200
Dawson	green		ES&S-DS 200
Fallon	green		Hand Count
Fergus	yellow		ES&S-DS 450
Flathead	red	5,000	ES&S-DS 850
Garfield	green		Hand Count
Golden Valley	green		Hand Count
Granite	green		ES&S-DS 450
Judith Basin	green		ES&S-DS 200
Lincoln	yellow		ES&S-DS 450
McCone	green		Hand Count
Meagher	green		Hand Count
Mineral	green		ES&S-DS 200
Musselshell	green		ES&S-DS 200
Petroleum	green		ES&S-DS 200
Powder River	green		Hand Count
Richland	green		ES&S-DS 450
Roosevelt	yellow		ES&S-DS 450
Rosebud	yellow		ES&S-DS 200
Treasure	green		Hand Count
26		30,000	

CTCL report not received.
 Total from another source ~ 46,000 total

	2008 R	2008 D	2012 R	2012 D	2016 R	2016 D	2020 R	2020 D	Pop Growth	Decade New Av.
Beaverhead	3	2	4	3	2	1	4	2	3%	383
Bighorn	2	4	2	3	2	2	2	2	2%	-496
Broadwater	1	2	1	2	1	1	1	2	3%	236
Butte	2	1	2	1	2	1	3	1	13%	401
Carbon	3	2	4	2	4	2	4	2	8%	562
Carter	1	0	1	0	0	0	1	0	7%	5
Chouteau	17	18	18	15	20	12	23	15	6%	-3,006
Custer	2	1	2	1	2	1	2	1	2%	204
Daniels	9	2	3	2	4	1	4	1	-6%	88
Dawson	1	0	1	0	1	0	1	0	4%	-13
Deer Lodge	3	2	3	3	3	1	4	1	5%	0
Dillon	2	3	1	3	2	2	2	3	-2%	471
Flatten	1	0	1	0	1	0	1	0	-2%	-121
Fergus	4	2	4	2	4	1	5	1	-5%	113
Golden Valley	26	16	28	14	30	13	18	20	16%	9,170
Grant	23	24	24	22	24	24	32	37	31%	13,072
Granite	1	0	1	0	1	0	1	0	5%	16
Jefferson	1	3	1	4	2	3	2	3	3%	971
Judith Basin	0	0	0	0	0	0	0	0	4%	16
Lincoln	1	1	1	1	1	0	1	1	2%	101
Liberty	3	4	3	3	3	2	4	3	2%	-236
Madison	4	3	4	2	4	2	5	3	8%	1,009
Mineral	1	0	1	0	1	0	1	0	-6%	66
Missoula	6	7	7	6	8	5	9	7	0%	1,581
Phillips	15	17	17	16	17	15	21	20	11%	5,319
Pondera	1	0	1	0	1	0	1	0	1%	55
Powell	6	3	6	3	7	2	9	3	3%	591
Ravalli	3	2	3	1	3	1	4	2	37%	935
Richland	1	0	1	0	1	0	1	0	5%	-15
Roosevelt	1	0	1	0	1	0	1	0	3%	15
Sanders	1	1	1	1	1	1	2	1	8%	281
Sheridan	21	37	23	33	22	32	26	43	13%	7,350
Stillwater	2	1	2	0	2	0	2	0	3%	359
Sweet Grass	4	4	5	4	5	4	6	5	7%	1,288
Teton	0	0	0	0	0	0	0	0	1%	35
Toole	2	1	2	0	2	0	2	0	8%	118
Valley	2	1	2	1	2	1	2	1	6%	313
Wheatland	1	0	1	0	1	0	1	0	-4%	38
Wibaux	2	1	2	1	2	1	3	1	3%	347
Yellowstone	1	0	1	0	1	0	1	0	-8%	1
Hand Count	13	8	14	7	15	6	10	9	12%	3,620
ES&S 100	3	1	4	1	4	1	5	1	13%	658
ES&S 200	1	3	2	2	2	2	2	2	5%	233
ES&S 450	2	2	2	1	2	1	2	1	-4%	67
ES&S 850	4	2	4	1	4	1	6	1	6%	909
Hand Count	1	1	1	1	1	0	1	1	-6%	84
ES&S 200	5	12	9	11	6	9	8	10	3%	1,400
Hand Count	3	2	3	1	4	1	4	1	5%	714
ES&S 450	1	1	2	0	2	0	2	1	1%	160
ES&S 850	2	1	2	1	2	1	3	1	3%	145
Hand Count	1	1	1	1	1	0	2	0	-12%	-44
ES&S 450	0	0	0	0	0	0	0	0	3%	-9
ES&S 200	2	2	2	1	3	1	3	1	0%	291
Hand Count	1	0	1	0	1	0	1	0	1%	-72
ES&S 100	0	0	0	0	0	0	0	0	3%	8
Hand Count	26	32	41	26	41	22	51	31	10%	7,009

2 ES&S 100
 20 ES&S-DS 200
 14 ES&S-DS 450
 1 ES&S-DS450 & DS850
 9 ES&S-DS 850
 10 Hand Count
 56

MONTANA ELECTION INTEGRITY PROJECT PRESENTS

TAKE BACK MONTANA

2020 ELECTION ANALYSIS

Discussing truth, data and evidence of the
November 3rd Election



WEDNESDAY, 22 SEPTEMBER

SPEAKERS INCLUDE . . .

SETH KESHEL



t.me/RealSKeshel

DR. DOUGLAS FRANK



t.me/FollowTheData

DAVID CLEMENTS



t.me/theprofessorsrecord

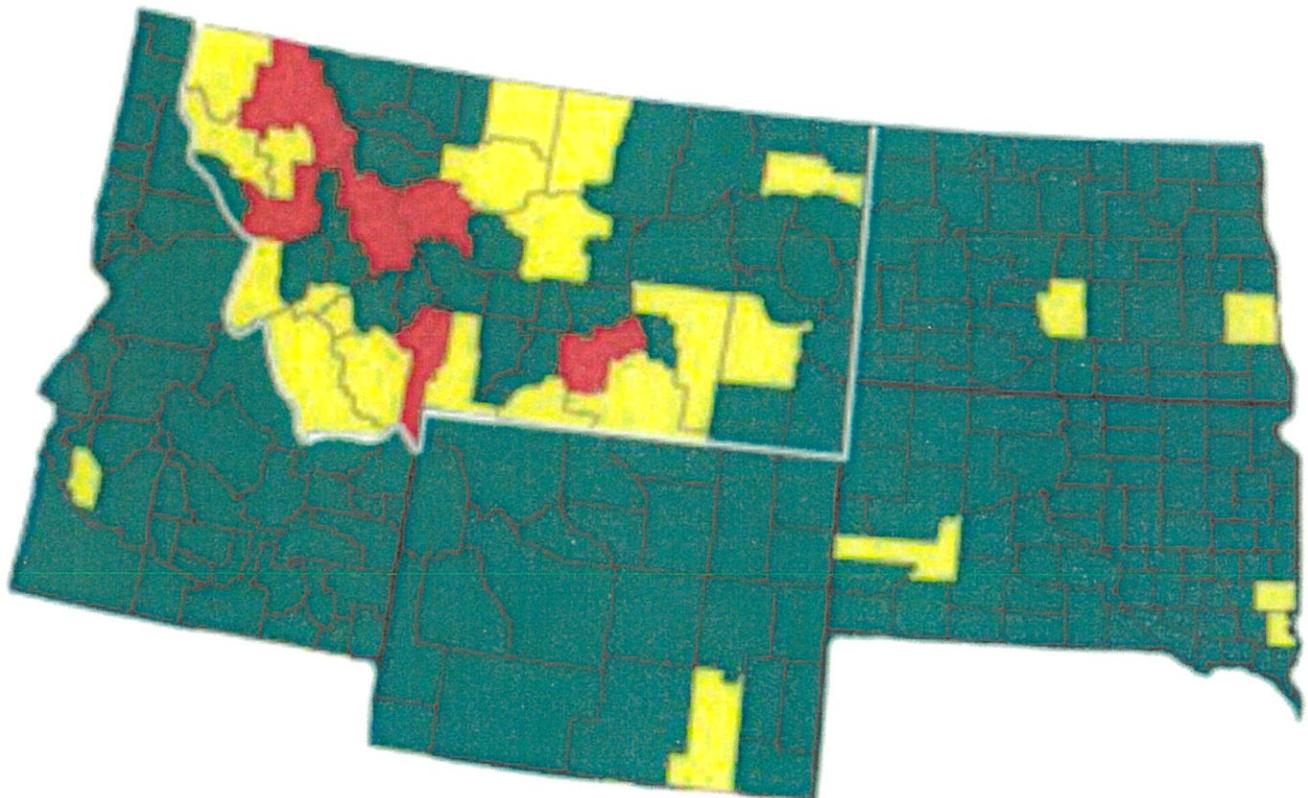
SEATING LIMITED
Registration Required

9:00 AM-NOON

Doors open at 8:30 AM for
coffee and conversation

DISCOVERY ALLIANCE CHURCH
2630 Connery Way
Missoula, MT

REGISTER TO ATTEND HERE:



Montana Election Integrity Project
MontanaElectionIntegrity.org
auditmontana@protonmail.com

MEIP Announces Take Back Montana: 2020 Election Analysis Event
*Featuring Dr. Douglas G. Frank, Retired Army Capt. Seth Keshel,
and Professor David K. Clements*

Missoula, MT: Today, the Montana Election Integrity Project announced its first educational event focused on providing Montana citizens with data and analysis of the Montana 2020 General Election. The three speakers who will be sharing their research include Dr. Douglas G. Frank, Former Army Cpt. Seth Keshel, and Professor David K. Clements. The event will be held on September 22, 2021 at 9:00 AM at Discovery Alliance Church in Missoula.

Dr. Douglas G. Frank is a physicist and has modeled pandemics and elections for over 40 years. Seth Keshel is a former Army Captain and elections researcher who provided an analysis of the Montana 2020 General Election. Using demographic and voting trend data, Keshel's analysis indicates 46,000 excess votes in Montana including 25 Montana counties with "suspect" to "obvious" election fraud indicators. Professor David K. Clements is an assistant professor of law at New Mexico State University. Clements presented the case for forensic audits at Mike Lindell's Election Integrity Cyber Symposium held in August.

In January, Missoula election integrity volunteers conducted a review of ballot signature envelopes from Missoula County's 2020 General Election. Ballot signature envelopes are inspected by election administrators to ensure the signature on the envelope matches the signature on the voter's registration, tying the ballot to a lawfully registered voter.

The envelope count was conducted under the supervision of the Missoula County Elections Administrator and staff. Volunteers counted the ballot signature envelopes brought to them in boxes by the Elections Administrator's staff. When they finished, they tabulated the count and found only 67,899 ballot signature envelopes from a total of 72,491 mail-in ballots cast.

This envelope shortfall presents a discrepancy indicating 4,592 (or 6%) of ballots cast in the 2020 General Election were missing their required envelopes. Without a ballot signature envelope, a valid voter registration cannot be confirmed making the vote illegal to count.

According to an affidavit collected by the Missoula election integrity team, dozens of ballot signature envelopes had duplicated signatures and other envelopes were missing signatures or had no indication that they had been verified.

Members of the Montana Legislature, led by Sen. Theresa Manzella (SD-44) and Rep. Brad Tschida (HD-97), are forming a Select Committee to investigate the irregularities shared by

analysts and by the Missoula election integrity team. Manzella shared that the Select Committee could lead to convening an emergency session of the Montana Legislature to write audit rules and conduct a county by county audit of the 2020 General Election.

In addition to guest speakers, the morning event will provide a brief update about the current findings of the election integrity team in Missoula County. The event will be held at Discovery Alliance Church, 2630 Connery Way in Missoula. Doors open at 8:30 AM and the program starts at 9: 00 AM.

Because of limited seating, registrations are required at:

<https://montanaelectionintegrity.org/events/>

About Montana Election Integrity Project: The Montana Election Integrity Project is a grassroots, citizen-led organization whose mission is to restore Montana elections through citizen outreach and education.

###

2020 Population
<https://state.1keydata.com/state-population.php>

Excess Biden Votes as a % of Population

Excess Biden Votes - Seth Keshel

ST abbrev.	Excess Votes	State	2020 Pop.	Excess Votes/Pop	Rank	Election Results	Biden EC	Trump EC	
VT	34,000	Vermont	643,503	5.28%	1	Biden	3		
MI	527,000	Michigan	10,084,442	5.23%	2	Biden	16		
WA	333,000	Washington	7,715,946	4.32%	3	Biden	12		
MT	46,000	Montana	1,085,407	4.24%	4	Trump		3	
RI	45,000	Rhode Island	1,098,163	4.10%	5	Biden	4		
UT	131,000	Utah	3,275,252	4.00%	6	Trump		6	
MN	228,000	Minnesota	5,709,752	3.99%	7	Biden	10		
NM	84,000	New Mexico	2,120,220	3.96%	8	Biden	5		
PA	504,000	Pennsylvania	13,011,844	3.87%	9	Biden	20		
OR	162,000	Oregon	4,241,500	3.82%	10	Biden	7		
HI	55,000	Hawaii	1,460,137	3.77%	11	Biden	4		
NJ	327,000	New Jersey	9,294,493	3.52%	12	Biden	14		
CA	1,346,000	California	39,576,757	3.40%	13	Biden	55		
MA	235,000	Massachusetts	7,033,469	3.34%	14	Biden	11		
CT	117,000	Connecticut	3,608,298	3.24%	15	Biden	7		
NV	100,000	Nevada	3,108,462	3.22%	16	Biden	6		
CO	183,000	Colorado	5,782,171	3.16%	17	Biden	9		
AZ	210,000	Arizona	7,158,923	2.93%	18	Biden	11		
NH	40,000	New Hampshire	1,379,089	2.90%	19	Biden	4		
GA	299,000	Georgia	10,725,274	2.79%	20	Biden	16		
DE	27,000	Delaware	990,837	2.72%	21	Biden	3		
AK	19,000	Alaska	736,081	2.58%	22	Trump		3	
VA	217,000	Virginia	8,654,542	2.51%	23	Biden	13		
NC	257,000	North Carolina	10,453,948	2.46%	24	Trump		15	
WI	139,000	Wisconsin	5,897,473	2.36%	25	Biden	10		
SC	119,000	South Carolina	5,124,712	2.32%	26	Trump		9	
TX	675,000	Texas	29,183,290	2.31%	27	Trump		38	
IL	295,000	Illinois	12,822,739	2.30%	28	Biden	20		
ME	31,000	Maine	1,363,582	2.27%	29	Biden	3	1	
MD	128,000	Maryland	6,185,278	2.07%	30	Biden	10		
NE	33,000	Nebraska	1,963,333	1.68%	31	Biden	1	4	
KS	48,000	Kansas	2,940,865	1.63%	32	Trump		6	
TN	101,000	Tennessee	6,916,897	1.46%	33	Trump		11	
NY	292,000	New York	20,215,751	1.44%	34	Biden	29		
KY	62,000	Kentucky	4,509,342	1.37%	35	Trump		8	
FL	296,000	Florida	21,570,527	1.37%	36	Trump		29	
WV	23,000	West Virginia	1,795,045	1.28%	37	Trump		5	
SD	11,000	South Dakota	887,770	1.24%	38	Trump		3	
IN	74,000	Indiana	6,790,280	1.09%	39	Trump		11	
ND	8,000	North Dakota	779,702	1.03%	40	Trump		3	
OK	39,000	Oklahoma	3,963,516	0.98%	41	Trump		7	
ID	15,000	Idaho	1,841,377	0.81%	42	Trump		4	
MO	49,000	Missouri	6,160,281	0.80%	43	Trump		10	
LA	36,000	Louisiana	4,661,468	0.77%	44	Trump		8	
OH	88,000	Ohio	11,808,848	0.75%	45	Trump		18	
AL	32,000	Alabama	5,030,053	0.64%	46	Trump		9	
MS	15,000	Mississippi	2,963,914	0.51%	47	Trump		6	
AR	8,000	Arkansas	3,013,756	0.27%	48	Trump		6	
WY	1,000	Wyoming	577,719	0.17%	49	Trump		3	
IA	0	Iowa	3,192,406	0.00%	50	Trump		6	
Total	8,144,000		331,108,434	2.46%			303	232	535
DC		0 Washington DC					3		
							306		538

Ames, Susan

From: Theresa Manzella <theresa.manzella@mtleg.gov>
Sent: Monday, September 27, 2021 10:29 AM
To: Jacobsen, Christi
Subject: [EXTERNAL] Fwd: Rewritten letter requesting Special Select Committee
Attachments: rewrite of SSC ltrpdf.pdf

Begin forwarded message:

From: Theresa Manzella <theresa@manzellaformontana.com>
Subject: Rewritten letter requesting Special Select Committee
Date: September 26, 2021 at 8:17:37 PM MDT
To: Anderson Fred <fred.anderson@mtleg.gov>, Duane Ankney <goodwind1.duane@gmail.com>, Dan Bartel <Danbartel2@gmail.com>, Becky Beard <Becky4hd80@blackfoot.net>, David Bedey <David.Bedey@mtleg.gov>, Seth Berglee <Seth.Berglee@mtleg.gov>, marta bertoglio <marta.bertoglio@mtleg.gov>, Michele <Michele@binkleyformontana.com>, Kenneth Bogner <kenneth.bogner@mtleg.gov>, Larry Brewster <Larry.Brewster@mtleg.gov>, Bob Brown <Bob.Brown@mtleg.gov>, ed buttrey <ed.buttrey@mtleg.gov>, Jennifer Carlson <Jennifer.Carlson@mtleg.gov>, Mike Cuffe <mike.cuffe@mtleg.gov>, Geraldine Custer <jericuster@yahoo.com>, julie dooling <julie.dooling@mtleg.gov>, Neil Duram <Neil.Duram@mtleg.gov>, Jason Ellsworth <Jason.ellsworth@mtleg.gov>, John Esp <johnesp2001@yahoo.com>, Sherry Essmann <Sherry.Essmann@mtleg.gov>, PCF <paulfielder@blackfoot.net>, ross fitzgerald <ross.fitzgerald@mtleg.gov>, Steve Fitzpatrick <steve.fitzpatrick@mtleg.gov>, Gregory Frazer <Gregory.Frazer@mtleg.gov>, Chris Friedel <chris@chrisfriedel.com>, John Fuller <John.Fuller@mtleg.gov>, Steven Galloway <segdreams@yahoo.com>, frankgarnerhd7@gmail.com, TERRY GAUTHIER <mrmac570@me.com>, Jane Gillette <Jane.Gillette@mtleg.gov>, steve gist <steve.gist@mtleg.gov>, Carl Glimm <carl.glimm@mtleg.gov>, Sharon Greef <sgreef@msn.com>, Steve Gunderson <rep.steve.gunderson@mt.gov>, greg hertz <greg.hertz@mtleg.gov>, Ed Hill <hillforhouse28@gmail.com>, Steve Hinebauch <steve.hinebauch@mtleg.gov>, jediaiah hinkle <jediaiah.hinkle@mtleg.gov>, caleb hinkle <caleb.hinkle@mtleg.gov>, Ken holmlund <Ken.holmlund@mtleg.gov>, Mike Hopkins <Mike.Hopkins@mtleg.gov>, Brian Hoven <brian.hoven@mtleg.gov>, David Howard <david.howard@mtleg.gov>, Llew Jones <Llew.Jones@mtleg.gov>, Doug Kary <doug.kary@mtleg.gov>, Bob Keenan <bob.keenan@mtleg.gov>, Scot Kerns <Scot.Kerns@mtleg.gov>, rhonda knudsen <rhonda.knudsen@mtleg.gov>, Mike Lang <mike.lang@mtleg.gov>, "Lenz, Dennis" <lenz4legislature@outlook.com>, Denley Loge <Denleylogehd14@gmail.com>, Marty Malone <mdmal1@pm.me>, Theresa Manzella <theresa.manzella@mtleg.gov>, Ron Marshall <ron.marshall@mtleg.gov>, Tom McGillvray <tom.mcgillvray@mtleg.gov>, Wendy McKamey <Rep.Wendy.McKamey@mt.gov>, Bill Mercer <bill.mercer@mtleg.gov>, BraxtonMMitchell@gmail.com, terry moore <terry.moore@mtleg.gov>, Bob Phalen <Bob.Phalen@mtleg.gov>, Brian Putnam <brian.putnam@mtleg.gov>, joeread2019mt@gmail.com, Keith Regier <keith.regier@mtleg.gov>, "Mattregierhd4@gmail.com" <Mattregierhd4@gmail.com>, Amy Regier <Amy.Regier@mtleg.gov>, Linda Reksten <reksten4mthhouse@gmail.com>, Vince Ricci <Vince.Ricci@mtleg.gov>, waltsales4montana <waltsales4montana@gmail.com>, Dan Salomon <dan.salomon@mtleg.gov>, jerry schillinger <jerry.schillinger@mtleg.gov>, Kerri4MT@gmail.com, Fiona nave <Fiona.nave@mtleg.gov>, Mark

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Hello Montana Legislators.

Attached you will find a re-written, more generic, less poignant version of the letter I sent out earlier requesting the appointment of a Special Select Committee. Please read the letter and indicate if you can support it or not by responding to this email by noon on Wed, 9/29. If your name is listed on the attached letter, you need not respond unless you want your name removed.

On an ancillary note, both the Missoula and Ravalli County Election Integrity Symposiums were well attended and received; aprox 500 people between the two events.

Election Integrity polls very high on our citizens list of concerns.

Thank you in advance for your consideration.

Sen Theresa Manzella

Legislators are publicly elected officials. Legislator emails sent or received involving legislative business may be subject to the Right to Know provisions of the Montana Constitution and may be considered a "public record" pursuant to Montana law. As such, email, sent or received, its sender and receiver, and the email contents, may be subject to public disclosure, except as otherwise provided by Montana law.

Sept 26th, 2021

Dear Senate President Blasdel and Speaker Galt:

The purpose of this letter is to request the appointment of a Special Select Committee of legislators appointed according to the current majority/minority ratio. The committee will hear testimony concerning past Montana elections and review the current election laws in Montana.

Article IV of the Montana Constitution states:

Elections. The legislature shall provide by law the requirements for residence, registration, absentee voting, and administration of elections. It may provide for a system of poll booth registration, and shall insure the purity of elections and guard against abuses of the electoral process.

Many of our constituents have reached out to us with questions about Montana election security. The Montana Legislature needs to fulfill their Constitutional duties as outlined in Article IV of the Montana Constitution and MCA 13-19-104(3)(a),(b). The Select Committee would conduct hearings about the process and security of Montana elections and propose future changes if needed; including legislation.

All Montana voters must have absolute faith in our state, county and local elections. Our oath of office makes it clear that we have this fiduciary responsibility. The election process must be transparent to the public and withstand scrutiny.

The best legislation is thought out, vetted and has input from all stake holders. This is true no matter the issue.

This select committee would give us the time and venue to uphold our constitutional duties.

We, the undersigned, do hereby request a Special Select Committee be appointed for the purpose of fulfilling our constitutional obligations, and that you respond by Oct 6th, 2021.

Faithfully for Freedom-

Sen Bob Brown – SD7
Sen Butch Gillespie – SD9
Sen Carl Glimm – SD2
Sen Steve Hinebaugh – SD18
Sen Dave Howard – SD29
Sen Brian Hoven – SD13
Sen Bob Kennan – SD5
Sen Mike Lang – SD17
Sen Theresa Manzella – SD44
Sen Tom McGilvery – SD23
Sen Cary Smith – SD 27
Sen Gordy Vance – SD34

Rep Fred Anderson – HD20
Rep Becky Beard – HD80
Rep Seth Berglee – HD58
Rep Michele Binkley – HD 85
Rep Larry Brewster – HD44
Rep Jennifer Carlson – HD6

Rep Neil Duram – HD2
Rep Paul Fielder – HD18
Rep Frank Flemming – HD51
Rep John Fuller – HD 8
Rep Steve Galloway – HD24
Rep Jane Gillette – HD64
Rep Steve Gist – HD25
Rep Steve Gunderson – HD1
Rep Ed Hill – HD 28
Rep Caleb Hinkle – HD68
Rep Jed Hinkle – HD67
Rep Ken Holmlund – HD38
Rep Josh Kassmier – HD48
Rep Scott Kerns – HD23
Rep Rhonda Knudsen – HD 34
Rep Casey Knudsen – HD33
Rep Dennis Lenz- HD53

Rep Brandon Ler – HD35
Rep Denley Loge – HD14
Rep Marty Malone – HD59
Rep Ron Marshall – HD87
Rep Braxton Mitchell – HD3
Rep Terry Moore – HD54
Rep Fiona Nave – HD57
Rep Mark Noland – HD 10
Rep Bob Phalen – HD36
Rep Joe Read – HD93
Rep Amy Regier – HD 6
Rep Linda Reksten – HD12
Rep Vince Ricci – HD55
Rep Jerry Schillinger - HD37
Rep Kerri Seekins- Crowe – HD43
Rep Lola Sheldon-Galloway – HD22
Rep Derek Skees – HD11
Rep Jeremy Trebas – HD26
Rep Brad Tschida – HD97
Rep Barry Usher – HD40
Rep Sue Vinton – HD56

Ames, Susan

From: Rae Grulkowski <rae@carpsinc.com>
Sent: Tuesday, September 28, 2021 11:30 PM
To: kim.abbott@mtleg.gov; goodwind1.duane@gmail.com; danbartel2@gmail.com; becky4hd80@blackfoot.net; David.Bedey@mtleg.gov; bennettformontana@gmail.com; Seth.Berglee@mtleg.gov; marta.bertoglio@mtleg.gov; michele@binkleyformontana.com; Laurie.Bishop; Mark.Blasdel@mtleg.gov; kenneth.bogner@mtleg.gov; Carlie.Boland@mtleg.gov; EllieMarieBoldman@gmail.com; Larry.Brewster@mtleg.gov; Bob.Brown@mtleg.gov; aliceformontana@gmail.com; ed.buttrey@mtleg.gov; Caferro, Mary; Jennifer.Carlson@mtleg.gov; Jill.Cohenour@mtleg.gov; mcuffe@interbel.net; Willis.Curdy@mtleg.gov; jericuster@yahoo.com; julie.dooling@mtleg.gov; maryann.dunwell@mtleg.gov; Neil.Duram@mtleg.gov; Janet.Ellis@mtleg.gov; Jason.Ellsworth@mtleg.gov; johnesp2001@yahoo.com; Sherry.Essmann@mtleg.gov; robformontana@gmail.com; fern@montanasky.net; paulfielder@blackfoot.net; ross.fitzgerald@mtleg.gov; steve.fitzpatrick@mtleg.gov; fleminglor5@gmail.com; pat.flowers@mtleg.gov; fbbuffalo@yahoo.com; tom.france@mtleg.gov; Gregory.Frazer@mtleg.gov; chris@chrisfriedel.com; John.Fuller@mtleg.gov; Moffie.Funk@mtleg.gov; galloway4mt@gmail.com; wyliegaltfmt@gmail.com; frankgarnerhd7@gmail.com; mrmac570@me.com; Gillespie, Bruce; Jane@DrJaneGillette.com; steve.gist@mtleg.gov; carl.glimm@mtleg.gov; Jen.Gross@mtleg.gov; steve.gunderson@mtleg.gov; jim.hamilton; derek.harvey@mtleg.gov; Donavon.Hawk@mtleg.gov; denise.hayman@mtleg.gov; greg.hertz@mtleg.gov; hillforhouse28@gmail.com; steve.hinebauch@mtleg.gov; jedediah.hinkle@mtleg.gov; caleb.hinkle@mtleg.gov; Kenneth Holmlund (Contact); Mike.Hopkins@mtleg.gov; Brian.Hoven@mtleg.gov; David.Howard@mtleg.gov; Tom.Jacobson@mtleg.gov; Llew.Jones@mtleg.gov; jessica.karjala@gmail.com; doug.kary; JKASSMIER@LIVE.COM; Bob.Keenan@mtleg.gov; athy.Kelker@mtleg.gov; Connie.Keogh@mtleg.gov; Scot.Kerns@mtleg.gov; emma.kc@mtleg.gov; rhonda.knudsen@mtleg.gov; kelly.kortum@mtleg.gov; mike.lang@mtleg.gov; Dennis.Lenz@mtleg.gov; lerforrichland@gmail.com; Loge-HD14, Denley; Ryan.Lynch@mtleg.gov; dogrockranch@gmail.com; theresa.manzella@mtleg.gov; marilyn.marler@mtleg.gov; ronmarshallmt87@gmail.com; edie.mcclafferty@mtleg.gov; Tom.McGillvray@mtleg.gov; Mary.McNally@mtleg.gov; wwmercer406@gmail.com; Braxton Mitchell; brad.molnar@mtleg.gov; terry.moore@mtleg.gov; shane@shaneformt.com; Fiona.nave@mtleg.gov; marknolandhd10@gmail.com; novak4hd77@gmail.com; shannon.obrien@mtleg.gov; Andrea.Olsen@MTLeg.gov; Ryan Osmundsin; Bob.Phalen@mtleg.gov; JP Pomnichowski; Chris.Pope@mtleg.gov; brian.putnam@mtleg.gov; joeread2019mt@gmail.com; Regier, Keith; matt.regier@mtleg.gov; Amy.Regier@mtleg.gov; reksten4mthhouse@gmail.com; Vince.Ricci@mtleg.gov; trwolves@gmail.com; waltsales4montana@gmail.com; dan.salomon@mtleg.gov; SenatorSands@gmail.com; jerry.schillinger@mtleg.gov; Kerri4MT@gmail.com; lola.sheldon-galloway@mtleg.gov; Derek.Skees@mtleg.gov; j2thedsmall@gmail.com; cary.smith@mtleg.gov; clairena@hughes.net; Edstafman@gmail.com; Mallerie.Stromswold@mtleg.gov; katie.sullivan@mtleg.gov; masween@hotmail.com; Russ.Tempel@mtleg.gov; drtenenbaum@gmail.com; thanehd99@gmail.com; trebasformthouse@gmail.com; brad@tschida.org; Usher, Barry; vancesd34@gmail.com; sue.vinton@mtleg.gov; kenneth.walsh@mtleg.gov; repmarvinwaxjr@gmail.com; nitzitapii@gmail.com; Jeff.welborn@mtleg.gov; tom.welch@mtleg.gov; pena_rynalea@yahoo.com; Whitman, Kathy; rep32jwb@gmail.com; Katie.Zolnikov@mtleg.gov; tory_schribner@daines.senate.gov; cheryl_ulmer@tester.senate.gov;

Cc: brody.payne@mail.house.gov; SOS Elections; rae@carpsinc.com; Gianforte, Greg
Subject: [EXTERNAL] Support Decertification of Fraudulent Election Results

Senators and Representatives:

Concern regarding deviations in our State's election process leads me to again write this letter urging you to support a full forensic audit of the November 2020 federal election in Montana. The recent report from the Maricopa County, Arizona audit exposed numerous reasons to question results in America's Presidential election and down ballot elections (to include initiatives) nationwide.

Sadly, America has had issues with election integrity for decades and steps to correction have not been widely pursued. Perhaps, because it has remained well-hidden. Americans, such as myself, are no longer sweeping this matter under the rug.

Now is the time to address Montana's election integrity to; 1) review the most recent 2020 election for fraudulent or negligent reporting; 2) assure lawful processes using election guidelines are being followed, and; 3) seek criminal charges should willful, unlawful practices be discovered.

It is incumbent on state legislators to take constitutional directives they have been given. There is much evidence, currently, of election fraud in Montana. Therefore, I also encourage a special legislative session to discuss the evidence in each Montana county and pursue a forensic audit as would be deemed.

Upon review of current election processes, changes to eliminate computers (returning to paper ballots) is strongly urged. I am aware of the Information Systems Audit report dated August 2020.
<https://leg.mt.gov/content/Committees/Administration/audit/2019-20/Meetings/Oct-2020/19DP-06.pdf>. This report made a good start - have we continued taking steps addressing recommendations?

During August 10 – 13, six Montana representatives and senators attended the Cyber Symposium in South Dakota, hosted by Mike Lindell. The symposium analyzed and revealed abhorrent deviations in the November 2020 election(s). Montana legislators returned educated and motivated to continue working on our States election integrity down to the County level. I fully support this energy and hope to gain your support as well.

We are at a point in our world where we cannot afford to tolerate citizen votes being manipulated in any manner. We cannot move forward, if we do not address deviations now. Until we correct our current counterfeit election processes, (to include using computers), future elections are futile.

Adamantly, I propose you sign onto Wendy Rogers' letter supporting decertification of fraudulent 2020 election results at <https://action.wendyrogers.org/decertify/> [action.wendyrogers.org]. There is a reason that Montana is #2 in the nation for election fraud, based on Seth Keshel's estimates of excess votes as a percent of votes cast. Montanans are keeping track of elected and appointed officials who are not interested in finding out why we have that dubious rank.

I encourage you to take steps to review deviations in Montana's current voting processes and insure sound election integrity for our future. Once again, I welcome any opportunity to be a part of this goal.

Regards,

Rae Grulkowski
PO Box 2404
Great Falls, MT 59403

Ames, Susan

From: Theresa Manzella <theresa@manzellaformontana.com>
Sent: Wednesday, September 29, 2021 4:47 PM
To: Mark Blasdel; wyliegaltformt@gmail.com
Cc: Jacobsen, Christi
Subject: [EXTERNAL] 84 legislators request the appointment of a Special Select Committee to evaluate election law
Attachments: 84-ltr req SSC on Montana State Senate Letterhead - Copy (4).pdf

Montana State Senate



The Big Sky Country

Sept 29th, 2021

Dear Senate President Blasdel and Speaker Galt:

The purpose of this letter is to request the appointment of a Special Select Committee of legislators appointed according to the current majority/minority ratio. The committee will hear testimony concerning past Montana elections and review the current election laws in Montana.

Article IV of the Montana Constitution states:

Elections. The legislature shall provide by law the requirements for residence, registration, absentee voting, and administration of elections. It may provide for a system of poll booth registration, and shall insure the purity of elections and guard against abuses of the electoral process.

Many of our constituents have reached out to us with questions about Montana election security. The Montana Legislature needs to fulfill their Constitutional duties as outlined in Article IV of the Montana Constitution and MCA 13-19-104(3)(a),(b). The Select Committee would conduct hearings about the process and security of Montana elections and propose future changes if needed; including legislation.

All Montana voters must have absolute faith in our state, county and local elections. Our oath of office makes it clear that we have this fiduciary responsibility. The election process must be transparent to the public and withstand scrutiny.

The best legislation is thought out, vetted and has input from all stake holders. This is true no matter the issue.

This select committee would give us the time and venue to uphold our constitutional duties.

We, the undersigned, do hereby request a Special Select Committee be appointed for the purpose of fulfilling our constitutional obligations, and that you respond by Oct 6th, 2021.

Faithfully for Freedom-

Sen Kenneth Bogner – SD19
Sen Bob Brown – SD7
Sen Mike Cuffe – SD1
Sen John Esp - SD30
Sen Jason Ellsworth – SD43
Sen Steve Fitzpatrick - SD10
Sen Chris Friedel – SD26
Sen Terry Gauthier – SD 40
Sen Butch Gillespie – SD9
Sen Carl Glimm – SD2
Sen Greg Hertz – SD6
Sen Steve Hinebauch – SD18
Sen Dave Howard – SD29
Sen Brian Hoven – SD13
Sen Bob Kennan – SD5
Sen Mike Lang – SD17
Sen Theresa Manzella – SD44
Sen Tom McGillvray – SD23
Sen Keith Regier - SD3
Sen Dan Salomon – SD47
Sen Cary Smith – SD 27
Sen Russ Temple – SD14
Sen Jeff Wellborn – SD36
Sen Gordy Vance – SD34

Rep Fred Anderson – HD20
Rep Dan Bartel - HD29
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Rep Seth Berglee – HD58
Rep Marta Bertoglio - HD75
Rep Michele Binkley – HD 85
Rep Larry Brewster – HD44
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Rep Jennifer Carlson – HD69
Rep Geraldine Custer - HD39
Rep Neil Duram – HD2
Rep Julie Dooling - HD70
Rep Paul Fielder – HD13
Rep Ross Fitzgerald - HD17
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Rep Gregory Frazer - HD 78
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Rep Steve Galloway – HD24
Rep Frank Garner - HD7
Rep Jane Gillette – HD64
Rep Steve Gist – HD25

Rep Sharon Greef – HD88
Rep Steve Gunderson – HD1
Rep Ed Hill – HD 28
Rep Caleb Hinkle – HD68
Rep Jed Hinkle – HD67
Rep Ken Holmlund – HD38
Rep Josh Kassmier – HD27
Rep Scot Kerns – HD23
Rep Rhonda Knudsen – HD 34
Rep Casey Knudsen – HD33
Rep Dennis Lenz- HD53
Rep Brandon Ler – HD35
Rep Denley Loge – HD14
Rep Marty Malone – HD59
Rep Ron Marshall – HD87
Rep Wendy McKamey - HD19
Rep Braxton Mitchell – HD3
Rep Terry Moore – HD54
Rep Fiona Nave – HD57
Rep Mark Noland – HD 10
Rep Bob Phalen – HD36
Rep Joe Read – HD93
Rep Amy Regier – HD6
Rep Matt Regier - HD4
Rep Linda Reksten – HD12
Rep Vince Ricci – HD55
Rep Jerry Schillinger - HD37
Rep Kerri Seekins- Crowe – HD43
Rep Lola Sheldon-Galloway – HD22
Rep Derek Skees – HD11
Rep Mallerie Stromwold - HD50
Rep Jeremy Trebas – HD26
Rep Brad Tschida – HD97
Rep Barry Usher – HD40
Rep Sue Vinton – HD56
Rep Tom Welch - HD72
Rep Kathy Whitman - HD96
Rep Katie Zolnikov - HD45

Ames, Susan

From: Kary Douglas <doug.kary@mtleg.gov>
Sent: Thursday, September 30, 2021 11:10 AM
To: Jacobsen, Christi
Subject: [EXTERNAL] Fwd: Request for Special Committee
Attachments: Notes on request for Special Committee during interim.docx

FYI

Senator Doug Kary
Senate District 22
Montana State Senate
Majority Whip



From: "doug kary" <doug.kary@mtleg.gov>
To: "Mark Blasdel" <Sen.Mark.Blasdel@mt.gov>, "Wylie Galt" <wyliegalt@gmail.com>
Sent: Thursday, September 30, 2021 11:08:12 AM
Subject: Request for Special Committee

President Blasdel, Speaker Galt

I reviewed "quickly" the bills that were brought before the Senate State Administration Comm. during the 2021 Session and found none dealing with the topic of an audit. There were many bills dealing with topics of "election security". Many of those passed out of our committee and into law. Shortly after our transmittal break a group of citizens from Missoula came forward to present their (audit) of Missoula County elections. After this there was plenty of time for a study resolution to address this issue (however non came forward). Representative Tschida and Senator Manzella were all aware the issue but failed to do anything. Now after threatening people and trying asking them to opt out rather than opt in on a letter to leadership to force this issue shows me their true character. They believe we should all think exactly the way they do and fall in lock-step with them. Our party has always been a party of thinkers, rather than puppets. I would hope we always be strong and stand up for what we believe and not bow to individuals who think their cause should be all of ours. These audits do not come at no cost to the State of Montana, they have not been budgeted for nor do I believe the Legislature has the power to demand access to these ballots without a court order and that would require "standing", which I also do not believe exists. Sorry about the rant. I trust you will as always "the right thing"! Respectfully,

Senator Doug Kary
Senate District 22
Montana State Senate



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Montana State Senate



The Big Sky Country

Sept 29th, 2021

Dear Senate President Blasdel and Speaker Galt:

The purpose of this letter is to request the appointment of a Special Select Committee of legislators appointed according to the current majority/minority ratio. The committee will hear testimony concerning past Montana elections and review the current election laws in Montana. **This is under the preview of SAVA interim and should go to there.**

Article IV of the Montana Constitution states:

Elections. The legislature shall provide by law the requirements for residence, registration, absentee voting, and administration of elections. It may provide for a system of poll booth registration, and shall insure the purity of elections and guard against abuses of the electoral process.

Many of our constituents have reached out to us with questions about Montana election security. The Montana Legislature needs to fulfill their Constitutional duties as outlined in Article IV of the Montana Constitution and MCA 13-19-104(3)(a),(b). The Select Committee would conduct hearings about the process and security of Montana elections and propose future changes if needed; including legislation. **This is something that should have come before one of the State Administration Committees during a regularly scheduled session. If there was concern, there was sufficient time to bring a bill to address this as our election was held in November of 2020 and our session did not get underway until Jan of 2021 and was active until the end of April. There were no bills addressing this issue and no resolutions for a study either. Why now is this such an urgent "demand".**

All Montana voters must have absolute faith in our state, county and local elections. Our oath of office makes it clear that we have this fiduciary responsibility. The election process must be transparent to the public and withstand scrutiny. **All Montana voters "should" have absolute faith in our elections. All elections are run through the state for these.**

"I, ..., do solemnly swear that I will support and defend the constitution of the United States and the constitution of the state of Montana against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I will obey the orders of the president of the United States and the governor of the state of Montana; that I make this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office of in the upon which I am about to enter, so help me God."

The above oath also says that they will obey the order of the president and the governor? Vaccines' Mail in ballots? No our constitution say the State Legislature shall be in charge of elections.

The best legislation is thought out, vetted and has input from all stake holders. This is true no matter the issue. I agree, do they not get thought out and vetted and have input from stake holders during a regular session?

This select committee would give us the time and venue to uphold our constitutional duties. So why wasn't this requested during Session so that it would have been budgeted for and members would be appointed?

We, the undersigned, do hereby request a Special Select Committee be appointed for the purpose of fulfilling our constitutional obligations, and that you respond by Oct 6th, 2021.

Faithfully for Freedom- Are non-signers not "faithfully for freedom"?

CAPITOL ADDRESS • PO BOX 200500 • HELENA, MT 59620-0500 • (406) 444-3064

Sen Kenneth Bogner – SD19
Sen Bob Brown – SD7
Sen Mike Cuffe – SD1
Sen John Esp - SD30
Sen Jason Ellsworth – SD43
Sen Steve Fitzpatrick - SD10
Sen Chris Friedel – SD26 Rep
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Rep Brad Tschida – HD97
Rep Barry Usher – HD40
Rep Sue Vinton – HD56
Rep Tom Welch - HD72
Rep Kathy Whitman - HD96
Rep Katie Zolnikov - HD45

Ames, Susan

From: megonzo1@yahoo.com
Sent: Wednesday, October 6, 2021 8:48 AM
To: Mark.Blasdel@mtleg.gov; wyliegaltformt@gmail.com; theresa.manzella@mtleg.gov; SOS Elections
Subject: [EXTERNAL] For the Sanctity of Democracy, Quit Playing Both Sides

Sen. Blasdel
Rep. Galt
Sen. Manzella
Secretary Jacobson

Instead of being happy that they took a huge number of races for the first time in 16 years, several of Montana's GOP actions are admitting they were elected fraudulently, which now makes the laws they passed even more suspect in terms of legality.

It is unconscionable that 86 lawmakers signing a letter to Senator Blasdel and Representative Galt have admitted they were elected fraudulently. Sorry, your actions about the security of Montana elections and some GOP members being more vocal about fraud in Montana in 2020 means an admission that you were not elected fairly.

I am all for a review of election policies and making sure county election officials are doing their jobs correctly. (But that has been done and done again by every SOS). That is different than holding rallies and saying there was fraud in Montana. Please define fraud. Are we talking a few hundred votes in Missoula County, or 10's of thousands around the state?

Former SOS Cory Stapleton investigated issues of voter fraud in 2016 and 2018, but was only able to find some minor instances in Missoula County (that was what was reported in media around the state). Stapleton acknowledged and verified the results of the 2020 election, but now lawmakers from his own party are saying those results were wrong?!

I am an independent voter, having left the Republican bandwagon 13 years ago. At the time it was due to Republicans being less conservative and more radical. What a difference 13 years makes! How is it possible that the GOP has become even more radical and lost moderate conservatives? For over a century we as American's had been warned that the most dangerous attack on our nation would come from within.

We are now in the middle of the most dangerous attack on our nation, and it is coming from within. It is coming from those who wish to destroy our democracy. Actions by some Montana lawmakers are boarding on treason or are treason, depending on your definition of treason. Treason as defined by Merriam Webster is; the offense of attempting by overt acts to overthrow the government of the state to which the offender owes allegiance or to kill or personally injure the sovereign or the sovereign's family. The betrayal of a trust. Please use your actions to show me my assessment is incorrect.

Montana Voter
Nicole Riebe

Ames, Susan

From: Kyle Schmauch <kyle.schmauch@mtleg.gov>
Sent: Monday, October 25, 2021 10:35 AM
To: Kyle Schmauch
Cc: theresa manzella
Subject: [EXTERNAL] Election security info from Sen. Manzella

Good morning,

Senator Manzella asked that I share the below with you all.

Kyle

From: "theresa" <theresa@manzellaformontana.com>

Hello Montana Republican Legislators and Land Board Leaders-

I hope this finds you healthy and happy and enjoying our beautiful fall weather.

As we ponder on all that's involved in election integrity, and our constitutional responsibility to protect it, I thought I'd share some of the information- evidence, theories, opinions, analysis we were exposed to at the Lindell Cyber Symposium, as well as new information that's since been released. Out of respect for your time, as well as knowing just how much information is out there, I'll attempt to wade through it in advance and send you only the most thought provoking and pertinent.

This was the video the event started with - Your Wake Up Call by Col Phil Waldron.

<https://rumble.com/vkze5h-mike-lindell-cyber-symposium-your-wake-up-call-col-phil-waldron.html> [rumble.com]

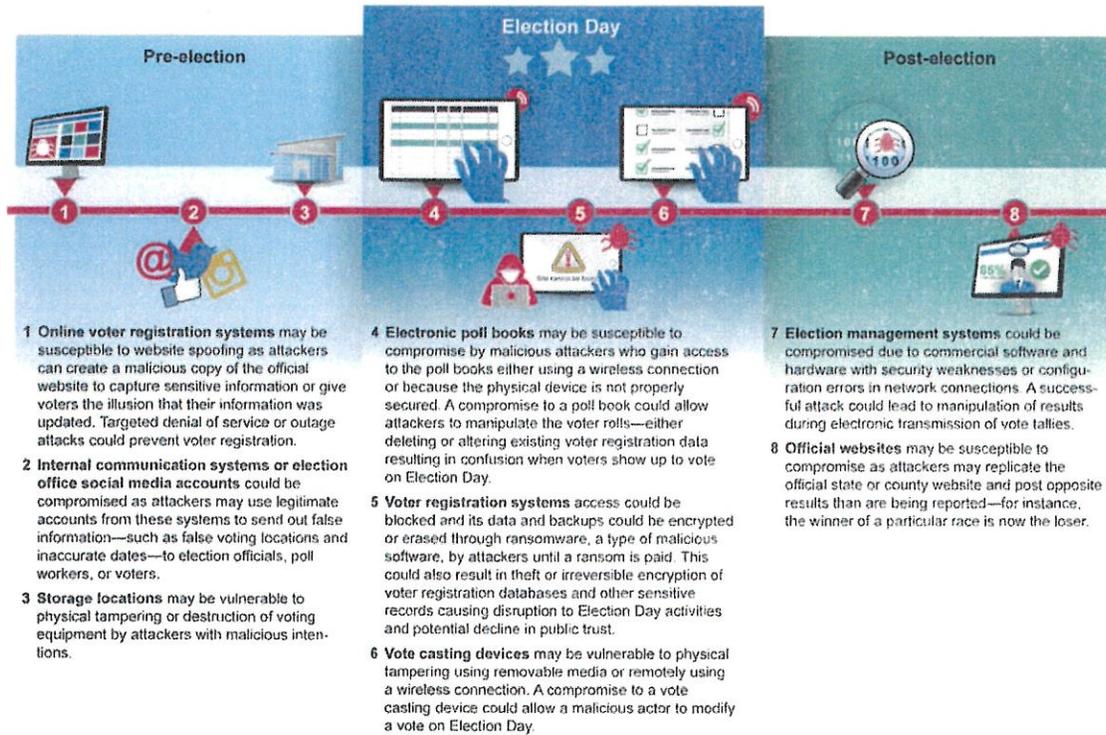
Col Waldron seemed legit, but I did a simple search on him when I got home - (Quite a man. A warrior with great big cyber security brain.) <https://www.gtcountymi.gov/DocumentCenter/View/15742/Bios> [gtcountymi.gov]

Interestingly, the bio of Russel Ramsland came up in conjunction with Col Waldrons. I had met Russel Ramsland at the Wallbuilders conference in Dallas, in 2019. He was there presenting evidence of election fraud in the 2018 Ted Cruz/Beto O'Rourke Senate Race. They've been studying the issue of election integrity for quite some time.

Next I started fact checking some of Col Waldrons allegations and found this - **GAO Report - DHS Plans Are Urgently Needed to Address Identified Challenges Before the 2020 Elections** - <https://www.gao.gov/assets/gao-20-267.pdf> [gao.gov]

From the above referenced GAO report.

Figure 1: Examples of Physical and Cyber Threats to the Election Infrastructure and Assets by Stage of the Election Process



Source: GAO analysis based on information reported by the Department of Homeland Security, the Harvard University John F. Kennedy School of Government's Belfer Center for Science and International Affairs, and the Center for Internet Security. | GAO-20-287

Note: A number of examples in the table were taken from the Harvard Belfer Center's The State and Local Election Cybersecurity Playbook and used with permission: online voter registration systems, internal communications systems or election office social media accounts, electronic poll books, vote casting devices, election management systems, and official websites.

Food for your thought and consideration.

Faithfully for Freedom!

Sen Theresa Manzella

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Ames, Susan

From: Nunn, Angela
Sent: Friday, November 26, 2021 10:00 AM
To: Jacobsen, Christi; Corson, Dana; Fuller, Stuart
Subject: FW: Decertify 2020 & Audit all 50 States

FYI

From: Kary Douglas <doug.kary@mtleg.gov>
Sent: Wednesday, November 24, 2021 9:43 AM
To: Nunn, Angela <Angela.Nunn@mt.gov>
Subject: [EXTERNAL] Fwd: Decertify 2020 & Audit all 50 States

FYI

Senator Doug Kary
Senate District 22
Montana State Senate
Majority Whip



From: "carmela romerio" <carmelaromero@hotmail.com>
To: "Dave Fern" <fern@montanasky.net>, soselections@mtgov
Cc: "kim abbott" <kim.abbott@mtleg.gov>, "Sen. Duane Ankney" <goodwind1.duane@gmail.com>, "Danbartel2" <danbartel2@gmail.com>, "Becky Beard" <becky4hd80@blackfoot.net>, "David Bedey" <David.Bedey@mtleg.gov>, "bennettformontana" <bennettformontana@gmail.com>, "Seth Berglee" <Seth.Berglee@mtleg.gov>, "Marta Bertoglio" <marta.bertoglio@mtleg.gov>, "Michele" <michele@binkleyformontana.com>, "Laurie Bishop" <Laurie.Bishop@mtleg.gov>, "Blasdel Mark" <Mark.Blasdel@mtleg.gov>, "Kenneth Bogner" <kenneth.bogner@mtleg.gov>, "Carlie Boland" <Carlie.Boland@mtleg.gov>, "Senate Ag 2021, Boldman, Ellie" <EllieMarieBoldman@gmail.com>, "Larry Brewster" <Larry.Brewster@mtleg.gov>, "Bob Brown" <Bob.Brown@mtleg.gov>, aliceformontana@gmail.com, "Ed Buttrey" <ed.buttrey@mtleg.gov>, marycaferro@gmail.com, "Jennifer Carlson" <Jennifer.Carlson@mtleg.gov>, "Jill Cohenour" <Jill.Cohenour@mtleg.gov>, mcuffe@interbel.net, "Willis Curdy" <Willis.Curdy@mtleg.gov>, "Geraldine Custer" <jericester@yahoo.com>, "Julie Dooling" <julie.dooling@mtleg.gov>, "maryann dunwell" <maryann.dunwell@mtleg.gov>, "Neil Duram" <Neil.Duram@mtleg.gov>, "Sen. Janet Ellis" <Janet.Ellis@mtleg.gov>, "Jason Ellsworth" <Jason.Ellsworth@mtleg.gov>, "johnesp2001" <johnesp2001@yahoo.com>, robformontana@gmail.com, "Dave Fern" <fern@montanasky.net>, "PCF" <paulfielder@blackfoot.net>, "Ross Fitzgerald" <ross.fitzgerald@mtleg.gov>, "Fitzpatrick Steve" <steve.fitzpatrick@mtleg.gov>, "Frank Fleming" <fleminglor5@gmail.com>, "pat flowers" <pat.flowers@mtleg.gov>, "fbuffalo"

<fbbuffalo@yahoo.com>, "tom france" <tom.france@mtleg.gov>, "Gregory Frazer" <Gregory.Frazer@mtleg.gov>, "chris" <chris@chrisfriedel.com>, "John Fuller" <John.Fuller@mtleg.gov>, "Moffie Funk" <Moffie.Funk@mtleg.gov>, galloway4mt@gmail.com, "Wylie Galt" <wyliegaltformt@gmail.com>, "frankgarnerhd7" <frankgarnerhd7@gmail.com>, "mrmac570" <mrmac570@me.com>, "Bruce Gillespie" <Bruce.Gillespie@mtleg.gov>, "Jane Gillette" <Jane.Gillette@mtleg.gov>, "Steve Gist" <steve.gist@mtleg.gov>, "Carl Glimm" <carl.glimm@mtleg.gov>, "Jen Gross" <Jen.Gross@mtleg.gov>, "steve gunderson" <steve.gunderson@mtleg.gov>, "Jim Hamilton" <Jim.Hamilton@mtleg.gov>, "Rep Derek Harvey" <derek.harvey@mtleg.gov>, "Donavon Hawk" <Donavon.Hawk@mtleg.gov>, "denise hayman" <denise.hayman@mtleg.gov>, "Greg Hertz" <greg.hertz@mtleg.gov>, "Ed Hill" <hillforhouse28@gmail.com>, "Hinebauch Steve" <steve.hinebauch@mtleg.gov>, "Jedediah Hinkle" <jedediah.hinkle@mtleg.gov>, "caleb hinkle" <caleb.hinkle@mtleg.gov>, "Holmlund Ken" <Ken.holmlund@mtleg.gov>, "Mike Hopkins" <Mike.Hopkins@mtleg.gov>, "Brian Hoven" <Brian.Hoven@mtleg.gov>, "David Howard" <David.Howard@mtleg.gov>, "Tom Jacobson" <Tom.Jacobson@mtleg.gov>, "Liew Jones" <Llew.Jones@mtleg.gov>, "jessica karjala" <jessica.karjala@gmail.com>, "doug kary" <Doug.Kary@mtleg.gov>, JKASSMIER@LIVE.com, "Bob Keenan" <Bob.Keenan@mtleg.gov>, "Kathy Kelker" <Kathy.Kelker@mtleg.gov>, "Connie Keogh" <Connie.Keogh@mtleg.gov>, "Scot Kerns" <Scot.Kerns@mtleg.gov>, "emma kc" <emma.kc@mtleg.gov>, "rhonda knudsen" <rhonda.knudsen@mtleg.gov>, "Kelly Kortum" <kelly.kortum@mtleg.gov>, "Mike Lang" <mike.lang@mtleg.gov>, "Dennis Lenz" <Dennis.Lenz@mtleg.gov>, lerforrichland@gmail.com, "Denley Loge-HD14" <Denleylogehd14@gmail.com>, "Ryan Lynch" <Ryan.Lynch@mtleg.gov>, dogrockranch@gmail.com, "Theresa Manzella" <theresa.manzella@mtleg.gov>, "marilyn marler" <marilyn.marler@mtleg.gov>, ronmarshallmt87@gmail.com, "Edie McClafferty" <edie.mcclafferty@mtleg.gov>, "Tom McGillvray" <Tom.McGillvray@mtleg.gov>, "Mary McNally" <Mary.McNally@mtleg.gov>, "Wwmercer406" <wwmercer406@gmail.com>, "BraxtonMMitchell" <BraxtonMMitchell@gmail.com>, "Brad Molnar" <brad.molnar@mtleg.gov>, "Terry Moore" <terry.moore@mtleg.gov>, shane@shaneformt.com, "Fiona nave" <Fiona.nave@mtleg.gov>, "marknolandhd10" <marknolandhd10@gmail.com>, novak4hd77@gmail.com, obriendumke@gmail.com, "Andrea Olsen" <Andrea.Olsen@MTLeg.gov>, "Ryan Osmundson" <ryanosmundson@gmail.com>, "Bob Phalen" <Bob.Phalen@mtleg.gov>, "jp pomnichowski" <jp.pomnichowski@mtleg.gov>, "Chris Pope" <Chris.Pope@mtleg.gov>, "Brian Putnam" <brian.putnam@mtleg.gov>, "joeread2019mt" <joeread2019mt@gmail.com>, "keith regier" <keith.regier@mtleg.gov>, "Regier Matt" <matt.regier@mtleg.gov>, "Amy Regier" <Amy.Regier@mtleg.gov>, "Linda Reksten" <reksten4mthouse@gmail.com>, "vince ricci" <Vince.Ricci@mtleg.gov>, trwolves@gmail.com, "Rep Walt Sales" <waltsales4montana@gmail.com>, "Dan Salomon" <dan.salomon@mtleg.gov>, "Diane Sands" <SenatorSands@gmail.com>, "jerry schillinger" <jerry.schillinger@mtleg.gov>, "kerri4mt" <Kerri4MT@gmail.com>, "lola sheldon-galloway" <lola.sheldon-galloway@mtleg.gov>, "Derek Skees" <Derek.Skees@mtleg.gov>, "j2thedsmall" <j2thedsmall@gmail.com>, "Smith Cary" <cary.smith@mtleg.gov>, clairena@hughes.net, "edstafman" <Edstafman@gmail.com>, "Mallerie Stromswold" <Mallerie.Stromswold@mtleg.gov>, "katie sullivan" <katie.sullivan@mtleg.gov>, masween@hotmail.com, "Russ Tempel" <Russ.Tempel@mtleg.gov>, drtenenbaum@gmail.com, thanehd99@gmail.com, "Jeremy Trebas" <trebasformthouse@gmail.com>, "brad tschida" <brad.tschida@mtleg.gov>, "Barry Usher" <barry.usher@mtleg.gov>, "VanceSD34" <vancesd34@gmail.com>, "VINTON SUE" <sue.vinton@mtleg.gov>, "kenneth walsh" <kenneth.walsh@mtleg.gov>, "repmarvinwwaxjr" <repmarvinwwaxjr@gmail.com>, "Susan Webber" <nitzitapii@gmail.com>, "Jeff Welborn" <Jeff.welborn@mtleg.gov>, "Tom Welch" <tom.welch@mtleg.gov>, "pena rynalea" <pena_rynalea@yahoo.com>, "Kathy Whitman" <Kathy.Whitman@mtleg.gov>, rep32jwb@gmail.com, "Katie Zolnikov" <Katie.Zolnikov@mtleg.gov>

Sent: Wednesday, November 24, 2021 9:31:29 AM
Subject: Re: Decertify 2020 & Audit all 50 States

Dave,

The need is for integrity, and knowledge is power. None of the SOS voting machines have been certified since before 2018 elections, it's that simple. They can be hacked, stolen and manipulated with the machines. This may only entail a few large counties, including yours sir. And all legislatures couplable, either by ignorance or malice. A few of our elected officials think the same.

Montana Law

44.3.117 PERFORMANCE STANDARDS FOR ACCESSIBLE VOTING TECHNOLOGY DEVICES

(1) At a minimum, a voter interface device must meet the ***Election Assistance Commission's (EAC) standards*** for Voluntary Voting System Guidelines (VVSG) version 1.0 adopted by the EAC on December 13, 2005, for accessible voting technology for electors with hearing, vision, speech, or ambulatory impairments. However, in lieu of meeting VVSG version 1.0, a voter interface device may meet VVSG versions greater than 1.0 that were adopted by the EAC on or before September 6, 2019.

(2) The U.S. Election Assistance Commission (EAC) was created for the purpose of helping states implement the Help America Vote Act of 2002 (HAVA). The EAC is an independent, bipartisan commission charged with developing guidance to meet HAVA requirements and adopting VVSG. The VVSG are a set of specifications and requirements against which voting ***systems can be tested*** to determine if the systems meet required standards. Some factors examined under these tests include basic functionality, accessibility, and security capabilities. HAVA mandates that the EAC develop and maintain these requirements.

Below is the link for **EAC** certification proof and screenshot of SOS ***no results*** of certification found since before 2018. This is a requirement was adopted by Montana Law.

This makes any Montana counties using the SOS system for 2020 elections null and void. No need for audits if you will decertify and revote by paper ballot, I will personally help count the ballots. We all know Tester stole 2018.

Carmela
@toresays

Filter By:

Voting System Name

Manufacturer

Testing Standard

Certification Date (from)

Certification Date (to)

No Result Found.

<https://www.eac.gov/voting-equipment/certified-voting-systems> [eac.gov]

Certified Voting Systems | U.S. Election Assistance Commission - EAC [eac.gov]

About the Testing & Certification Program. HAVA mandates that EAC accredit voting system test laboratories and certify voting equipment, marking the first time the federal government has offered these services to the states. Participation by states in EAC's certification program is voluntary. The EAC's full accreditation and certification program became effective in January 2007.

www.eac.gov [eac.gov]

From: Dave Fern <fern@montanasky.net>
Sent: Wednesday, November 24, 2021 7:15 AM
To: carmela romerio <carmelaromerio@hotmail.com>
Subject: Re: Decertify 2020 & Audit all 50 States

I don't see the need but I commend you for your involvement in this important aspect of our Democracy.

A audit is an unnecessary and expensive endeavor, but it can do no harm. If the Majority wants it, I certainly will not obstruct.

Dave Fern
HD5, Whitefish

On Nov 23, 2021, at 10:12 PM, carmela romerio <carmelaromerio@hotmail.com> wrote:

State Legislatures of the Great State of Montana!

Decertify the 2020 elections in Montana and audit. The world is watching and waiting. Now is your time to shine, your qualities will be known even amongst the enemies. The 2020 elections will be clarified, even in our state! We need to get this right, or there is no 2024.

Carmela Romerio

Jefferson County, Montana....come on Jefferson County legislatures get it done. Thank You.

Special thanks for starting this to:

Senators: Theresa Manzella, Cary Smith, Carl Glimm and Bob Brown

Representatives: Steve Gunderson, Bob Phalen, Ed Hill, Paul Fielder, Mark Nolan, Brad Tshida, Jerry Schillinger Steven Galloway and Lola Sheldon-Galloway.

<IMG_5751.JPG>

<IMG_5750.JPG>

<IMG_5749.JPG>

<IMG_5752.JPG>

<IMG_5753.JPG>

<IMG_5754.JPG>

<IMG_5755.JPG>

Legislators are publicly elected officials. Legislator emails sent or received involving legislative business may be subject to the Right to Know provisions of the Montana Constitution and may be considered a "public record" pursuant to Montana law. As such, email, sent or received, its sender and receiver, and the email contents, may be subject to public disclosure, except as otherwise provided by Montana law.

Ames, Susan

From: Wendy Mckamey <wsgmckamey@gmail.com>
Sent: Friday, December 3, 2021 12:24 AM
To: Jacobsen, Christi; Baker, Kyler; Ames, Susan; Corson, Dana; Nunn, Angela
Subject: [EXTERNAL] Fwd: Fw: Action Alert for Election Integrity

Hi,
You may already know about this. In case you don't, this is being sent to simply keep you in the loop.

----- Forwarded message -----

From: Geraldine Custer <jericester@yahoo.com>
Date: Thu, Dec 2, 2021, 11:20 PM
Subject: Fw: Action Alert for Election Integrity
To: Wendy Mckamey <wsgmckamey@gmail.com>

[Sent from Yahoo Mail on Android \[go.onelink.me\]](#)

----- Forwarded Message -----

From: "Theresa Manzella" <theresa@manzellaformontana.com>
To: "Manzella" <Theresa@manzellaformontana.com>
Sent: Thu, Dec 2, 2021 at 9:42 AM
Subject: Action Alert for Election Integrity
Good Morning Dear Friends, Colleagues and Citizens.

I wanted to send quick email to update you on the issue of Election Integrity in Montana.

On Nov 10th, I facilitated a meeting between our AG, Austin Knudsen, and Mike Lindell, Dr Doug Frank, Lindell's Attorney- Kurt Olsen and a Cyber Ninja. Rep Brad Tschida was also in attendance, as was Mr. Lindell's and Dr Franks personal assistant, Michele. The purpose of the meeting was to present evidence of election irregularities and vulnerabilities to the AG for consideration, with the goal of having him sign on in support of the lawsuit Mr. Lindell intended to drop on Nov 23rd. Ultimately, our AG did not sign onto the lawsuit. His reasons for not signing on to the lawsuit were given to me secondhand, so I'll have to refer you back to him or his office for specific details. I was told second hand that the reason for the resistance was that the 2000 page lawsuit was too large to thoroughly vet in the allotted time frame, which was Nov 10th - Nov 23rd. On Nov 21, the lawsuit was streamlined to 81 pages containing only evidence that had been previously heard by the courts, but still, not a single State AG in the country would sign onto the case.

This Mon, Dec 6th, Rep Brad Tschida and I will go before the Legislative Council seeking appointment and funding of the Special Select Legislative Committee for the purpose of investigating our election process and laws in Montana. If you would like to support that effort, please send respectful emails expressing your desire to the following committee members:

Senate President Mark Blasdel - Mark.Blasdel@mtleg.gov
Senator Jason Ellsworth - Jason.Ellsworth@mtleg.gov
Rep Rhonda Knudsen - rhonda.knudsen@mtleg.gov
Sen Cary Smith - cary.smith@mtleg.gov
Rep Casey Knudsen - Casey.knudsen@mtleg.com
Speaker Wylie Galt - wyliegaltformt@gmail.com

Rep Kim Abbott - kim.abbott@mtleg.gov
Rep Laurie Bishop - Laurie.Bishop@mtleg.gov
Sen Jill Cohenour - Jill.Cohenour@mtleg.gov
Sen Pat Flowers - pat.flowers@mtleg.gov
Rep Derek Harvey - derek.harvey@mtleg.gov
Sen JP Pomnichowski - jp.pomnichowski@mtleg.gov

Additional details about the committee can be found here - <https://leg.mt.gov/legislator-information/roster/individual/7056>

Despite Republicans holding large majorities in the Montana State Legislature, the Legislative Council Committee is equally split, 50/50 between Republicans and Democrats. To attain success, we need a Democrat to vote in support of our proposal.

Thank you for your commitment to the worthy cause of fair and free elections.

We will press on in our endeavor to honor our Constitutional obligation as provided in Article IV, Section 3 - The legislature shall provide by law the requirements for residence, registration, absentee voting, and administration of elections. It may provide for a system of poll booth registration, **and shall insure the purity of elections and guard against abuses of the electoral process.**

Faithfully For Freedom,

Sen Theresa Manzella

Ames, Susan

From: carmela romerio <carmelaromerio@hotmail.com>
Sent: Tuesday, December 7, 2021 10:16 AM
To: Theresa Manzella
Cc: SOS Elections; Marta Bertoglio
Subject: [EXTERNAL] Thank You!

<https://montanafreepress.org/2021/12/06/montana-legislators-ask-legislature-to-investigate-2020-election/>
[\[montanafreepress.org\]](https://montanafreepress.org)

Theresa you are a BOSS! Paper or plastic?? Paper ballots please!! Decertify elections...thank you!!

I met with AG Knutson last week regarding this issue, he stated that Secretary Christi Jacobson was swamped had no employees under her. Wouldn't take much to follow the Montana Constitution Voting LAWS and check compliance of certification process of voting machines up to date certification.

I also talked with him regarding Mike Lindell, he said that he met with him and Lindell talked for 40 minutes and basically had no clear path forward. Bottom line is that we don't need to worry about SCOTUS 2020 elections and every state, just decertify Montana and the rest will fall like a deck of cards. I understand we don't have enough electoral votes to flip anything but it will send a message. Selecting a couple counties to sample for fraud is enough.

In addition, <https://www.cnn.com/2021/04/27/politics/montana-abortion-ban-20-weeks/index.html>
[\[cnn.com\]](https://www.cnn.com)

We need to end all abortion in Montana, period. We need to lead by example to make an environment that GOD will come home and protect. If the so called experts refer to "life" on other "planets" as bacteria, then a baby is life at inception, period end of story. This is what needs to be done immediately in the SCOTUS. #InceptionGATE This war is of dark and light, intellectual masturbation is just that, and IS THE MOST IMPORTANT ISSUE, protect the Children, born and unborn. Thank you

Say the word and I will volunteer or help you with what you need, I live in the Boulder Valley and would be happy to help, because my reps are asleep at the wheel.

Truly,
Carmela
406-461-8247

Ames, Susan

From: Wendy McKamey <wsgmckamey@gmail.com>
Sent: Friday, January 28, 2022 3:09 PM
To: Marc
Cc: Gianforte, Governor; Contact DOJ; kim.abbott@mtleg.gov; goodwind1.duane@gmail.com; danbartel2@gmail.com; Becky Beard; David Bedey; Sen. Bryce Bennett; Berglee, Seth; Marta Bertoglio; michele; Laurie.Bishop; Mark.Blasdel@mtleg.gov; kenneth.bogner@mtleg.gov; Carlie.Boland@mtleg.gov; Ellie Boldman; Larry.Brewster@mtleg.gov; Bob.Brown@mtleg.gov; aliceformontana@gmail.com; Rep Ed Buttrey; Caferro, Mary; Jennifer.Carlson@mtleg.gov; Jill.Cohenour@mtleg.gov; Mike Cuffe; Willis.Curdy@mtleg.gov; Geraldine Custer; Julie Dooling; maryann.dunwell@mtleg.gov; neil.duram@mtleg.gov; Sen. Janet Ellis (Janet.Ellis@mtleg.gov); Jason.Ellsworth@mtleg.gov; johnesp2001@yahoo.com; Sherry.Essmann@mtleg.gov; robformontana@gmail.com; fern@montanasky.net; paulfielder@blackfoot.net; ross.fitzgerald@mtleg.gov; Fitzpatrick Steve; fleminglor5@gmail.com; pat.flowers@mtleg.gov; fbbuffalo@yahoo.com; tom.france@mtleg.gov; Gregory Frazer; chris@chrisfriedel.com; John.Fuller@mtleg.gov; Moffie Funk; Galloway, Steven; Wylie Galt; Frank Garner; Terry Gauthier; Gillespie, Bruce; Jane; steve.gist@mtleg.gov; carl.glimm@mtleg.gov; Jen.Gross@mtleg.gov; Steve Gunderson; jim.hamilton; derek.harvey@mtleg.gov; Donavon.Hawk@mtleg.gov; denise.hayman@mtleg.gov; greg.hertz@mtleg.gov; Ed Hill; steve.hinebauch@mtleg.gov; jediah.hinkle@mtleg.gov; caleb.hinkle@mtleg.gov; Kenneth Holmlund (Contact); Mike.Hopkins@mtleg.gov; Hoven, Brian; David.Howard@mtleg.gov; Jacobson, Tom; Jones Llew; Jessica Karjala; doug.kary; Josh Kassmier; Bob.Keenan@mtleg.gov; athy.Kelker@mtleg.gov; Connie.Keogh@mtleg.gov; Scot Kerns (scot.kerns@mtleg.gov); emma.kc@mtleg.gov; rhonda.knudsen@mtleg.gov; kelly.kortum@mtleg.gov; mike.lang@mtleg.gov; Dennis.Lenz@mtleg.gov; Ler, Brandon; Loge-HD 14, Denley; Ryan.Lynch@mtleg.gov; dogrockranch@gmail.com; theresa.manzella@mtleg.gov; marilyn.marler@mtleg.gov; ronmarshallmt87@gmail.com; McClafferty Edith; Tom.McGillvray@mtleg.gov; Mary.McNally@mtleg.gov; wwmercerc406@gmail.com; Braxton Mitchell; brad.molnar@mtleg.gov; terry.moore@mtleg.gov; shane@shaneformt.com; Fiona.nave@mtleg.gov; marknolandhd10@gmail.com; Sara Novak (novak4hd77@gmail.com); shannon.obrien@mtleg.gov; Andrea.Olsen@mtleg.gov; Ryan Osmunds; Bob.Phalen@mtleg.gov; JP Pomnichowski; Chris Pope; brian.putnam@mtleg.gov; joeread2019mt@gmail.com; Regier, Keith; matt.regier@mtleg.gov; Amy.Regier@mtleg.gov; Linda Reksten (reksten4mthouse@gmail.com); Vince.Ricci@mtleg.gov; Running Wolf, Tyson; Walt Sales; dan.salomon@mtleg.gov; senatorsands@gmail.com; jerry.schillinger@mtleg.gov; Kerri Seekins-Crowe; lola.sheldon-galloway@mtleg.gov; Derek.Skees@mtleg.gov; Jason Small; Smith Cary; Sen. Frank Smith; Stafman, Ed; Mallerie.Stromswold@mtleg.gov; katie.sullivan@mtleg.gov; masween@hotmail.com; Russ.Tempel@mtleg.gov; drtenenbaum@gmail.com; Mark Thane (ThaneHD99@gmail.com); Jeremy Trebas; brad@tschida.org; Usher, Barry; vancesd34@gmail.com; VINTON SUE; Kenneth Walsh; marvin weatherwax; nitzitapii@gmail.com; Jeff.welborn@mtleg.gov; tom.welch@mtleg.gov; pena_rynalea@yahoo.com; Whitman, Kathy; rep32jwb@gmail.com; Katie.Zolnikov@mtleg.gov
Subject: [EXTERNAL] Re: Election Integrity
Attachments: 20220127_170208.jpg; 20220123_193313.jpg

Hello, Marc,

Thank you for reaching out to me regarding the matter of elections and a special session.

Montana currently has significant safeguards in place to secure voting integrity.

As a person registers to vote they are listed by name in MTVotes and on the Secretary of State's My Voter Page (see attachment.) A barcode is issued for each ballot assigned and not the person. If a mail-in ballot is requested the barcode is then assigned to the voter's name and if the voter loses the ballot or decides they want to vote in person that first barcode is voided. A new barcode is issued when they are physically handed a ballot at either the Elections Office or the Polls and that new barcode is assigned to the voter's name. A signature is required for every ballot, and they are examined by experts or witnessed personally by Election Judges. The mail-in ballot requires a signature on the affirmation envelope. If the individual votes at the Polls or at the Elections Office they sign their name in front of the election judges in person. Regardless of whether it's a mail-in ballot or an in-person ballot, each ballot is placed in a secrecy envelope and then deposited in a locked ballot box. The certified Election System & Software then counts the votes. At that time, the individual is listed as having voted. It is not revealed who the individual is. Only that they voted. The MTVotes and ES&S do not talk to each other. The ES&S tabulating machines only count and they don't communicate with the MTVotes software. Additionally, there is no identifier on the ballots with the exception of the precinct in which the voter resides. An individual can vote only once, so your analogy of comparing the Montana ballots and our voting process with the depositing of the same check repeatedly is flawed. Additionally, the post-election audit is not conducted, only over-seen, by Montana's Secretary

of State and the County Election Officials. Trained Election Judges who did not participate in the Election Day process are the only ones who can become members of the Audit Board. During the post-election audit they count the votes in randomly selected races in randomly selected precincts throughout the State. It is not possible to coordinate the post-election audit in any way. You are always welcome to stop by the Cascade County Elections Office 325 Second Avenue North Room 100 to get more clarification and answers to all your questions too, incidentally.

The only reason I would consider a special session is to correct the Public Service Commission map. We need to have the PSC districts balanced correctly and I am absolutely For having a special session if 51 Republican Representatives and 26 Republican Senators will sign on an agreed-upon map prior to the session and agree to have only this one issue considered. Remember, when Legislators are called back into session, a special session can open any and all legislation that had been considered and even enacted during the regular Legislative session.

Also, simply because we saved the taxpayers money by not using all of the days allotted is not justification now to spend the taxpayers' money! A special session will be inordinately expensive to the taxpayer, as well as personally to our Citizen Legislators who must take time away from their employment.

Derek Skees, as the Chair of the Energy Committee had the opportunity to bring this important legislation during the regular session and did not. One has to wonder why he didn't want it done then and wants it done now?

Regardless, I am absolutely For a special session if the two aforementioned criteria are met. And only then.

Attached is the map I will support. It can elect five Republican commissioners, and that's what I'd like to see.

Kind regards.

Sincerely,

Wendy McKamey

Representative Montana House District 19 - Republican

Committees: Agriculture; Education; State Administration-Chair

Legislators are publicly elected officials. Legislator emails sent or received involving legislative business may be subject to the Right to Know provisions of Montana's Constitution and may be considered a "public record" pursuant to Montana law. As such, email sent or received, its sender and receiver, and the email's contents may be subject to public disclosure, except as otherwise provided by Montana law.

On Thu, Jan 27, 2022 at 1:59 PM Marc <meb2710@yahoo.com> wrote:

My name is Marc Bumgarner. I have an Engineering degree from MSU and worked at the Boeing Co. for 15 years as a manufacturing and software engineer. My family moved back to Belt, Mt, where I worked 14 years for a small software company developing an energy information system that enabled our clients (Hyatt, Marriott, Universities etc) to monitor and reduce their energy and water consumption.

There are many vulnerabilities to our elections as many states have witnessed, which a quick search at <https://www.justice.gov/news> [justice.gov] proves. I would like to tell you about a low tech method of stealing our vote. A simple analogy for this is the mobile check deposit technology that we use every day. Imagine opening your bank's mobile app and depositing a \$1000 rent check from your tenant. Then you do it again and again and again. Imagine a banking system that would allow you to continue to deposit the same check hundreds of times without any verification or audit process. This scenario, if allowed to continue, would likely destroy our trust in our banking system.

Yet this is exactly what happen during the election using a "certified" election tabulation machine. Imagine poll workers running the same batches of ballots through the machine multiple times. Your first reaction is probably that this could never happen because someone would notice the duplicate ballot identifiers stored in the machine. That is true but if no one inspects the machines or does a thorough (forensic) audit of the paper ballots this issue will never be noticed. In other words I guess we didn't have the "most secure and transparent" election in history.

There is an example of this scenario which happened in Fulton County, Georgia, and it was actually caught on a surveillance camera:

<https://youtu.be/e35f4pUIYOg> [youtu.be]

This video evidence was presented in a Georgia Senate hearing in late 2020. Yet after a year of court battles, election Integrity groups have be unable to gain access to the paper ballots and election machines to perform a forensic audit. Why don't they want anyone to have access to the paper ballots?

There is evidence of approximately 45,000 over-votes in Montana during the 2020 election. In Missoula County there are over 4800 more mail-in ballots than envelopes. Montanans deserve free, fair and transparent elections. I urge you to stand up, be counted and demand a special session for election integrity. Our Representative Republic depends on us!

Welcome to My Voter Page, the Secretary of State's voter information service.

Use this service to check

- If you are registered to vote
- Your voter registration address
- Location and directions to your county election office*
- If you are on the list to have ballots mailed to you
- The status of your mailed ballot*
- A sample ballot*

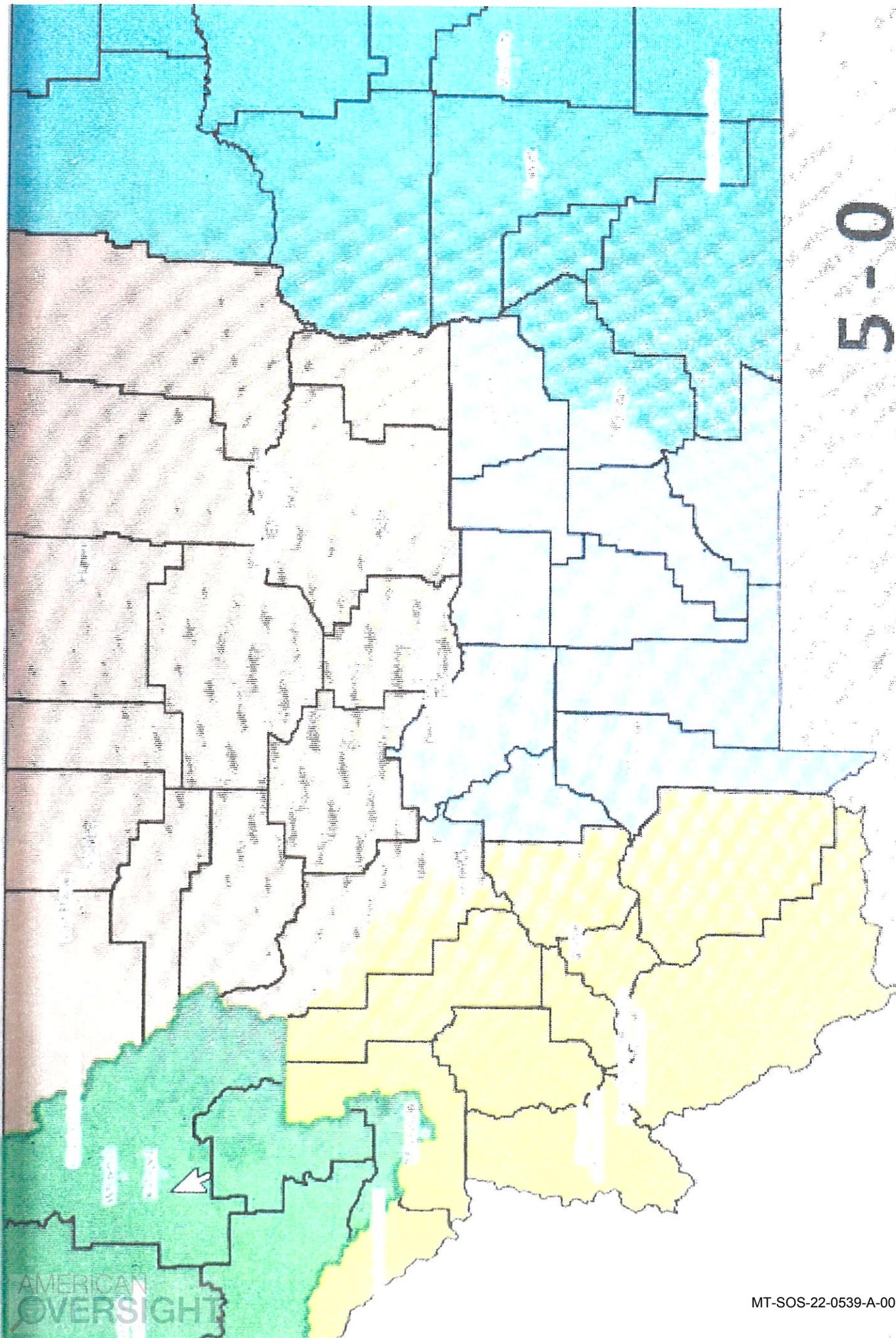
*Mailed ballot status and sample ballots are only available for federal primary and federal general elections. Ballot status and ballot samples for School, Municipal, or Special District Elections are not available.

Fill out a [voter registration form](#) if your name or address information has changed and has not yet been updated with the county election office.

The data on this site is updated every morning with the previous day's information. It may take several days for a county to receive and process a ballot.

Start

TRY THE DEMO



5-0

Ames, Susan

From: Ames, Gabriella
Sent: Monday, January 31, 2022 9:41 AM
To: John Meyer
Cc: SOS Elections
Subject: Ballot Issue No. 24: Legal Sufficiency
Attachments: Ballot Issue No. 24 Legal Sufficiency Review FINAL.pdf; Statement of Purpose and Implication - Ballot Measure No. 24.pdf; Ballot Issue No. 24 Fiscal Note.pdf

Good morning Mr. Meyer,

The Attorney General's office has completed their review of Ballot Issue #24 for legal sufficiency. Please find attached the following documents:

- Ballot Issue No. 24 Legal Sufficiency Review FINAL
- Statement of Purpose and Implication – Ballot Measure No. 24
- Ballot Issue No. 24 Fiscal Note

Let me know if you would also like these to be sent by mail.

Thank you and let us know if you have questions.

Regards,



Gabi Ames | Election Specialist
Montana Secretary of State, Christi Jacobsen
State Capitol Building
Helena, MT 59601
PHONE 406.444.3498

[website](#) | [email](#) | [map](#)

Note: Please utilize our new helpdesk at the link [here](#) or email soselectionshelp@service.mt.gov.



MEMORANDUM

To: The Office of the Montana Secretary of State
From: The Office of the Montana Attorney General
Date: January 28, 2022
Re: Legal sufficiency review of Proposed Ballot Measure No. 24

Summary

The Attorney General determines that Proposed Ballot Measure No. 24 is not legally sufficient because it violates Article II, § 29 of the Montana Constitution and the Fifth Amendment of the United States Constitution.

The Attorney General determines that Proposed Ballot Measure No. 24 “could cause a regulatory taking” under MCA, § 13-27-312(9)(a) and that the proposed measure “will likely cause significant material harm to one or more business interests in Montana” under the same section.

Legal Sufficiency

The Attorney General determines that Proposed Ballot Measure No. 24 is not legally sufficient.

Montana law grants the Attorney General authority to conduct substantive legal review of proposed ballot measures to determine their legal sufficiency. See Mont. Code Ann. § 13-27-312(8) (“[L]egal sufficiency’ means that the petition complies with statutory and constitutional requirements governing submission of the proposed issue to the electors, the substantive legality of the proposed issue if approved by the voters, and whether the proposed issue constitutes an appropriation.”).

“[I]ntervention in referenda or initiatives prior to an election is not encouraged.” *Cobb v. State*, 924 P.2d 268, 269 (Mont. 1996). To protect the rights of initiative and referenda enshrined in the constitution pre-election review should not be routinely conducted. See *Reichert v. State*, 2012 MT 111, ¶ 59. Measures that are “unquestionably and palpably unconstitutional on [their] face,” however, may be withheld as allowing them to go forward does not protect the right of initiative and referenda, and instead is “a waste of time and money for all involved.” *Id.*

DEPARTMENT OF JUSTICE

25 John Boyle
 PO Box 20164
 Helena, MT 59620-0164

205 N. 10th St.
 Helena, MT 59601-0001
 406.441.3000

Ballot Measure No. 24 amends MCA, § 75-5-316, outstanding resource water (“ORW”) classifications, in two significant ways. Current law prohibits the Department of Environmental Quality (“DEQ”) from authorizing degradation of ORWs, or from allowing new or increased point source discharge that would result in a *permanent* change in water quality in an ORW. MCA, § 75-5-316(2). First, Ballot Measure No. 24 amends -316(2) to prohibit DEQ from allowing point source discharge that would permanently or *temporarily* change ORW water quality. Second, Ballot Measure No. 24 circumvents DEQ’s petition process for listing ORWs in -316(4)–(10) by specifically designating two stretches of river as ORWs; the Gallatin River from the boundary of Yellowstone National Park to the confluence of Spanish Creek, and the Madison River from Hebgen Lake to Ennis Lake.

Ballot Measure No. 24 follows unsuccessful efforts by the measure’s proponents to effectuate the changes they seek through the administrative and judicial processes. The proposal to designate the Gallatin River from Yellowstone National Park to Spanish Creek mirrors a proposal from 2001 to do the same. See DEQ, Final Environmental Impact Statement Amending and Adopting the Draft Environmental Impact Statement for the Gallatin River Outstanding Resource Water Designation (January 9, 2007) (“DEQ Final EIS”). After years of consultation with stakeholder groups, the Board of Environmental Review (“BER”) declined to act on the petition. See *Montana Rivers et al. v. Montana Department of Environmental Quality*, Eighteenth Judicial District No. DV-20-200A, Order on Cross Motions for Summary Judgment at 3 (Sept. 20, 2021). BER’s reason included “the consensus between the petitioner, public interest group, and the development community in Big Sky [is] to protect water quality in the Gallatin River outside the context of an ORW.” *Id.* at 10. Cottonwood renewed the petition for the Gallatin River in 2018, which BER rejected without undergoing a new analysis or supplementing the 2007 EIS. *Id.* at 13. The court in *Montana Rivers* upheld the agency’s action because the statute leaves it to the department’s discretion to designate ORWs. *Id.* at 13–14.

The primary attack against Ballot Measure No. 24’s legal sufficiency is a substantive challenge that it imposes an uncompensated taking in violation of the Montana and United States Constitutions. See *e.g.* Views submitted by Madison County Board of Commissioners at 3–4.

The Takings Clause of the Fifth Amendment of the United States Constitution provides: “nor shall private property be taken for public use, without just compensation.” Under the Fourteenth Amendment this limitation upon the power of the federal government is applied to the states. Similarly, Article II, Section 29, of the Montana Constitution provides: “Private property shall not be taken or damaged for public use without just compensation....” Although the Montana Constitution contains the “or damaged” language that is absent from the Fifth Amendment, the Montana Supreme Court has ruled that the protections of the two clauses are

coextensive. See *Buhmann v. State*, 2008 MT 465, ¶ 74, 348 Mont. 205, 201 P.3d 70. The Takings Clauses do not prohibit the taking of private property, but they do place a condition on the exercise of the power of the government by requiring compensation.

Ballot Measure No. 24 unquestionably causes a regulatory taking by depriving affected property owners all productive or economically beneficial use of their land. See *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003, 1019 (1992) (“[W]hen the owner of real property has been called upon to sacrifice *all* economically beneficial uses in the name of the common good, that is, to leave the property economically idle, he has suffered a taking.”). A categorical taking occurs where regulation requires the land must “be left substantially in its natural state.” *Id.* at 1018. As BER concluded in a previous analysis, an ORW designation along the Gallatin River causes a categorical taking under *Lucas*. See BER, Taking or Damaging Impact Assessment for Rule Amendments Designating the Gallatin River an Outstanding Resource Water at 3. BER’s analysis determined an ORW designation effectively prohibits development unless development achieves “zero discharge” into the Gallatin River system. *Id.* at 1–2. “Zero discharge” isn’t, however, economically or technically feasible. *Id.* at 3. This results in a substantial limitation on previously allowable economic activity that in some cases crosses into a total preclusion of permitted activity. *Id.* at 3.¹

Commentors echo BER’s previous analysis. See *e.g.* views submitted by the Senior Water Rights Coalition (“The term “temporary” will severely limit or eliminate the ability of irrigators that divert out of the Madison River in the stretch identified as an ORW to conduct maintenance on their diversion and headgate structures. The ability to exercise these water rights is critical to the continued financial stability of those agriculture operations.”); Gallatin County Commissioner Skinner at 3 (“Any landowner along the designated stretches of both the Madison and Gallatin would effectively be prohibited from building a house with a septic system on their property.”). These commentors also correctly note that Ballot Measure No. 24 imposes more stringent water quality requirements for ORWs than under current law. By prohibiting temporary, as well as permanent, changes to water quality, the ballot measure would prevent DEQ from issuing any permits in the affected areas that results in any temporary change to water quality. This change only enhances the prior findings that an ORW designation likely results in a regulatory taking.²

¹ The Attorney General largely concurs with BER’s prior analysis and incorporates BER’s analysis into his legal sufficiency finding.

² Under an alternate analysis using the traditional *Penn Central* factors, the Attorney General also finds that Ballot Measure No. 24 results in a regulatory taking. See *Penn Central Transp. Co. v. New York City*, 438 U.S. 104, 124 (1978). Here, an ORW designation imposes severe economic impacts on local governments and local businesses. As stated by various commentors, Ballot Measure No. 24’s “temporary” standard precludes permitted activity such as road maintenance and construction,

The Montana and federal constitutions prohibit takings without just compensation. *See* MONT. CONST. ART II, § 29; U.S. CONST. AMEND. V. Ballot Measure No. 24 contains no mechanism or proposal to compensate for its taking of private property. This defect must be fatal. *See Lucas*, 505 U.S. at 1026 (If “the uses of private property were subject to unbridled, uncompensated qualification under the police power, the natural tendency of human nature [would be] to extend the qualification more and more until at last private property disappear[ed].”). If a ballot measure causes a taking, then the ballot measure must provide for a mechanism to provide just compensation to comply with the constitution. Because Ballot Measure No. 24 fails to do so, it unquestionably and palpably violates the constitution.

Additionally, various commentators ask the Attorney General to find the proposed measure legally insufficient because Ballot Measure No. 24 evades the consultation and review process set forth in MCA, § 75-5-105. *See e.g.* views submitted by Treasure State Resources Association et al. at 2–5. The Attorney General agrees to the extent that Ballot Measure No. 24 clearly circumvents the review process for designating the two stretches of river as ORWs. That the proponents evade this collaborative process has clearly stirred intense local opposition to their efforts. *See infra* n.4. The Montana Legislature intended a collaborative process involving state agencies, local governments, the state legislature, and the local community. *See* MCA, § 75-5-105(6–9). The Attorney General, at this time, declines to reach a decision on this argument because as stated, Ballot Measure No. 24 causes a taking without just compensation in violation of both the Montana and federal constitutions.

The Attorney General, therefore, finds that Ballot Measure No. 24 is not legally sufficient.

Significant Material Harm Statement

The Attorney General finds that Proposed Ballot Measure No. 24 will likely result in significant material harm to one or more business interests in Montana.

“When interpreting statutes, our role is simply to ascertain and declare what is in terms or in substance contained therein, not to insert what has been omitted or to omit what has been inserted.” *Comm’r of Political Practices for Mont. v. Mont. Republican Party*, 2021 MT 99, ¶ 7, 404 Mont. 80, 485 P.3d 741. The Attorney General shall “review the proposed ballot issue as to whether the proposed issue could cause a regulatory taking under Montana law or otherwise will likely cause

housing development, water and sewer systems, and as will be discussed it targets existing economic activity at Big Sky Resort. An ORW designation negatively impacts virtually the entire economic system in the affected areas.

significant material harm to one or more business interests in Montana if approved by the voters.” MCA, § 13-27-312(9)(a). “If the attorney general determines the proposed ballot issue will likely cause significant material harm to one or more business interests in Montana, the attorney general shall notify the secretary of state, which must include the finding set forth in 13-27-204(2) on the final form of the petition.” MCA, § 13-27-312(9)(b). MCA, § 13-27-204 governs the form of petitions for statutory initiatives. Proposed Ballot Measure No. 24 is a statutory initiative and MCA, § 13-27-312(9)(a) applies.

Multiple interested parties asked the Attorney General to exercise this authority by finding Ballot Measure No. 24 causes significant material harm to one or more business interests. *See infra* n.4. Based upon the evidence submitted by these parties and DEQ’s prior analysis regarding an ORW designation, the Attorney General has little difficulty in concluding that if passed, Ballot Measure No. 24 will likely result in significant material harm to one or more business interests.

First, the measure’s proponents admit the proposal targets development in Big Sky.³ The proponents have a clearly stated goal is to prevent DEQ from issuing any pollution discharge permits along the affected waterways. *Id.* An ORW designation will prohibit DEQ from issuing wastewater disposal permits in the affected areas which will sharply limit development. In 2007, DEQ concluded an ORW designation would reduce allowable additional residential units by 89% and allowable commercial development by 99%. *See* DEQ Final EIS at E-10.

The 2007 DEQ Final EIS further concluded that an ORW designation would result in economic loss of 90 construction jobs and \$6.86 million per year in lost wages. *Id.* at E-13. Additionally, an ORW designation would result in additional job losses in real estate, transportation, and local government. *Id.* The DEQ Final EIS also noted that an ORW designation would limit available housing in the affected area which would increase home prices and result in worsening housing availability and affordability. *Id.*

Views submitted by interested parties corroborate DEQ’s prior findings. Interested parties representing agriculture, local government, tourism, real estate, construction, recreation, community housing projects, water and sewer districts, chambers of commerce, local elected officials, hospitality industry, and local

³ *See* Cottonwood Environmental Law Center, “Permanently protecting 35 miles of the Gallatin River.” Available online at <https://www.cottonwoodlaw.org/work/permanently-protecting-35-miles-of-the-gallatin-river>. (Accessed January 28, 2022).

businesses all submitted comments highlighting economic impacts Proposed Ballot Measure No. 24 would cause if passed.⁴

Ballot Measure No. 24 will likely cause significant material harm to communities in Gallatin and Madison counties. This includes the business interests ranging from agriculture, to tourism, to construction and real estate.

Changes to Ballot Statements

The Attorney General forwarded a proposed statement of purpose and implication that left intact the initiative sponsor's proposed statement.

Ballot statements "must express the true and impartial explanation of the proposed ballot issue in plain, easily understood language." MCA, § 13-27-312(4). As submitted, the Statement of Purpose did not comply with the requirements of -312(4) as it refers voters to sections of the MCA in order to ascertain legal definitions of terms in the proposed measure. As the Madison County Board of Commissioners noted:

The Statement of Purpose and Implication is not crafted in plain, easily understood language. Many of the terms used in the Statement of Purpose and Implication are complicated and likely unfamiliar terms to the average voter. Citing statutory code sections in the ballot language is not easily understandable as the average voter would have no idea of the content of a particular statute. For example, the statutory reference for the definition of "point source" conveys no meaning to an average voter as the average voter voting at a polling location has no access to look up statutory definitions while attempting to vote on an issue.

⁴ The Attorney General notes that the following groups and individuals submitted views in opposition to Ballot Measure No. 24, or expressed concerns related to the measure: Madison County Board of Commissioners, Town of Manhattan, Town of West Yellowstone, Big Sky County Water and Sewer District No. 363, Gallatin County Water and Sewer District, Gallatin County Commissioner Joe Skinner, Mayor Glen Clements, Senator Carl Glimm, Senator Mike Lang, Senator Cary Smith, Senator Jeff Welborn, Representative Jane Gillette, Representative Steve Gist, Representative Ron Marshall, Representative Brad Tschida, Representative Ken Walsh, Association of Gallatin Valley Irrigators, Big Sky Community Housing Trust, Bozeman Area Chamber of Commerce, Citizens for Balanced Use, Continental Construction, Hospitality and Development Association of Montana, Lone Mountain Land Company, Martha Johnson Real Estate, Montana Association of REALTORS, Montana Building Industry Association, Montana Chamber of Commerce, Montana Farm Bureau Federation, Montana Mining Association, Montana Petroleum Association, Montana Stockgrowers Association, Montana Water Resources Association, Montana Wood Products Association, Northwestern Energy, Senior Waters Rights Coalition, Treasure State Resources Association, Ryan Blechta, Josh Chisholm, Charlie Johnson, Al Malinowski, Sarah McKenney, Rodney Meyers, Kendall Neal (McNeal & Friends), Sonja Nelson, Ruth Wardell, and Lewis Zanto.

Views of Madison County Board of Commissioners at 2. This view was echoed by many others. *See e.g.* views of Treasure State Resources Association et al. at 5–6. Further, multiple parties highlight that the definition of “point source” is subject to changing judicial interpretation, which compounds voter confusion. *See County of Maui v. Hawaii Wildlife Fund*, 140 S.Ct. 1462 (2020). The Attorney General agrees that as submitted the Statement of Purpose and Implication does not comply with the requirements of -312(4). Therefore, the Attorney General submits the following Statement of Purpose and Implication that complies with the requirements of MCA, § 13-27-312.

[Initiative number] prohibits DEQ from approving a permit for any new or increased point source discharge if the permit would result in any change in water quality, including a temporary change in water quality, for “outstanding resource waters.” [Initiative number] bypasses the existing review process for designating an “outstanding resource water,” which includes local government consultation, review of social and economic impacts, and an environmental impact statement, and deems the Gallatin River from the boundary of Yellowstone National Park to the confluence of Spanish Creek, and on the Madison River from Hebgen Lake to Ennis Lake to be “outstanding resource waters” without the review and consultation process.

Further, numerous interested parties raised concerns that the statement of fiscal impact does not capture the costs to local governments and local communities of Proposed Ballot Measure No. 24. *See e.g.* views of Madison County Board of Commissioners at 2. The Attorney General understands and respects these views. However, the statement of fiscal impact directly follows from the language provided by the Governor’s Office of Budget and Program Planning. *See* Ballot Issue No. 24 Fiscal Note at 2 (“Denial of DEQ permits could inhibit or stop construction, maintenance, improvements, and other activities requiring a DEQ permit.”). The statement of fiscal impact accurately reflects the costs to the state and effects on county or local revenues as provided in the fiscal note.

Therefore, the Attorney General declines to alter the following statement of fiscal impact:

[Initiative number] will result in increased costs to the state of approximately \$60,000 per year and require additional state employees. Denial of DEQ permits under [initiative number] may result in local fiscal impacts from inhibited or stopped construction, maintenance, improvements, or other activities requiring a DEQ permit.

Ames, Susan

From: Brad Tschida <betschida54@gmail.com>
Sent: Monday, February 7, 2022 2:00 PM
To: Jacobsen, Christi; Corson, Dana
Subject: [EXTERNAL] Fwd: Voter names purged from voter rolls since 11/3/2020
Attachments: 47000 Names Removed From Voter Rolls.docx

Dear Secretary Jacobsen:

I am in receipt of the certified letter from your office dated February 3, 2022.

While there are allusions to actions forthcoming from your office concerning my request, there is neither a date by which a decision will be rendered, nor a rationale given as to why the office of the SoS would not provide public information that allows a sitting legislator to carry out his Constitutionally prescribed duties as they pertain to Art. IV, Sec. 3 of the MT Constitution.

I would appreciate some clarification as to a date certain by which a decision shall be reached by your staff, as well as specific criteria that underscores your presumption as to what might prevent your office from fulfilling my request. A reply to this email would suffice for the purposes of both my requests.

I would hope that a response before the end of this week (2/11/22) would be seen as reasonable.

Respectfully,

Rep. Brad Tschida - HD 97

----- Forwarded message -----

From: Brad Tschida <betschida54@gmail.com>
Date: Tue, Feb 1, 2022 at 1:03 PM
Subject: Voter names purged from voter rolls since 11/3/2020
To: Jacobsen, Christi <CJacobsen@mt.gov>
Cc: Corson, Dana <dcorson@mt.gov>

Ames, Susan

From: Brad Tschida <betschida54@gmail.com>
Sent: Friday, February 18, 2022 10:54 AM
To: Jacobsen, Christi
Cc: Corson, Dana
Subject: [EXTERNAL] Fwd: Voter names purged from voter rolls since 11/3/2020
Attachments: 47000 Names Removed From Voter Rolls.docx

Secretary Jacobsen:

It has now been 17 days since I emailed you seeking clarification about your response concerning my election rolls request, and more than 3 weeks since my initial request.

- I do not want to presume a lack of response thus far is indicative of a lack of willingness to fulfill my request, so I am providing the following option: I will expect the file with the names of all persons removed from the Montana state voter rolls since 11/3/2020, with identification of all removed since 1/1/2022 by Thursday, Feb. 24, 5:00 PM. The reason for identifying all removed since 1/1/2022 is to delineate the more recent large removal of names from the names removed the previous 14 months.

Should my request not be fulfilled by 2/24/22, my only alternative would be to submit a FOIA request for this information, which I consider a needless step in this process. I am conducting investigations pursuant to fulfilling my duties enumerated in Art. IV, Sec.III of the Montana constitution and require the requested information to perform those duties. I trust you understand the importance of the requested information to my election-related research.

Respectfully,

Brad Tschida

----- Forwarded message -----

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Date: Mon, Feb 7, 2022 at 2:00 PM
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Subject: Voter names purged from voter rolls since 11/3/2020

To: Jacobsen, Christi <CJacobsen@mt.gov>

Cc: Corson, Dana <dcorson@mt.gov>

Ames, Susan

From: Jack Venrick <jacksranch@freedomforallseasons.org>
Sent: Thursday, February 24, 2022 10:51 AM
To: Nunn, Angela; "Montana Secretary of State Office Ray Dagnall"@pps.reinject; SOS Elections
Cc: MTSenate MANZELLA THERESA; MTHouse TSCHIDA BRAD; Lark Chadwick PropertyRights
Subject: [EXTERNAL] FW: Action Alert: Secure the Ballot Box - Stop Electronic registration Information Center (ERIC)
Importance: High

To: Montana Secretary of State Office and Elections:

cc: Senator Manzella, Representative Tschida, Patriot Lark Chadwick

This news just came in from Tom DeWeese of American Policy Center who is a very trustworthy source.

Please read his report below.

The Bottom line is the following summary paragraph.

Incredible, though the process is sold to the states as a system to clean voter rolls and assure their integrity, ERIC has no requirement or mandate ordering member States to clean up their voter rolls.

- In addition, ERIC does NOT want to know who is voting illegally!
- According to research, many of the Secretaries of State, whose job is to oversee their local election process, do not know what ERIC is doing.
- Some have asked questions and can't get answers!
- Right now, ERIC has its clutches into the election process in 31 states, including conservative Florida and Texas.

Jack Venrick
20561 Wild Horse Ranch Road
Rollins, Montana 59931

From: American Policy Center [mailto:contact@americanpolicy.org]
Sent: Thursday, February 24, 2022 8:27 AM
To: Jack R. Venrick Venrick
Subject: Action Alert: Secure the Ballot Box

[View this email in your browser \[mailchi.mp\]](#)



Sledgehammer Action Alert

Secure the Ballot Box



Hello Jack R. Venrick,

You and I both know that the most critical issue challenging our ability to stop the Leftist tyranny is election integrity and secure ballot boxes.

In an honest election we could wipe them out in one day!

But I've just received alarming information concerning a possible major threat that could be the root of a massive vote fraud scheme in the making.

According to a report from the Gateway Pundit, 31 states have entered into contracts with the Electronic Registration Information Center (ERIC). According to the report, ERIC is essentially left-wing voter registration drive disguised as a voter roll clean-up process.

ERIC is a project of the Pew Charitable Trust. PEW is one of the top Grant Makers for the far-left radical environmental movement.

ERIC was originally funded by an “anonymous” donor and a grant from the Pew Charitable Trust. The George Soros-funded Open Society provided that grant. ERIC was originally set up as a Blue State Project designed to put “Progressives” and their policies into power.

According to the Gateway Pundit research, in 2016, leaked funding documents showed Soros money, partnered with the Rockefeller Family Fund, was used to push illegal changes to voter registration policies at the national level.

Soros gave money to *Pew Center on The States* for voter list maintenance practices at the state level that favored his agenda to control the system. In addition, he funded two other groups that became powerful voices to oppose election integrity and STOPPING any effort that would ensure only U.S. citizens vote.

ERIC IS ESSENTIALLY A LEFT-WING VOTER REGISTRATION DRIVE - PAID FOR BY THE STATES.

States join the ERIC system by signing a contract and paying a \$25,000 membership fee. Once paid, a top election official from the state is granted an ERIC Board seat.

Here's how it works:

- First, the states must submit to ERIC all details on inactive and active voters every 60 days. But they must also provide every individual in their state's Motor Vehicle Department database. This includes those approaching voting age and even illegals who have been given a driver's license. The information also includes massive personal info, including names, last 4 #s of social security, addresses, date of birth, email, voter activity, phone, citizenship documentation, and much more.
- ERIC also wants a list of all individuals in other agencies that perform voter registration functions, including staff in Public Libraries, Department of Safety, Unemployment, Department of Health, Social Services, Etc.
- The States are then required to contact at least 95% of those not registered to vote within 90 days, soliciting them to register.

Incredible, though the process is sold to the states as a system to clean voter rolls and assure their integrity, ERIC has no requirement or mandate ordering member States to clean up their voter rolls.
bly

In addition, ERIC does NOT want to know who is voting illegally!

According to research, many of the Secretaries of State, whose job is to oversee their local election process, do not know what ERIC is doing. Some have asked questions and can't get answers!

Right now, ERIC has its clutches into the election process in 31 states, including conservative Florida and Texas.

Election fraud is real - and this is how it works! ERIC intends to control who votes, who works the polls, *and* who counts the votes.

However - ERIC can be stopped!

The Secretary of State of Louisiana just announced that his state will immediately suspend its participation in ERIC. He said, "After reading about these allegations and speaking with election attorneys and experts, I have determined that it may no longer be in Louisiana's best interest to participate in this organization."

That's one!

Now, you and I must get this information out to every Secretary of State in the nation and demand that they run from ERIC before this coming November election.

You can help me do this. We need to light up their phone lines and demand they drop membership in ERIC and take back control of their voter rolls.

If we fail to do this, we will see another outrage of voter fraud this November, and our chances of stopping the leftist tyranny will die.

Please join me in this fight.

Call Your Secretary of State [\[americanpolicy.us1.list-manage.com\]](#)

Tom DeWeese
President

Please help the American Policy Center continue the fight to protect the ballot box!

DONATE NOW TO APC [\[americanpolicy.us1.list-manage.com\]](#)

Follow us on social media



[\[americanpolicy.us1.list-manage.com\]](#)



[\[americanpolicy.us1.list-manage.com\]](#)



[\[americanpolicy.us1.list-manage.com\]](#)



[\[americanpolicy.us1.list-manage.com\]](#)

Ames, Susan

From: Brad Tschida <betschida54@gmail.com>
Sent: Thursday, March 3, 2022 10:15 AM
To: Jacobsen, Christi
Cc: Corson, Dana
Subject: [EXTERNAL] Re: Voter names purged from voter rolls since 11/3/2020

Secretary Jacobsen:

MCA 2-6-1006 places the following responsibility on public officials

(2) Upon receiving a request for public information, a public agency shall respond in a timely manner to the requesting person by:

(a) making the public information maintained by the public agency available for inspection and copying by the requesting person; or

(b) providing the requesting person with an estimate of the time it will take to fulfill the request if the public information cannot be readily identified and gathered and any fees that may be charged pursuant to subsection (3).

On January 19, 2022, I initially requested the list of ineligible names, purged from voter rolls since 11/3/2020, from your office. Since the date and time of that request, I have received a letter (dated February 3, 2022) indicating that you were, in essence, "looking into the matter" [a paraphrase of the content of that letter], without a more definitive timeframe for its completion or cost, which is expressed in MCA 2-6-1006 (2)(b). While appearing to comply with the letter of the law, there has been no response from your election director, Mr. Corson, or anyone else from your office, since that date. That was 4 weeks ago, and my initial request for this information was more than 6 weeks ago. I'm troubled by the lack of follow through on the part of your staff. While I understand your staff is busy with myriad lawsuits, a simple update letter would have been a considerate gesture. Your elections director is not an attorney and, while he may be asked for information to support the SOS position on lawsuits, I find it inconceivable that his work schedule would preclude his ability to fulfill requests from legislators in a timely fashion. I require no better treatment than any other party or business in Montana, but certainly not lesser treatment.

As a result of this lack of communication, the reasons for which could range from inordinately busy schedules to lack of interest to poor oversight, I make the following final appeal: I require the list of the requested names, in a .csv or comma delimited format, to be delivered into my possession, via email, not later than 5:00 PM on Monday, March 7, 2022. Lacking the provision of that data, I will take my request in this matter to the public. Once again, Madam Secretary, I am loath to take such a step. Yet, the responsibility for this action is not initiated by me but by a lack of responsiveness by your staff.

If the data is in my possession by 5:00 PM on Monday, March 7, 2022, I will be deeply grateful and will not take any public action toward your office to fulfill my request.

Respectfully,

Brad Tschida

On Fri, Feb 18, 2022 at 10:54 AM Brad Tschida <betschida54@gmail.com> wrote:
Secretary Jacobsen:

It has now been 17 days since I emailed you seeking clarification about your response concerning my election rolls request, and more than 3 weeks since my initial request.

I do not want to presume a lack of response thus far is indicative of a lack of willingness to fulfill my request, so I am providing the following option: I will expect the file with the names of all persons removed from the Montana state voter rolls since 11/3/2020, with identification of all removed since 1/1/2022 by Thursday, Feb. 24, 5:00 PM. The reason for identifying all removed since 1/1/2022 is to delineate the more recent large removal of names from the names removed the previous 14 months.

Should my request not be fulfilled by 2/24/22, my only alternative would be to submit a FOIA request for this information, which I consider a needless step in this process. I am conducting investigations pursuant to fulfilling my duties enumerated in Art. IV, Sec.III of the Montana constitution and require the requested information to perform those duties. I trust you understand the importance of the requested information to my election-related research.

Respectfully,

Brad Tschida

----- Forwarded message -----

From: **Brad Tschida** <betschida54@gmail.com>
Date: Mon, Feb 7, 2022 at 2:00 PM
Subject: Fwd: Voter names purged from voter rolls since 11/3/2020
To: Jacobsen, Christi <CJacobsen@mt.gov>, Corson, Dana <dcorson@mt.gov>

Dear Secretary Jacobsen:

I am in receipt of the certified letter from your office dated February 3, 2022.

While there are allusions to actions forthcoming from your office concerning my request, there is neither a date by which a decision will be rendered, nor a rationale given as to why the office of the SoS would not provide public information that allows a sitting legislator to carry out his Constitutionally prescribed duties as they pertain to Art. IV, Sec. 3 of the MT Constitution.

I would appreciate some clarification as to a date certain by which a decision shall be reached by your staff, as well as specific criteria that underscores your presumption as to what might prevent your office from fulfilling my request. A reply to this email would suffice for the purposes of both my requests.

I would hope that a response before the end of this week (2/11/22) would be seen as reasonable.

Respectfully,

Rep. Brad Tschida - HD 97

----- Forwarded message -----

From: **Brad Tschida** <betschida54@gmail.com>
Date: Tue, Feb 1, 2022 at 1:03 PM
Subject: Voter names purged from voter rolls since 11/3/2020
To: Jacobsen, Christi <CJacobsen@mt.gov>
Cc: Corson, Dana <dcorson@mt.gov>

From: Brad Tschida <betschida54@gmail.com>
Sent: Thursday, March 3, 2022 10:15 AM
To: Jacobsen, Christi <CJacobsen@mt.gov>
Cc: Corson, Dana <DCorson@mt.gov>
Subject: [EXTERNAL] Re: Voter names purged from voter rolls since 11/3/2020

Secretary Jacobsen:

MCA 2-6-1006 places the following responsibility on public officials

(2) Upon receiving a request for public information, a public agency shall respond in a timely manner to the requesting person by:

(a) making the public information maintained by the public agency available for inspection and copying by the requesting person; or

(b) providing the requesting person with an estimate of the time it will take to fulfill the request if the public information cannot be readily identified and gathered and any fees that may be charged pursuant to subsection (3).

On January 19, 2022, I initially requested the list of ineligible names, purged from voter rolls since 11/3/2020, from your office. Since the date and time of that request, I have received a letter (dated February 3, 2022) indicating that you were, in essence, "looking into the matter" [a paraphrase of the content of that letter], without a more definitive timeframe for its completion or cost, which is expressed in MCA 2-6-1006 (2)(b). While appearing to comply with the letter of the law, there has been no response from your election director, Mr. Corson, or anyone else from your office, since that date. That was 4 weeks ago, and my initial request for this information was more than 6 weeks ago. I'm troubled by the lack of follow through on the part of your staff. While I understand your staff is busy with myriad lawsuits, a simple update letter would have been a considerate gesture. Your elections director is not an attorney and, while he may be asked for information to support the SOS position on lawsuits, I find it inconceivable that his work schedule would preclude his ability to fulfill requests from legislators in a timely fashion. I require no better treatment than any other party or business in Montana, but certainly not lesser treatment.

As a result of this lack of communication, the reasons for which could range from inordinately busy schedules to lack of interest to poor oversight, I make the following final appeal: I require the list of the requested names, in a .csv or comma delimited format, to be delivered into my possession, via email, not later than 5:00 PM on Monday, March 7, 2022. Lacking the provision of that data, I will take my request in this matter to the public. Once again, Madam Secretary, I am loath to take such a step. Yet, the responsibility for this action is not initiated by me but by a lack of responsiveness by your staff.

If the data is in my possession by 5:00 PM on Monday, March 7, 2022, I will be deeply grateful and will not take any public action toward your office to fulfill my request.

Respectfully,

Brad Tschida

On Fri, Feb 18, 2022 at 10:54 AM Brad Tschida <betschida54@gmail.com> wrote:

Secretary Jacobsen:

It has now been 17 days since I emailed you seeking clarification about your response concerning my election rolls request, and more than 3 weeks since my initial request.

I do not want to presume a lack of response thus far is indicative of a lack of willingness to fulfill my request, so I am providing the following option: I will expect the file with the names of all persons removed from the Montana state voter rolls since 11/3/2020, with identification of all removed since 1/1/2022 by Thursday, Feb. 24, 5:00 PM. The reason for identifying all removed since 1/1/2022 is to delineate the more recent large removal of names from the names removed the previous 14 months.

Should my request not be fulfilled by 2/24/22, my only alternative would be to submit a FOIA request for this information, which I consider a needless step in this process. I am conducting investigations pursuant to fulfilling my duties enumerated in Art. IV, Sec.III of the Montana constitution and require the requested information to perform those duties. I trust you understand the importance of the requested information to my election-related research.

Respectfully,

Brad Tschida

----- Forwarded message -----

From: **Brad Tschida** <betschida54@gmail.com>

Date: Mon, Feb 7, 2022 at 2:00 PM

Subject: Fwd: Voter names purged from voter rolls since 11/3/2020

To: Jacobsen, Christi <CJacobsen@mt.gov>, Corson, Dana <dcorson@mt.gov>

Dear Secretary Jacobsen:

I am in receipt of the certified letter from your office dated February 3, 2022.

While there are allusions to actions forthcoming from your office concerning my request, there is neither a date by which a decision will be rendered, nor a rationale given as to why the office of the SoS would not provide public information that allows a sitting legislator to carry out his Constitutionally prescribed duties as they pertain to Art. IV, Sec. 3 of the MT Constitution.

I would appreciate some clarification as to a date certain by which a decision shall be reached by your staff, as well as specific criteria that underscores your presumption as to what might prevent your office from fulfilling my request. A reply to this email would suffice for the purposes of both my requests.

I would hope that a response before the end of this week (2/11/22) would be seen as reasonable.

Respectfully,

Rep. Brad Tschida - HD 97

----- Forwarded message -----

From: **Brad Tschida** <betschida54@gmail.com>

Date: Tue, Feb 1, 2022 at 1:03 PM

Subject: Voter names purged from voter rolls since 11/3/2020

To: Jacobsen, Christi <CJacobsen@mt.gov>

Cc: Corson, Dana <dcorson@mt.gov>

Ames, Susan

From: Corson, Dana
Sent: Monday, March 14, 2022 2:43 PM
To: Gary Marbut; SOS Elections
Cc: Quentin Rhoades; Richard Winger
Subject: RE: [EXTERNAL] Green Party filing

Hi Gary,

There was a joint motion for a consent decree filed on March 1, 2022. However, there is not an order on that motion.



Dana Corson | Elections Director
Montana Secretary of State, Christi Jacobsen
State Capitol Building
Helena, MT 59601
PHONE 406.444.3334

[website](#) | [email](#) | [map](#)

From: Gary Marbut <gary@marbut.com>
Sent: Monday, March 14, 2022 1:45 PM
To: SOS Elections <SOSElections@mt.gov>
Cc: Quentin Rhoades <qmr@montanalawyer.com>; Richard Winger <richardwinger@yahoo.com>
Subject: [EXTERNAL] Green Party filing

Dear Sirs,

I have just visited the Secretary of State's website to see about filing for the Montana House of Representatives as a Green Party candidate. I find that to complete the filing a filer must choose among available parties on a drop-down menu that does not include a Green Party opportunity.

I understand that the Secretary of State and the Green Party have agreed to a consent decree that allows the Green Party to have ballot status in Montana. Yet, with no Green Party option on your filing form drop-down menu for party selection, then filing as a Green Party candidate is not possible.

You may remember that I called you last week inquiring about this problem. You will be aware that there are less than three and one-half hours left before the deadline for filing to run for office in Montana. If you are able to resolve this problem before the deadline at 5PM today, please call me at 406-549-1252 immediately or reply to this email so that I will be able to meet the deadline.

In case it matters, I certify that I am an elector in Montana and in all ways eligible to run for public office.

Thank you for your assistance.

Sincerely,

Gary Marbut
P.O. Box 16106
Missoula, Montana 59808



Big Sky Country
MONTANA HOUSE OF REPRESENTATIVES

RECEIVED
MAR 14 22 PM 2:04

March 11, 2022

Christi Jacobsen – Montana Secretary of State
1301 E. 6th Ave. Rm. 260
Helena, MT 59601

Dear Secretary Jacobsen:

Under MCA 5-3-105, 10 members of the State Legislature may, in writing, request that you poll all members to determine if a majority of the members are in favor of a special session, as identified below:

5-3-105. Request by 10 members to poll legislators.

- (1) When the legislature is not in session, any 10 members may in writing request the secretary of state to poll the legislators to determine if a majority are in favor of a special session.
- (2) The request must state:
 - (a) the conditions warranting the call of a special session;
 - (b) the purposes of the special session; and
 - (c) the proposed convening date and time of the special session.

Based on the expressed responsibilities detailed in that section of the Montana Code Annotated, we, the undersigned legislators, hereby request that you, as the current Montana Secretary of State, poll the members of the Montana legislature to determine their support for a Special Session, no later than 5 business days upon receipt of this letter.

The conditions warranting the call are the continuing and widespread belief, among a significant majority of Montana voters, that sufficient irregularities in election security in Montana create serious doubt as to the integrity of elections in our State. These concerns are driven by voters whom we, as their elected representatives, are duty bound to listen to and, on whose behalf, fulfill our constitutional duties, as enumerated in Art. IV, Sec. III of the Montana Constitution.

The purpose of the Special Session would be to request the establishment of a Select Special Interim Joint House and Senate Committee of Election Security. The Committee shall have the power of subpoena and taking testimony under oath and shall be made up of 3 Senators and 6 Representatives. The membership shall be proposed by the Speaker and President and shall be confirmed by a vote of each chamber for their members, pursuant to the respective rules of each body. The special session shall also secure funding in the Legislative budget for the aforementioned committee to operate with a chief legal staff, the hiring of private sector experts for equipment analysis, as well as to be able to have multiple, frequent meetings.

The proposed convening date of the intended single-day Special Session would occur at the earliest opportunity in May, 2022, beginning at 9:00 AM on the date selected. The Legislature needs as much time as possible to determine the integrity of the election system before the Primary Election in Montana in June of this year.

While appreciating all you, as Secretary of State, have done to enhance the security in Montana elections, our achievements to epitomize the security of elections in Montana are insufficient to assuage the worries and concerns of our mutual constituents, who rank election security/integrity as the number one or number two issue in Montana.

Thank you in advance for fulfilling this request in pursuit of addressing election security concerns as expressed by troubled Montana voters.

Respectfully,

AMERICAN
OVERSIGHT

MT-SOS-22-0539-A-000091

Sen. Theresa Manzella
Rep. Steven Galloway
Rep. Fiona Nave
Rep. Jane Gillette

Rep. Bob Phalen
Rep. Paul Fielder
Rep. John Fuller

Rep. Jerry Schillinger
Rep. Derek Skees
Rep. Brad Tschida

RECEIVED
MAR 14 22 PM 2:04

CERTIFIED MAIL

MONTANA STATE LEG
HOUSE OF REPRESENTATIVE
STATE CAPITOL BUILD
PO BOX 200400
HELENA MT 59620-0400



7021 1970 0000 5749 8170

REPRESENTATIVE BR...
HOUSE DISTRICT 97
10825 MULLAN RD
MISSOULA MT 59808



1000



59601

U.S. POSTAGE PAID
FCM LETTER
MISSOULA, MT
59808
MAR 11, 22
AMOUNT

\$7.38
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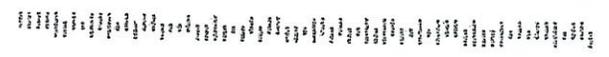
*Christi Jacobsen - Sec. of STATE
1301 E 6th Ave. Rm 260
Helena, MT 59601*

RECEIVED
MAR 14 22 PM 2:05

RETURN RECEIPT
REQUESTED

RETURN RECEIPT
REQUESTED

5960189886 0620



Nunn, Angela

From: Brad Tschida <betschida54@gmail.com>
Sent: Wednesday, March 16, 2022 9:38 PM
To: Nunn, Angela
Subject: [EXTERNAL] Letter Requesting a Call of a Special Session
Attachments: SS Letter for Election Security.docx

RECEIVED
MAR 17 2 41 1:38

March 16, 2022

Christi Jacobsen – Montana Secretary of State
1301 E. 6th Ave. Rm. 260
Helena, MT 59601

Dear Secretary Jacobsen:

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The proposed convening date of the intended single-day Special Session would occur on May 2, 2022, beginning at 9:00 AM. The Legislature needs as much time as possible to determine the integrity of the election system before the Primary Election in Montana in June of this year.

While appreciating all you, as Secretary of State, have done to enhance the security in Montana elections, our achievements to epitomize the security of elections in Montana are insufficient to assuage the worries and concerns of our mutual constituents, who rank election security/integrity as the number one or number two issue in Montana.

Thank you in advance for fulfilling this request in pursuit of addressing election security concerns as expressed by troubled Montana voters.

Respectfully,

Sen. Theresa Manzella
Rep. Steven Galloway
Rep. Fiona Nave
Rep. Jane Gillette

Rep. Bob Phalen
Rep. Paul Fielder
Rep. John Fuller

Rep. Jerry Schillinger
Rep. Derek Skees
Rep. Brad Tschida

Ames, Susan

From: Nunn, Angela
Sent: Wednesday, March 16, 2022 9:16 PM
To: theresa.manzella@mtleg.gov; galloway4mt@gmail.com; Fiona.nave@mtleg.gov; Jane@DrJaneGillette.com; Bob.Phalen@mtleg.gov; PCF; John.Fuller@mtleg.gov; jerry schillinger; Derek.Skees@mtleg.gov; Brad Tschida; Brad Tschida
Subject: RE: Special Session Poll Request

Good evening everyone,

This morning Representative Tschida hand-delivered a letter to our office. The letter was dated March 11, 2022 and appears to be the same letter received on March 14th. The letter received this morning was incomplete for the same reasons as listed below. I sent an email to Representative Tschida at 9:08 this morning indicating the deficiency but have not received a response, so wanted to make sure the whole group was informed.

This is notification that in order for the Secretary to initiate the § 5-3-106 process, a complete request must be received.

If you have any questions, please let me know.

Regards,



Angela Nunn | Chief Deputy
Montana Secretary of State, Christi Jacobsen
State Capitol Building
Helena, MT 59601
PHONE 406.444.2087

[website](#) | [email](#) | [map](#)

From: Nunn, Angela
Sent: Tuesday, March 15, 2022 2:54 PM
To: theresa.manzella@mtleg.gov; galloway4mt@gmail.com; Fiona.nave@mtleg.gov; Jane@DrJaneGillette.com; Bob.Phalen@mtleg.gov; PCF <paulfielder@blackfoot.net>; John.Fuller@mtleg.gov; jerry schillinger <jerry.schillinger@mtleg.gov>; Derek.Skees@mtleg.gov; brad@tchida.org
Subject: Special Session Poll Request

Dear Sen. Theresa Manzella, Rep. Steven Galloway, Rep. Fiona Nave, Rep. Jane Gillette, Rep. Bob Phalen, Rep. Paul Fielder, Rep. John Fuller, Rep. Jerry Schillinger, Rep. Derek Skees, and Rep. Brad Tschida:

Yesterday afternoon, the Secretary of State's Office received the attached incomplete request pursuant to Mont. Code Ann. § 5-3-105 for the Secretary to poll the legislators to determine if a majority of the members are in favor of a special session. In order for the Secretary to act on a request pursuant to § 5-3-105, all statutory requirements imposed by § 5-3-105 (2) must be satisfied.

The partial request received by our office is incomplete, as it does not satisfy the legal requirements for such a request. Specifically, the incomplete request does not propose a convening date of the special session.

5-3-105. Request by 10 members to poll legislators. (1) When the legislature is not in session, any 10 members may in writing request the secretary of state to poll the legislators to determine if a majority are in favor of a special session.

- (2) The request must state:
 - (a) the conditions warranting the call of a special session;
 - (b) the purposes of the special session; and
 - (c) **the proposed convening date and time of the special session.**

A proposed convening date certain in writing is not only statutorily required for a complete request pursuant to § 5-3-105, but also the Secretary is incapable of satisfying her legal obligations pursuant to § 5-3-106 unless and until the statutory conditions imposed by § 5-3-105 are met. *Comp.* §§ 5-3-105 (c); 5-3-106 (1)(d).

The letter indicates the “Special Session would occur at the earliest opportunity in May, 2022, beginning at 9:00 AM on the date selected.” Unfortunately, this does not meet the statutory obligations, and consequently, precludes the Secretary from fulfilling her duties upon receipt of a complete request.

Please provide the Secretary with a proposed convening date of the special session in writing to complete your request. Once the Secretary has received a complete request in writing that satisfies the law, the Secretary will confirm the time and date of receipt, and timely initiate the § 5-3-106 process.

To expedite receipt, I am sending this notice by email. A copy of this email will also be mailed to the return address on the envelope in which the letter was sent.

Regards,



Angela Nunn | Chief Deputy
Montana Secretary of State, Christi Jacobsen
State Capitol Building
Helena, MT 59601
PHONE 406.444.2087

[website](#) | [email](#) | [map](#)

Ames, Susan

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Sent: Tuesday, March 15, 2022 2:54 PM
To: theresa.manzella@mtleg.gov; galloway4mt@gmail.com; Fiona.nave@mtleg.gov; Jane@DrJaneGillette.com; Bob.Phalen@mtleg.gov; PCF; John.Fuller@mtleg.gov; jerry schillinger; Derek.Skees@mtleg.gov; brad@tchida.org
Subject: Special Session Poll Request
Attachments: Special Session Poll Request.pdf

Dear Sen. Theresa Manzella, Rep. Steven Galloway, Rep. Fiona Nave, Rep. Jane Gillette, Rep. Bob Phalen, Rep. Paul Fielder, Rep. John Fuller, Rep. Jerry Schillinger, Rep. Derek Skees, and Rep. Brad Tschida:

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To expedite receipt, I am sending this notice by email. A copy of this email will also be mailed to the return address on the envelope in which the letter was sent.

Regards,

To: Corson, Dana <DCorson@mt.gov>

Cc: Jacobsen, Christi <CJacobsen@mt.gov>; Jane L Rectenwald <jrectenwald@me.com>; Lyn Hellegaard <lhellegaard@msn.com>; Quentin Rhoades <qmr@montanalawyer.com>

Subject: [EXTERNAL] Missoula County Mail in ballot for Sept. Primary

Dana:

Given the recent issues with voter irregularities in Missoula County, I am reticent to allow another debacle similar to the Nov. 2020 matter occur here .

Can you tell me - is it permissible, under state statute, to have a county determine the "manner" of an election, without legislative approval? Since state legislatures have the authority to determine "manner and place" of elections, I am uncomfortable having an election of this nature held by an all mail process, which is begging for potential more problems.

I appreciate your most prompt response to my request.

Many thanks,

Brad Tschida

Ames, Susan

From: Brad Tschida <betschida54@gmail.com>
Sent: Sunday, July 11, 2021 9:19 AM
To: Corson, Dana
Cc: Jacobsen, Christi
Subject: Re: [EXTERNAL] Missoula County Mail in ballot for Sept. Primary

Dana:

If the Legislature in 2023 changes 13-19-104 (3) (a) to include "city", would it be logical to conclude that mail-in ballots could NOT be conducted for this type of "regularly scheduled election"?

Brad Tschida

On Fri, Jul 9, 2021 at 4:54 PM Corson, Dana <DCorson@mt.gov> wrote:

Hi Brad,

Mail ballot elections are authorized for all elections in [13-19-104 \(2\), MCA](#). Please note the exceptions listed in section 3.

13-19-104. Mail ballot elections not mandatory -- when authorized -- when prohibited -- when county election administrator conducts. (1) Conducting elections by mail ballot is only one option available to local officials, and this chapter does not mandate that the procedure be used.

- (2) Except as provided in subsection (3), any election may be conducted by mail ballot.
- (3) The following elections may not be conducted by mail ballot:
 - (a) a regularly scheduled federal, state, or county election;
 - (b) a special federal or state election, unless authorized by the legislature; or
 - (c) a regularly scheduled or special election when another election in the political subdivision is taking place at the polls on the same day.
- (4) (a) Except as provided in subsection (4)(b), if more than one mail ballot election is being conducted in the political subdivision on the same day, the county election administrator shall conduct the elections.
 - (b) The requirement that a county election administrator shall conduct more than one mail ballot election on the same day does not apply to a mail ballot school bond election conducted by the trustees of any two or more school districts that have unified pursuant to **20-6-312** or that have created a joint board of trustees pursuant to **20-3-361**.

History: En. Sec. 4, Ch. 196, L. 1985; amd. Sec. 2, Ch. 10, L. 1987; amd. Sec. 2, Ch. 146, L. 1997; amd. Sec. 1, Ch. 264, L. 2005.

Also, please review the pre-election procedure starting in [13-19-201, MCA](#), part 2, which will you understand how mail ballot elections are initiated.



Dana Corson | Elections Director

Montana Secretary of State, Christi Jacobsen
State Capitol Building
Helena, MT 59601
PHONE 406.444.3334

[website \[sosmt.gov\]](http://sosmt.gov) | [email](#) | [map \[google.com\]](#)

From: Brad Tschida <betschida54@gmail.com>
Sent: Friday, July 9, 2021 1:05 PM
To: Corson, Dana <DCorson@mt.gov>
Cc: Jacobsen, Christi <CJacobsen@mt.gov>; Jane L Rectenwald <jrectenwald@me.com>; Lyn Hellegaard <lhellegaard@msn.com>; Quentin Rhoades <gmr@montanalawyer.com>
Subject: [EXTERNAL] Missoula County Mail in ballot for Sept. Primary

Dana:

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I appreciate your most prompt response to my request.

Many thanks,

Brad Tschida

Ames, Susan

From: Ames, Susan
Sent: Monday, July 12, 2021 12:44 PM
To: James, Austin; Corson, Dana
Subject: 4,592 ballot discrepancy in Missoula County 20200 General Election

Fyi – this is addressed to COPP.



Susan Ames | Office Manager
Montana Secretary of State, Christi Jacobsen
State Capitol Building
Helena MT 59601
PHONE 406.444.2807

[website](#) | [email](#) | [map](#)

From: Dagnall, Ray <RDagnall@mt.gov>
Sent: Monday, July 12, 2021 12:11 PM
To: Ames, Susan <SAmes@mt.gov>; Melby, Richie <Richie.Melby@mt.gov>
Subject: FW: [EXTERNAL] RE: 4,592 ballot discrepancy in Missoula County 20200 General Election



Ray Dagnall | RIM/ARM Supervisor
Montana Secretary of State, Christi Jacobsen
State Capitol Building
Helena, MT 59601
PHONE 406.444.9009

[website](#) | [email](#) | [map](#)

From: roy@roymckenzie.me <roy@roymckenzie.me>
Sent: Monday, July 12, 2021 9:28 AM
To: CPP Compliance <CPPCompliance@mt.gov>
Cc: SOS Records <sosrecords@mt.gov>; SEAMAN, BRADLEY <bseaman@missoulacounty.us>; terry.moore@mtleg.gov; jericuster@yahoo.com; Derek.Skees@mtleg.gov; Brad Tschida <brad@tschida.org>; Gianforte, Governor <governor@mt.gov>; West, Brian <bwest@missoulacounty.us>; austinfohouse@yahoo.com; sanderson@ci.missoula.mt.us; Quentin Rhoades <gmr@montanalawyer.com>
Subject: [EXTERNAL] RE: 4,592 ballot discrepancy in Missoula County 20200 General Election

Mr. Mangan,

My name is Roy McKenzie and I am a reporter covering the election integrity issues being revealed, county-by-county, here in Montana.

As you are likely aware, 4,592 ballots cast in Missoula County's 2020 General Election are reportedly missing chain of custody documentation. Specifically, the ballot affirmation envelopes. These documents are [required by Montana Code](#) and [a count of these affirmation envelopes overseen by the Missoula County Elections Department administrator, Bradley Seaman, indicates the 4,592 discrepancy \[missoulacountytyranny.com\]](#).

Seaman has not provided an explanation for the discrepancy, but he has conducted a media campaign coordinating with Lee Enterprises' Missoulian to characterize people involved in the affirmation envelope review (including himself, curiously) with "intent to mislead voters." He has also created an "election integrity" campaign on Facebook and elsewhere available to the public. I noticed your office engaged on those Facebook posts. It would seem that Seaman's strategy here is to not engage in serious allegations of election integrity in Missoula County, but to stonewall, gaslight, and defame the character of Missoulians concerned about credible discrepancies in their election.

Seaman and the County Attorney, Brian West, have also stonewalled efforts to obtain public information regarding [\\$300,000+ granted to Missoula County Elections department by the Center for Tech and Civic Life \[missoulacountytyranny.com\]](#) for the 2020 General Election. A report to CTCL from grantees was due January 31, 2021 according to the agreement between the county and CTCL. I requested this documentation and Seaman and West have only delayed in providing it. They have also delayed in providing communications between Seaman and CTCL, and between Seaman and Lee Enterprises' Missoulian. My requests of Seaman and West have been in the form of Montana Public Records Act requests.

Curiously, Stacie Anderson, a city councilwoman in Missoula, [made a claim regarding an investigation into the discrepancies \[missoulacountytyranny.com\]](#) stating that state agencies had investigated fully and found the election to be "completely aboveboard."

The [mission statement of the Commissioner of Political Practices](#) is as follows (emphasis mine):

To monitor and to enforce, in a fair and impartial manner, campaign practices and campaign finance disclosure, lobbying disclosure, business interest disclosure of statewide and state district candidates, ***elected state officials, and state department directors***, ethical standards of conduct for legislators, ***public officers, and state employees, and to investigate legitimate complaints that arise concerning any of the foregoing.***

My questions are:

What has your office done to resolve questions about the 4,592 ballots in Missoula County missing affirmation envelopes?

Were you involved in the investigation that Ms. Anderson is referring to?

Consider this also a formal complaint if one has not been made.

I look forward to hearing about your office's work with regard to this matter.

(I have also CC'd the Secretary of State; my house representative Brad Tschida; the Governor; Seaman; West; Anderson; House Ethics Chair, Terry Moore; Local Government Chair, Geraldine Custer; Attorney General, Austin Knudsen)

Thank you,

Roy McKenzie

Ames, Susan

From: Nunn, Angela
Sent: Friday, December 3, 2021 1:29 PM
To: Melby, Richie
Subject: FW: [EXTERNAL] Fwd: Fw: Action Alert for Election Integrity

FYI – in case you haven't seen this yet.

From: Wendy Mckamey <wsgmckamey@gmail.com>
Sent: Friday, December 3, 2021 12:24 AM
To: Jacobsen, Christi <CJacobsen@mt.gov>; Baker, Kyler <Kyler.Baker@mt.gov>; Ames, Susan <SAmes@mt.gov>; Corson, Dana <DCorson@mt.gov>; Nunn, Angela <Angela.Nunn@mt.gov>
Subject: [EXTERNAL] Fwd: Fw: Action Alert for Election Integrity

Hi,
You may already know about this. In case you don't, this is being sent to simply keep you in the loop.

----- Forwarded message -----

From: Geraldine Custer <jericester@yahoo.com>
Date: Thu, Dec 2, 2021, 11:20 PM
Subject: Fw: Action Alert for Election Integrity
To: Wendy Mckamey <wsgmckamey@gmail.com>

[Sent from Yahoo Mail on Android \[go.onelink.me\]](#)

----- Forwarded Message -----

From: "Theresa Manzella" <theresa@manzellaformontana.com>
To: "Manzella" <Theresa@manzellaformontana.com>
Cc:
Sent: Thu, Dec 2, 2021 at 9:42 AM
Subject: Action Alert for Election Integrity
Good Morning Dear Friends, Colleagues and Citizens.

I wanted to send quick email to update you on the issue of Election Integrity in Montana.

On Nov 10th, I facilitated a meeting between our AG, Austin Knudsen, and Mike Lindell, Dr Doug Frank, Lindell's Attorney- Kurt Olsen and a Cyber Ninja. Rep Brad Tschida was also in attendance, as was Mr. Lindell's and Dr Franks personal assistant, Michele. The purpose of the meeting was to present evidence of election irregularities and vulnerabilities to the AG for consideration, with the goal of having him sign on in support of the lawsuit Mr. Lindell intended to drop on Nov 23rd. Ultimately, our AG did not sign onto the lawsuit. His reasons for not signing on to the lawsuit were given to me secondhand, so I'll have to refer you back to him or his office for specific details. I was told second hand that the reason for the resistance was that the 2000 page lawsuit was too large to thoroughly vet in the allotted time frame, which was Nov 10th - Nov 23rd. On Nov 21, the lawsuit was streamlined to 81 pages containing only evidence that had been previously heard by the courts, but still, not a single State AG in the country would sign onto the case.

This Mon, Dec 6th, Rep Brad Tschida and I will go before the Legislative Council seeking appointment and funding of the Special Select Legislative Committee for the purpose of investigating our election process and laws in Montana. If you would like to support that effort, please send respectful emails expressing your desire to the following committee members:

Senate President Mark Blasdel - Mark.Blasdel@mtleg.gov
Senator Jason Ellsworth - Jason.Ellsworth@mtleg.gov
Rep Rhonda Knudsen - rhonda.knudsen@mtleg.gov
Sen Cary Smith - cary.smith@mtleg.gov
Rep Casey Knudsen - Casey.knudsen@mtleg.com
Speaker Wylie Galt - wyliegaltformt@gmail.com

Rep Kim Abbott - kim.abbott@mtleg.gov
Rep Laurie Bishop - Laurie.Bishop@mtleg.gov
Sen Jill Cohenour - Jill.Cohenour@mtleg.gov
Sen Pat Flowers - pat.flowers@mtleg.gov
Rep Derek Harvey - derek.harvey@mtleg.gov
Sen JP Pomnichowski - jp.pomnichowski@mtleg.gov

Additional details about the committee can be found here - <https://leg.mt.gov/legislator-information/roster/individual/7056>

Despite Republicans holding large majorities in the Montana State Legislature, the Legislative Council Committee is equally split, 50/50 between Republicans and Democrats. To attain success, we need a Democrat to vote in support of our proposal.

Thank you for your commitment to the worthy cause of fair and free elections.

We will press on in our endeavor to honor our Constitutional obligation as provided in Article IV, Section 3 - The legislature shall provide by law the requirements for residence, registration, absentee voting, and administration of elections. It may provide for a system of poll booth registration, **and shall insure the purity of elections and guard against abuses of the electoral process.**

Faithfully For Freedom,

Sen Theresa Manzella

Ames, Susan

From: Jacobsen, Christi
Sent: Wednesday, July 14, 2021 11:32 AM
To: Dagnall, Ray
Subject: RE: [EXTERNAL] Christie Jacobsen, it's time to act on election integrity

Thank you!



Christi Jacobsen
Montana Secretary of State
State Capitol Building
Helena, MT 59601

[website](#) | [email](#) | [map](#)

From: Dagnall, Ray <RDagnall@mt.gov>
Sent: Monday, July 12, 2021 8:46 AM
To: Jacobsen, Christi <CJacobsen@mt.gov>
Subject: FW: [EXTERNAL] Christie Jacobsen, it's time to act on election integrity



Ray Dagnall | RIM/ARM Supervisor
Montana Secretary of State, Christi Jacobsen
State Capitol Building
Helena, MT 59601
PHONE 406.444.9009

[website](#) | [email](#) | [map](#)

From: roy@roymckenzie.me <roy@roymckenzie.me>
Sent: Monday, July 12, 2021 8:30 AM
To: SOS Records <sosrecords@mt.gov>
Cc: Brad Tschida <brad@tschida.org>; Quentin Rhoades <gmr@montanalawyer.com>
Subject: [EXTERNAL] Christie Jacobsen, it's time to act on election integrity

Say that you are a Secretary of State, and you are coming to grips with the fact that you (or your predecessor) certified a fraudulent election.

- 1) The vast majority of your constituents believe that the election was fraudulent;
- 2) Dr Frank and others have statistically demonstrated the telltale signs of controlling algorithms;

3) Your voter registration databases are inflated irrationally, and supermoms all over your state are turning out in droves, finding piles of dead voters and phantom voters;

4) Mr Lindell releases 34 Tb of data, proving that voting systems in every one of your counties were hacked and tracked.

5) Public awareness of the situation is growing (despite significant attempts to censor the information), and your constituents are demanding either reform or your resignation.

What do you do?

a) Be the hero. Own up to it, and lead an election reform effort.

b) Be spineless. Remain silent. Let the people storm the doors of the capitol. Wait for more evidence, and see which way the wind is blowing.

Please act.

4,592 ballots are missing chain of custody documentation in Missoula County and you have done nothing.

Roy McKenzie

roy@roymckenzie.me

415-471-0253

Ames, Susan

From: CPP Compliance
Sent: Thursday, July 15, 2021 4:30 PM
To: roy@roymckenzie.me
Cc: SOS Records; SEAMAN, BRADLEY; terry.moore@mtleg.gov; jericuster@yahoo.com; Derek.Skees@mtleg.gov; Brad Tschida; Gianforte, Governor; West, Brian; austinforhouse@yahoo.com; sanderson@ci.missoula.mt.us; Jacobsen, Christi; Quentin Rhoades
Subject: RE: [EXTERNAL] RE: 4,592 ballot discrepancy in Missoula County 20200 General Election
Attachments: J Mangan July 15, 2021 response.pdf

Good afternoon,

Thank you for reaching out to the Office of the Commissioner of Political Practices. Please see the attached formal response from Commissioner Mangan.

Scott Cook
Compliance Specialist
(406) 444-2942
(406) 444-1643 (fax)
CPPCompliance@mt.gov

From: roy@roymckenzie.me <roy@roymckenzie.me>
Sent: Monday, July 12, 2021 9:28 AM
To: CPP Compliance <CPPCompliance@mt.gov>
Cc: SOS Records <sosrecords@mt.gov>; SEAMAN, BRADLEY <bseaman@missoulacounty.us>; terry.moore@mtleg.gov; jericuster@yahoo.com; Derek.Skees@mtleg.gov; Brad Tschida <brad@tschida.org>; Gianforte, Governor <governor@mt.gov>; West, Brian <bwest@missoulacounty.us>; austinforhouse@yahoo.com; sanderson@ci.missoula.mt.us; Quentin Rhoades <qmr@montanalawyer.com>
Subject: [EXTERNAL] RE: 4,592 ballot discrepancy in Missoula County 20200 General Election

Mr. Mangan,

My name is Roy McKenzie and I am a reporter covering the election integrity issues being revealed, county-by-county, here in Montana.

As you are likely aware, 4,592 ballots cast in Missoula County's 2020 General Election are reportedly missing chain of custody documentation. Specifically, the ballot affirmation envelopes. These documents are [required by Montana Code](#) and [a count of these affirmation envelopes overseen by the Missoula County Elections Department administrator, Bradley Seaman, indicates the 4,592 discrepancy \[missoulacountytyranny.com\]](#).

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My questions are:

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Were you involved in the investigation that Ms. Anderson is referring to?

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I look forward to hearing about your office's work with regard to this matter.

(I have also CC'd the Secretary of State; my house representative Brad Tschida; the Governor; Seaman; West; Anderson; House Ethics Chair, Terry Moore; Local Government Chair, Geraldine Custer; Attorney General, Austin Knudsen)

Thank you,

Roy McKenzie
roy@roymckenzie.me
415-471-0253

Ames, Susan

From: Corson, Dana
Sent: Friday, July 9, 2021 4:55 PM
To: betschida54@gmail.com
Cc: Jacobsen, Christi; jrectenwald@me.com; lhellegaard@msn.com; qmr@montanalawyer.com
Subject: RE: [EXTERNAL] Missoula County Mail in ballot for Sept. Primary

Hi Brad,

Mail ballot elections are authorized for all elections in [13-19-104 \(2\), MCA](#). Please note the exceptions listed in section 3.

13-19-104. Mail ballot elections not mandatory -- when authorized -- when prohibited -- when county election administrator conducts. (1) Conducting elections by mail ballot is only one option available to local officials, and this chapter does not mandate that the procedure be used.

- (2) Except as provided in subsection (3), any election may be conducted by mail ballot.
- (3) The following elections may not be conducted by mail ballot:
 - (a) a regularly scheduled federal, state, or county election;
 - (b) a special federal or state election, unless authorized by the legislature; or
 - (c) a regularly scheduled or special election when another election in the political subdivision is taking place at the polls on the same day.
- (4) (a) Except as provided in subsection (4)(b), if more than one mail ballot election is being conducted in the political subdivision on the same day, the county election administrator shall conduct the elections.
 - (b) The requirement that a county election administrator shall conduct more than one mail ballot election on the same day does not apply to a mail ballot school bond election conducted by the trustees of any two or more school districts that have unified pursuant to **20-6-312** or that have created a joint board of trustees pursuant to **20-3-361**.

History: En. Sec. 4, Ch. 196, L. 1985; amd. Sec. 2, Ch. 10, L. 1987; amd. Sec. 2, Ch. 146, L. 1997; amd. Sec. 1, Ch. 264, L. 2005.

Also, please review the pre-election procedure starting in [13-19-201, MCA](#), part 2, which will you understand how mail ballot elections are initiated.



Dana Corson | Elections Director
Montana Secretary of State, Christi Jacobsen
State Capitol Building
Helena, MT 59601
PHONE 406.444.3334

[website](#) | [email](#) | [map](#)

From: Brad Tschida <betschida54@gmail.com>
Sent: Friday, July 9, 2021 1:05 PM

Ames, Susan

From: Corson, Dana
Sent: Monday, August 17, 2020 1:52 PM
To: theresa@manzellaformontana.com
Cc: Ames, Susan
Subject: Mail Ballot Question

Hi Representative Manzella,

Section 10-3-103(2)(a), MCA, authorizes the Governor during the state of emergency to “suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or order or rules of any state agency if the strict compliance with the provisions of any statute order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency or disaster.”

Section 13-19-104(3) is the provision of law that the Governor is allowing to be suspended by counties choosing to conduct the November election as a mail ballot election.

The statute, as written, prohibits a regularly scheduled federal, state, or county election from being conducted as a mail ballot election; and in the context of the Governor’s August 6, 2020 Directive, applies to counties who may choose to conduct the upcoming November election as a mail ballot election, but are not required to do so. The decision to conduct a November mail ballot election ultimately rests with the governing body of the county and the county election administrator.

Once a decision is made by a county to conduct a mail ballot election, the county must submit a mail ballot plan which must be approved by the office of the Secretary of State.



Dana Corson

Director of Elections and Voter Services
Secretary of State's Office, Corey Stapleton
State Capitol Building, 1301 E. 6th Avenue
Helena, MT 59601
PHONE 406.444.3334

[website](#) | [email](#) | [map](#)

Ames, Susan

From: Tschida Brad <brad.tschida@mtleg.gov>
Sent: Monday, April 19, 2021 11:36 AM
To: Jacobsen, Christi
Cc: Corson, Dana
Subject: [EXTERNAL] Meeting about your response to the irregularities in Missoula County

Madam Secretary:

I would appreciate the opportunity to schedule a time to meet with you to discuss the impact of the letter sent out recently from your office to statewide newspapers.

As you know, there are many who consider the letter a vindication of the process in Missoula and those who braved the anticipated pushback now feel as though the outcome of their efforts were diminished in the eyes of the populous.

Please let me know when you have time to visit with me.

Respectfully,

Rep. Brad Tschida

Legislators are publicly elected officials. Legislator emails sent or received involving legislative business may be subject to the Right to Know provisions of the Montana Constitution and may be considered a "public record" pursuant to Montana law. As such, email, sent or received, its sender and receiver, and the email contents, may be subject to public disclosure, except as otherwise provided by Montana law.

Ames, Susan

From: Tschida Brad <brad.tschida@mtleg.gov>
Sent: Wednesday, April 21, 2021 3:25 PM
To: Jacobsen, Christi
Cc: Corson, Dana
Subject: [EXTERNAL] Meeting

Madam Secretary:

As the days of the session wind down, I don't want the chance to meet with you to escape.

Please advise as to a time that conveniently works for you.

Respectfully,

Rep. Brad Tschida

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Ames, Susan

From: Tschida Brad <brad.tschida@mtleg.gov>
Sent: Friday, April 23, 2021 11:37 AM
To: Jacobsen, Christi
Cc: Corson, Dana
Subject: [EXTERNAL] Today's meeting

Madam Secretary:

I had an extremely cordial and productive meeting with Mr. Corson from your office this morning. I believe we agreed that no desire to overturn an election exists. It was our mutual position that a discrepancy in some outcomes exists and should receive additional, conclusive resolution.

I made a request of Mr. Corson, asking you to send a letter to Mr. Bradley Seaman, the Missoula County elections administrator. The intent of the letter was to inform him that his assertions that you have vindicated him and his staff, as if no irregularities had occurred, is not the case. As I understood the result of our group meeting in March, as well as my meeting with Mr. Corson this morning, your recent message to the people of Montana dealt only with the steps your office was going to implement going forward and did not affirm or reject the results of the election in Missoula County.

I would ask you to confirm that my request of you, vis-a-vis my request of Mr. Corson, is agreeable and acceptable.

Respectfully,

Rep. Brad Tschida

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Ames, Susan

From: Tschida Brad <brad.tschida@mtleg.gov>
Sent: Monday, April 26, 2021 8:35 PM
To: Jacobsen, Christi
Cc: Corson, Dana
Subject: [EXTERNAL] Request of the SOS office
Attachments: BT to CJ #2.docx

Secretary Jacobsen:

This email is a follow up to my meeting with Dana Corson from your office. While all information is critical, item (4)(b) is one of the most crucial issues.

Montana statute provides the following guidance for your office:

“The secretary of state is the chief election officer of this state, and it is the secretary of state's responsibility to obtain and maintain uniformity in the application, operation, and interpretation of the election laws other than those in Title 13, chapter 35, 36, or 37.” Mont. Code Ann. § 13-1-201. (I believe this empowers you to conduct audits and other investigations of county election administrators, who you are tasked per statute to “advise, assist and train.” Mont. Code Ann. § 13-1-202).

In addition, election administrators are required by law to cooperate with the secretary of state. Under Mont. Code Ann. § 13-1-202 (West)

(4) Each election administrator shall provide data to the secretary of state that the secretary of state determines is necessary to:

(a) evaluate voting system performance against the benchmark standard adopted pursuant to 13-17-103;

(b) evaluate the security, accuracy, and accessibility of elections; and

(c) assist the secretary of state in making recommendations to improve voter confidence in the integrity of the election process.

Because the legislature is responsible for authorizing the expenditure of public money, designating the sources from which money may be collected, and shaping the administration to perform the work of state government and is held finally accountable for fiscal policy, the legislature should also be responsible for the audit of books, accounts, activities, and records so that it may be assured that its directives have been carried out.” Mont. Code Ann. § 5-13-101(2). “It is the intent of this chapter that each agency of state government be audited for the purpose of furnishing the legislature with factual information vital to the discharge of its legislative duties.” Id.

I understand that the county is not an agency of the state, but a political subdivision of the state. Mont. Code Ann. § 7-1-2101. So, it is not clear that the legislative auditor has power to audit a county. This power is provided for under the “State of Montana Single Audit Act (SAA).” Mont. Code Ann. § 2-7-502. Under the SAA, the Department of Administration has jurisdiction to conduct financial audits of counties. Mont. Code Ann. § 2-7-501(3). See, *Mitchell v. Glacier Cty.*, 2017 MT 258, ¶ 32, 389 Mont. 122, 406 P.3d 427.

Finally, I have attached the letter I sent to you earlier this year, to further emphasize the importance of taking bold action now, rather than giving the appearance of kicking the can down the road once again on election activities that have a propensity to undermine voter confidence in our elections.

In sum, based on my research, it is my opinion, and that of an attorney with whom I've spoken, that you, as the SOS, have the authority to require the Missoula County election office to provide you with data necessary to "improve voter confidence in the integrity of the election process", particularly in Missoula County at this time.

Respectfully,

Rep. Brad Tschida

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April 26, 2021

Christi Jacobsen
Montana Secretary of State
Montana Capitol Building, Rm 260
P.O. Box 202801
Helena, MT 59620-2801

RE: MISSOULA COUNTY BALLOT ENVELOPE DISCREPANCY

Dear Madame Secretary,

I write to discuss some worrisome information gathered by a group of concerned citizens and myself regarding the last election in Missoula County. Specifically, through our investigation, it was learned that Missoula County tallied 4,592 more votes in last fall's election than it received ballot envelopes. Since one hundred percent of the vote was by either mail-in ballot or by absentee ballot, this means that Missoula County's official vote count exceeds the number of ballots actually cast by, again, 4,592 votes.

I also wish to set up a meeting with you to review our results, share with you the method by which we arrived at them, and to suggest additional steps that might be taken to discover how the troubling discrepancy occurred. I'd like also to discuss further steps that might be taken to uncover and prevent election fraud and to protect election integrity in Montana.

To describe how the vote discrepancy was discovered, Missoula County residents Lyn Hellegaard, Jane Rectenwald and Quentin Rhoades, and a few others, have been working on election integrity issues in Missoula County for a number of years. Lyn is a former Missoula City Councilwoman. Jane was a member of the 2004 Local Government Study Commission which discovered significant problems. Quentin is an attorney who has represented various individuals (Gary Marbut, Lisa Triepke, Art Wittich) and organizations (e.g., Montana Green Party, Republican Party, the Montana Shooting Sports Association, Montana Citizens for Right to Work) in various election related issues for many years.

They began meeting in October, 2020, to work on ways to insure election integrity in Missoula County, which has a long record of the kinds of anomalies in its elections as were seen in the last fall nationwide. In November, they approached me to discuss their efforts and to request that I join them in working on this issue. I gladly accepted their invitation.

We began brainstorming ways to test the integrity of the mail-in ballot system. The idea was conceived to count the ballot envelopes and compare the number with the number

of votes counted. I retained Quentin to represent me formally in corresponding with Missoula Elections Administrator Bradley Seaman prior to the election. Quentin informed him I would be seeking access to the ballot envelopes, invoking Montana's version of the Freedom of Information Act. We wanted to give him plenty of notice so he would be especially aware of the need to keep careful records. Ultimately, after the election, acting on my behalf, Quentin's law firm did gain access to, and conducted a count and review of the Missoula County mail-in and absentee ballot envelopes from the November 3, 2020 general election.

Quentin, Lyn and a group of 19 volunteers from the local community conducted the count on January 4, 2021, at the Missoula County Fairgrounds. To record the count, the team used blank spreadsheets supplied to them by the Missoula county election office. The sheets themselves had been specifically designed for vote recounts in past elections as opposed to envelope counting. But they worked very well for the purpose of accurately counting and recording the number of mail-in envelopes that were found. Election office staff secured a very large room of about 3,000 square feet at the Missoula County fairgrounds for the purpose. They set up ten long tables for the volunteers' use. Each table had only two chairs for counters, so as to maintain social distancing. They had 20 volunteer counters, led by Lyn. Quentin oversaw the effort but did not do any of the counting. Also present was Election Administrator Bradley Seaman and members of his staff.

In the center of the room were sealed boxes of all envelopes received by the election office during the November 2020 election. Election office staff brought the boxes to the counting tables and unsealed them. Inside, the envelopes were bound into packets. Volunteers then counted all packets in the boxes, recording individual numbers of envelopes in each packet. When the two counters at the table had counted all packets, the election staff would bring a new box and re-seal the finished box and take it away. The counters kept track of their counts on the above-described recount sheets.

The process of counting some 68,000 envelopes took about five hours. Lyn then took the count spreadsheets from the volunteers and tallied the total number of envelopes with an adding machine, preserving the tapes for future reference and further audit. The originals have been scanned for easy distribution to interested parties and the press, and the originals are in the custody of Quentin's law firm.

Ultimately, their findings were as follows: In Missoula, County, there were 72,491 mail-in and absentee ballots cast in the November 3, 2020 general election. But there exists a mere 67,899 ballot envelopes—a gap of 4,592 or 6.33% - of the total. This may be an underestimate of the gap as County Election employees told us that some envelopes may have been double counted. It is also important to note that many people voted in person in Missoula County. Election Administrator Seaman, however, told Quentin that these people were all given absentee ballots, with the result being that every single ballot had

an identical envelope, whether the voter voted in person, by mail, or by dropping ballots into collection boxes.

A random additional count was done on a subsample of 15,455 envelopes. Of these envelopes, 55 did not have dates and 53 did not have their signatures checked.

Further, it was noted that dozens of ballot envelopes had identical signatures, but the Missoula County Elections Office would not allow pictures to be taken of these envelope signatures, so no systematic count was made of this problem.

Finally, Election Administrator Seaman (who, incidentally, was highly cooperative with Lyn, Quentin and their requests), made an unsolicited offer to provide access to video of the counting activities from the 2020 election. When Quentin made a formal request for them, however, the troubling discovery was made that the video footage had disappeared.

Our team believes a number of additional tasks need to be undertaken. Most obviously, the ballots themselves need to be inspected and counted, which may require a court order. The signatures on the mail-in envelopes need to be carefully analyzed by a professional questioned documents examiner. We need a list of the voters, including the ballot stub number, who cast ballots in the 2020 Missoula County general election. These can be compared, for example, against lists of out-of-state and foreign students from the University of Montana and Missoula College, who are not eligible to vote in Missoula County. Voided ballots should be included in the total number of ballots used and the reconciliation of ballots should be addressed. Additional documentation needs to be secured from the Missoula County Election Office, to include:

1. A copy of the original order for the ballots, to show how many were ordered from the ballot vendor
2. Copies of the packing slips from when they arrived, which can be used to determine how many were left over that were not used.
3. The original unused ballots.
4. A list of every voter in Missoula County and the stub number from their ballot. (As we understand it, when the election office gives out ballots, it records the stub number in the voter record. That way, the candidates can get a daily report of which ballots were sent out.)
5. The original ballot stubs.
6. Records, if any, of daily ballot balances. (Think of it like a cash draw that gets balanced daily.)

I hope you agree with me that the tremendous discrepancy the team uncovered between the number of ballots cast and votes counted in Missoula County is deeply troubling and bodes tremendously ill for the future of our great State. I would like to

arrange for you to meet with me, Lyn, Jane, and Quentin to discuss what we found and to explore ways your office could either assist in or even pick-up the investigation from here.

Thank you for taking the time to consider this issue. Please contact me at your convenience to discuss any immediate question you may have and to see if we can arrange a meeting.

Ames, Susan

From: Brad Tschida <betschida54@gmail.com>
Sent: Monday, June 7, 2021 5:03 PM
To: Jacobsen, Christi
Subject: [EXTERNAL] Zuckerberg Funds

Secretary Jacobsen:

Many news sources are describing the significant impact which occurred in the 2020 election from the money "provided" by Facebook's CEO, Mark Zuckerberg.

Every county that received money was required to provide a description of the use of the funds by 1/31/2021. 30 of the 56 Montana counties received funds.

I'm asking your office to secure the 1/31/21 reports the recipients were supposed to send to CTCL describing how they used the funds to "improve" the local election process. These reports are imperative in our efforts to confirm election integrity.

Presuming the counties have these reports, which were to be provided by 1/31/21, I would ask for them to be delivered to your office no later than a week from today, and then shared with me directly thereafter.

Kind regards,

Rep. Brad Tschida

Ames, Susan

From: Brad Tschida <betschida54@gmail.com>
Sent: Tuesday, June 15, 2021 9:32 PM
To: Jacobsen, Christi
Subject: Re: [EXTERNAL] Zuckerberg Funds

Secretary Jacobsen:

Counties who received CTCL funds were **required** to submit reports to CTCL describing how they used the funds to “improve” the local election process. Every county in Montana who received these funds (30/56) was supposed to submit their report to CTCL by 1/31/21.

Given that the SOS is responsible for voter integrity in Montana, it seems that your office should ask the 20 counties for a copy of their reports. While I could spend my time requesting these reports, it makes far more sense that your office, as having election oversight, make the request.

With all due respect, I ask, once again, that you direct your staff to solicit and secure these reports from the 20 counties who received CTCL funds. If they have submitted the reports to CTCL, as they were required, a copy of that report sent to your office should take them less than 1 minute. If they have not submitted a report to CTCL, that should give you tremendous concern about what these private funds may have been used for. I trust you see the grave issues that these funds may have created if misused in any mannerhad

These reports are imperative in our efforts to confirm election integrity in Montana. I urge you in the strongest manner possible to ask for and secure these reports.

Respectfully,

Rep. Brad Tschida

On Tue, Jun 15, 2021 at 4:49 PM Jacobsen, Christi <CJacobsen@mt.gov> wrote:

Good afternoon, Representative Tschida,

The Secretary of State’s Office has not received a report of expenditures referenced in your email. To obtain a copy of a county document please contact the county election administrator or records department. The contact info for election administrator’s is: [electionadministrators.pdf \(sosmt.gov\)](#) [sosmt.gov]

Respectfully,

Christi



Christi Jacobsen
Montana Secretary of State
State Capitol Building

Helena, MT 59601

[website \[sosmt.gov\]](http://sosmt.gov) | [email](#) | [map \[goo.gl\]](https://www.google.com/maps)

From: Brad Tschida <betschida54@gmail.com>

Sent: Monday, June 7, 2021 5:03 PM

To: Jacobsen, Christi <CJacobsen@mt.gov>

Subject: [EXTERNAL] Zuckerberg Funds

Secretary Jacobsen:

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Kind regards,

Rep. Brad Tschida

Ames, Susan

From: Brad Tschida <betschida54@gmail.com>
Sent: Wednesday, June 16, 2021 10:24 AM
To: Jacobsen, Christi
Subject: Re: [EXTERNAL] Zuckerberg Funds

Secretary Jacobsen:

Here is an article on some of the suspect and, dare I say, unethical uses, of CTCL monies for the 2020 election. It's another reason that the reports from counties in MT that received CTCL money are so vital to determining the integrity of the vote in our state. We can't allow our elections to become worse than those of 3rd world countries.

<https://www.dailysignal.com/2021/06/14/how-zuckerberg-millions-paid-for-progressives-to-work-with-2020-election-officials-nationwide/> [dailysignal.com]

Respectfully,

Rep. Brad Tschida

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Respectfully,

Christi



Christi Jacobsen
Montana Secretary of State
State Capitol Building

Helena, MT 59601

[website \[sosmt.gov\]](#) | [email](#) | [map \[goo.gl\]](#)

From: Brad Tschida <betschida54@gmail.com>
Sent: Monday, June 7, 2021 5:03 PM
To: Jacobsen, Christi <CJacobsen@mt.gov>
Subject: [EXTERNAL] Zuckerberg Funds

Secretary Jacobsen:

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Kind regards,

Rep. Brad Tschida

Ames, Susan

From: Quentin Rhoades <qmr@montanalawyer.com>
Sent: Wednesday, June 16, 2021 10:32 AM
To: James, Austin
Subject: [EXTERNAL] Center for Tech and Civic Life's influence on Montana elections.

Hello Austin,

I trust you are well. If your life is anything like mine, you are extremely busy so, I'll keep this short. On behalf of Brad Tschida and the Missoula County Election Integrity Project we are investigating the use of monies donated by the Center for Tech and Civic Life (CTCL) in influencing the 2020 general election in Missoula County. (See link below for more information on CTCL.) If this is a matter the SOS's office would be interested in, we would be very happy to brief you on the issues and our plan for delving into them. We would also urge the SOS office to consider undertaking its own investigation into this troubling effort by wealthy individuals to undermine election integrity in Montana. Thank you again for your kind attention. Please let me know your thoughts.

<https://www.dailysignal.com/2021/06/14/how-zuckerberg-millions-paid-for-progressives-to-work-with-2020-election-officials-nationwide/> [[dailysignal.com](https://www.dailysignal.com/)]

Quentin M. Rhoades, Esq.

rhoades
siefert & erickson | trial attorneys

PLLC
406.721.9700 montanalawyer.com [montanalawyer.com]

CONFIDENTIALITY NOTICE: This communication is confidential and subject to attorney/client privilege. If you received this communication in error, please immediately notify the sender and destroy all copies (electronic or otherwise).

Ames, Susan

From: Brad Tschida <betschida54@gmail.com>
Sent: Friday, June 25, 2021 10:40 AM
To: Corson, Dana
Cc: Jacobsen, Christi
Subject: [EXTERNAL] Missoula County Voter Irregularities in 2020

Dana:

We have further researched the Missoula County voter registration database. We generated a list of 10,712 voters who had not voted in the federal elections in 2016 and 2018, yet received a ballot for the November 2020 election. Of those 9,584 voted, 39 were received by the elections office and rejected, 864 were sent but not returned, and 225 were undeliverable.

Of the 10,712 voters, 59 were provisional for ID verification.

My question for the SOS office is: by what process were these voters sent ballots? Their names should have been scrubbed from the rolls by 2018, yet someone, somewhere and for some questionable reason, unilaterally determined that these stale electors deserved to receive a ballot. The last time these folks previously voted was in 2014, 6 years and 2 election cycles before the 2020 elections. MCA13-2-402 (7)(c) states: "The election administrator shall cancel the registration of an elector if: (7) the elector: (c) then fails to vote in two consecutive federal general elections;. The Montana Code is extremely clear in this regard.

This entire matter in Missoula County has far too many questionable features for responsible parties to remain silent. Once again, for reasons enumerated in this email and for prior stated reasons, I respectfully request that the SOS office send out a statement to the Missoula County election office, with a copy to me, stating your interest in determining the causes behind the irregularities in 2020 and before and why those factors were allowed to occur, casting a pall on the integrity of the elections in 2020.

I will not relent on my mission to clear up these suspicious actions in Missoula until I either hear that some action is to be taken by the SOS office or that a refusal to take action is offered.

I await your prompt response.

Respectfully,

Brad Tschida

Ames, Susan

From: Brad Tschida <betschida54@gmail.com>
Sent: Tuesday, July 6, 2021 6:25 PM
To: Jacobsen, Christi
Cc: Corson, Dana
Subject: [EXTERNAL] Misrepresentation of a Trump quote

Secretary:

Members of the media, with little to no pushback, misquoted President Trump as follows:

“In Montana, over 6 percent of a certain county’s mail-ballots are missing, evidence to prove that if they were legitimate or not, that they’re missing. All this evidence. Think of it, Montana. You know, a lot of mail-in ballots. Where you have mail-in ballots.”

After listening to the video more than a dozen times, there was a slight, perceptible pause by the President after the word "missing". The media inserted a comma, as if the break in the comment should be placed there. That was a subjective, erroneous choice on their parts. Here's what I believe the actual quote of the president was:

“In Montana, over 6 percent of a certain county’s mail-in ballots are missing evidence to prove that if they were legitimate or not. They’re missing all of this evidence. And think of it, Montana. You know, a lot of mail-in ballots.” My interpretation is significantly different than what the media presented, and far more accurate. Slightly different interpretations = massively different meanings.

While having no response thus far from your office to my requests has me a bit perturbed, I continue to urge you, in the strongest manner possible, to be bold and direct the Missoula County Elections Integrity Project and the Missoula County Elections Office to conduct a full investigation of the irregularities in our county. If, and I stress if, we do nothing, we display the same lack of political courage that has haunted the SOS office in the past, especially at those times when the office is under the oversight of conservatives.

Madam Secretary, your lack of comment on this matter, not only to me but to the countless persons with whom I've discussed this, is a resounding position of indifference on your part to this situation, in terms of making the next right and proper decision.

The future of election integrity hangs in your hands. I pray you will exhibit the resolve to exercise the full authority of your office and correct the anomalies that currently exist in Montana, especially Missoula, and have been such for decades.

Please don't fail the people who elected you.

I await your response.

Respectfully,

Rep. Brad Tschida

Ames, Susan

From: Brad Tschida <betschida54@gmail.com>
Sent: Friday, July 9, 2021 1:05 PM
To: Corson, Dana
Cc: Jacobsen, Christi; Jane L Rectenwald; Lyn Hellegaard; Quentin Rhoades
Subject: [EXTERNAL] Missoula County Mail in ballot for Sept. Primary

Dana:

Given the recent issues with voter irregularities in Missoula County, I am reticent to allow another debacle similar to the Nov. 2020 matter occur here .

Can you tell me - is it permissible, under state statute, to have a county determine the "manner" of an election, without legislative approval? Since state legislatures have the authority to determine "manner and place" of elections, I am uncomfortable having an election of this nature held by an all mail process, which is begging for potential more problems.

I appreciate your most prompt response to my request.

Many thanks,

Brad Tschida

CONCLUSION

Proposed Ballot Measure No. 24 is legally insufficient. Further, for the reasons stated, the Attorney General determines that Proposed Ballot Measure No. 24 will cause a regulatory taking and will likely cause significant material harm to one or more business interests in Montana.

Statement of Purpose and Implication: (107 words)

[Initiative number] prohibits DEQ from approving a permit for any new or increased point source discharge if the permit would result in any change in water quality, including a temporary change in water quality, for “outstanding resource waters.” [Initiative number] bypasses the existing review process for designating an “outstanding resource water;” which includes local government consultation, review of social and economic impacts, and an environmental impact statement, and deems the Gallatin River from the boundary of Yellowstone National Park to the confluence of Spanish Creek, and on the Madison River from Hebgen Lake to Ennis Lake to be “outstanding resource waters” without the review and consultation process.

YES on [statutory initiative number]

NO on [statutory initiative number]

Statement of Fiscal Impact (47 words)

[Initiative number] will result in increased costs to the state of approximately \$60,000 per year and require additional state employees. Denial of DEQ permits under [initiative number] may result in local fiscal impacts from inhibited or stopped construction, maintenance, improvements, or other activities requiring a DEQ permit.

OFFICE OF THE GOVERNOR
BUDGET AND PROGRAM PLANNING
STATE OF MONTANA

GREG GIANFORTE
GOVERNOR



CAPITOL BUILDING - P.O. BOX 200802
HELENA, MONTANA 59620-0802

M E M O R A N D U M

TO: Brent Mead, Assistant Attorney General
Montana Department of Justice

FROM: Ryan Osmundson, Director *RO*
Office of Budget and Program Planning

RE: Fiscal note for Ballot initiative "Outstanding Resource Water Classification"

DATE: January 13, 2022

In accordance with section 13-27-312, MCA, we are submitting the attached fiscal note for Outstanding Resource Water Classification initiative.

Please contact Amy Sassano if you have questions regarding the fiscal note.

c: Dana Corson, Director
Elections & Voter Services
Secretary of State



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2025 Biennium

Bill #	Ballot Issue No. 24	Title:	
Primary Sponsor:	No Bill Selected	Status:	As Introduced

- Significant Local Gov Impact
 Needs to be included in HB 2
 Technical Concerns
 Included in the Executive Budget
 Significant Long-Term Impacts
 Dedicated Revenue Form Attached

FISCAL SUMMARY

	<u>FY 2024 Difference</u>	<u>FY 2025 Difference</u>	<u>FY 2026 Difference</u>	<u>FY 2027 Difference</u>
Expenditures:				
General Fund	\$60,016	\$61,216	\$62,439	\$63,687
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>(\$60,016)</u>	<u>(\$61,216)</u>	<u>(\$62,439)</u>	<u>(\$63,687)</u>

Description of fiscal impact: Ballot Issue No. 24 would classify the Gallatin River, from the boundary of Yellowstone National Park to the confluence of Spanish Creek and Madison River from Hebgen Lake to Ennis Lake, as outstanding resource waters. It would also add "temporary" activities to the list of activities affected by the statute. After thorough examination, an "outstanding resource water" classification affords a body of water the greatest protection feasible under state law (75-5-316, MCA). The Department of Environmental Quality (DEQ) may not allow a significant new or increased point source discharge that would result in a temporary or permanent change in the water quality of an outstanding resource water. "Point source" is defined in 75-5-103, MCA.

FISCAL ANALYSIS

Assumptions:

- DEQ would continue to provide the contract with the Gallatin River Task Force for monitoring and would continue to provide technical guidance. The total operating costs for monitoring and providing technical guidance are anticipated to cost \$43,516 and \$44,386 in FY 2024 & FY 2025 respectively.
- An additional 0.25 FTE Water Quality Monitoring Specialist (\$23.56/hour) would be needed to provide dedicated technical guidance and monitoring work for these areas.
- DEQ would continue to track trends in water quality for these segments.

- The new statute may result in denial of permits or more stringent permit limits, but not add new steps to the permit process.
- The new statute may result in denial of subdivision applications if a discharge permit is required.

	<u>FY 2024</u> <u>Difference</u>	<u>FY 2025</u> <u>Difference</u>	<u>FY 2026</u> <u>Difference</u>	<u>FY 2027</u> <u>Difference</u>
<u>Fiscal Impact:</u>				
FTE	0.25	0.25	0.25	0.25
<u>Expenditures:</u>				
Personal Services	\$16,500	\$16,830	\$17,166	\$17,509
Operating Expenses	\$43,516	\$44,386	\$45,273	\$46,178
TOTAL Expenditures	\$60,016	\$61,216	\$62,439	\$63,687
<u>Funding of Expenditures:</u>				
General Fund (01)	\$60,016	\$61,216	\$62,439	\$63,687
TOTAL Funding of Exp.	\$60,016	\$61,216	\$62,439	\$63,687
<u>Revenues:</u>				
General Fund (01)	\$0	\$0	\$0	\$0
TOTAL Revenues	\$0	\$0	\$0	\$0
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>				
General Fund (01)	(\$60,016)	(\$61,216)	(\$62,439)	(\$63,687)

Effect on County or Other Local Revenues or Expenditures:

- DEQ would engage stakeholders and permittees to determine local impacts of Ballot Issue No. 24.
- Denial of DEQ permits could inhibit or stop construction, maintenance, improvements, and other activities requiring a DEQ permit.
- More stringent permit limits could increase the cost of meeting limits.
- Denial of DEQ subdivision applications could inhibit or stop construction, maintenance, improvements, and other local activities.

Long-Term Impacts:

- Currently, there are no impacts to permitting revenue, but permitting programs may lose future fee revenue if someone proposes a project and gets denied a permit.

Sponsor's Initials

Date

P.D. Amy Salsano
Budget Director's Initials

1/13/22
Date

From: Tschida Brad <brad.tschida@mtleg.gov>
Sent: Monday, April 26, 2021 8:35 PM
To: Jacobsen, Christi
Cc: Corson, Dana
Subject: [EXTERNAL] Request of the SOS office
Attachments: BT to CJ #2.docx

Secretary Jacobsen:

This email is a follow up to my meeting with Dana Corson from your office. While all information is critical, item (4)(b) is one of the most crucial issues.

Montana statute provides the following guidance for your office:

“The secretary of state is the chief election officer of this state, and it is the secretary of state's responsibility to obtain and maintain uniformity in the application, operation, and interpretation of the election laws other than those in Title 13, chapter 35, 36, or 37.” Mont. Code Ann. § 13-1-201. (I believe this empowers you to conduct audits and other investigations of county election administrators, who you are tasked per statute to “advise, assist and train.” Mont. Code Ann. § 13-1-202).

In addition, election administrators are required by law to cooperate with the secretary of state. Under Mont. Code Ann. § 13-1-202 (West)

(4) Each election administrator shall provide data to the secretary of state that the secretary of state determines is necessary to:

(a) evaluate voting system performance against the benchmark standard adopted pursuant to 13-17-103;

(b) evaluate the security, accuracy, and accessibility of elections; and

(c) assist the secretary of state in making recommendations to improve voter confidence in the integrity of the election process.

Because the legislature is responsible for authorizing the expenditure of public money, designating the sources from which money may be collected, and shaping the administration to perform the work of state government and is held finally accountable for fiscal policy, the legislature should also be responsible for the audit of books, accounts, activities, and records so that it may be assured that its directives have been carried out.” Mont. Code Ann. § 5-13-101(2). “It is the intent of this chapter that each agency of state government be audited for the purpose of furnishing the legislature with factual information vital to the discharge of its legislative duties.” Id.

I understand that the county is not an agency of the state, but a political subdivision of the state. Mont. Code Ann. § 7-1-2101. So, it is not clear that the legislative auditor has power to audit a county. This power is provided for under the “State of Montana Single Audit Act (SAA).” Mont. Code Ann. § 2-7-502. Under

the SAA, the Department of Administration has jurisdiction to conduct financial audits of counties. Mont. Code Ann. § 2-7-501(3). See, Mitchell v. Glacier Cty., 2017 MT 258, ¶ 32, 389 Mont. 122, 406 P.3d 427.

Finally, I have attached the letter I sent to you earlier this year, to further emphasize the importance of taking bold action now, rather than giving the appearance of kicking the can down the road once again on election activities that have a propensity to undermine voter confidence in our elections.

In sum, based on my research, it is my opinion, and that of an attorney with whom I've spoken, that you, as the SOS, have the authority to require the Missoula County election office to provide you with data necessary to "improve voter confidence in the integrity of the election process", particularly in Missoula County at this time.

Respectfully,

Rep. Brad Tschida

Legislators are publicly elected officials. Legislator emails sent or received involving legislative business may be subject to the Right to Know provisions of the Montana Constitution and may be considered a "public record" pursuant to Montana law. As such, email, sent or received, its sender and receiver, and the email contents, may be subject to public disclosure, except as otherwise provided by Montana law.

From: Tschida Brad <brad.tschida@mtleg.gov>
Sent: Friday, April 23, 2021 11:37 AM
To: Jacobsen, Christi
Cc: Corson, Dana
Subject: [EXTERNAL] Today's meeting

Madam Secretary:

I had an extremely cordial and productive meeting with Mr. Corson from your office this morning. I believe we agreed that no desire to overturn an election exists. It was our mutual position that a discrepancy in some outcomes exists and should receive additional, conclusive resolution.

I made a request of Mr. Corson, asking you to send a letter to Mr. Bradley Seaman, the Missoula County elections administrator. The intent of the letter was to inform him that his assertions that you have vindicated him and his staff, as if no irregularities had occurred, is not the case. As I understood the result of our group meeting in March, as well as my meeting with Mr. Corson this morning, your recent message to the people of Montana dealt only with the steps your office was going to implement going forward and did not affirm or reject the results of the election in Missoula County.

I would ask you to confirm that my request of you, vis-a-vis my request of Mr. Corson, is agreeable and acceptable.

Respectfully,

Rep. Brad Tschida

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From: Tschida Brad <brad.tschida@mtleg.gov>
Sent: Wednesday, April 21, 2021 3:25 PM
To: Jacobsen, Christi
Cc: Corson, Dana
Subject: [EXTERNAL] Meeting

Madam Secretary:

As the days of the session wind down, I don't want the chance to meet with you to escape.

Please advise as to a time that conveniently works for you.

Respectfully,

Rep. Brad Tschida

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From: Tschida Brad <brad.tschida@mtleg.gov>
Sent: Monday, April 19, 2021 11:36 AM
To: Jacobsen, Christi
Cc: Corson, Dana
Subject: [EXTERNAL] Meeting about your response to the irregularities in Missoula County

Madam Secretary:

I would appreciate the opportunity to schedule a time to meet with you to discuss the impact of the letter sent out recently from your office to statewide newspapers.

As you know, there are many who consider the letter a vindication of the process in Missoula and those who braved the anticipated pushback now feel as though the outcome of their efforts were diminished in the eyes of the populous.

Please let me know when you have time to visit with me.

Respectfully,

Rep. Brad Tschida

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Ames, Susan

From: Brad Tschida <betschida54@gmail.com>
Sent: Tuesday, February 1, 2022 1:04 PM
To: Jacobsen, Christi
Cc: Corson, Dana
Subject: [EXTERNAL] Voter names purged from voter rolls since 11/3/2020
Attachments: 47000 Names Removed From Voter Rolls.docx

Ames, Susan

From: Corson, Dana
Sent: Wednesday, February 2, 2022 5:05 PM
To: Ames, Susan
Subject: FW: [EXTERNAL] Voter names purged from voter rolls since 11/3/2020
Attachments: 47000 Names Removed From Voter Rolls.docx

Hi Sue,

Please see FOIA request attached.

Thanks,

Dana

From: Brad Tschida <betschida54@gmail.com>
Sent: Tuesday, February 1, 2022 1:04 PM
To: Jacobsen, Christi <CJacobsen@mt.gov>
Cc: Corson, Dana <DCorson@mt.gov>
Subject: [EXTERNAL] Voter names purged from voter rolls since 11/3/2020

January 19, 2022

Christi Jacobsen – Secretary of State
1301 E. 6th Ave., Rm. 260
Helena, MT 59601

Dear Secretary Jacobsen:

I encourage you to read this message through to the end to fully understand my perspectives on the issues surrounding election integrity and irregularities in Montana. Please be assured that I am not your enemy, nor have I ever insinuated that I believe you to be a party to any wrongdoing or malfeasance. You assumed a leadership role in an agency that had more issues than any of us imagined, and I know absolutely that you are taking steps to shore up any deficiencies you find in your agency.

As I have contended all along, I do NOT consider many, if any, of the election-related issues to be your responsibility. I understand that you inherited an agency that may not have been fully up to the task of thorough election oversight, due to the fact that some of the key staff members were holdovers from prior Democrat regimes.

With that backdrop, I have attempted to communicate with members of your office in a professional and non-confrontational manner. Many times, especially dealing with the Elections' staff, I have been stonewalled or provided with information other than that which was requested and paid for. Despite my professional manner, I have been treated in nearly the opposite fashion by some in your office. Since my courteous approach hasn't achieved the desired results, few other discreet options for resolution seem available. I'd rather maintain discretion, but I'm seemingly left with little other ostensible recourse.

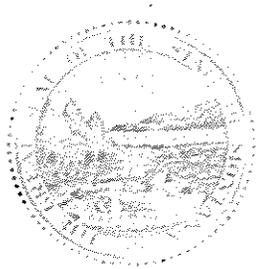
I was made aware about a week ago that those directly in charge of overseeing elections in Montana (presumably led by Dana Corson's staff) removed a significant number of names from the voter rolls (please provide the exact number of names removed in the least month). I have heard of as many as 47,000 voters were recently purged. This quantity, if true, seems like a very significant number of removals, given the fact that I've not heard of such large numbers purged in my 4 terms as a State Legislator. Perhaps I was unaware of similar past purges. If names are periodically purged, 47,000 seems extraordinarily high.

Pursuant to Art IV, Sec.3, of the Montana Constitution and MCA 2-6-1006 (6)(b), I am formally requesting that your Elections staff provide me with a .csv or comma delimited file, with the names, addresses and other relevant information of all the persons who were removed from the Montana Voter rolls since 11/3/2020, especially those removed in the past 3 months. That information should be readily available and should be provided to a legislator, pursuant to the above MCA section, at no cost.

I would believe that the information could be provided to me by close of business, 2/4/22. Please send it to: brad@tschida.org or my mt.gov email address.

Sincerely,

Representative Brad Tschida
House District - 97

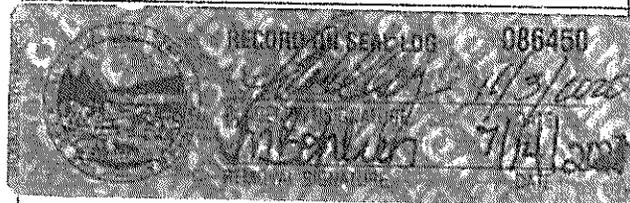
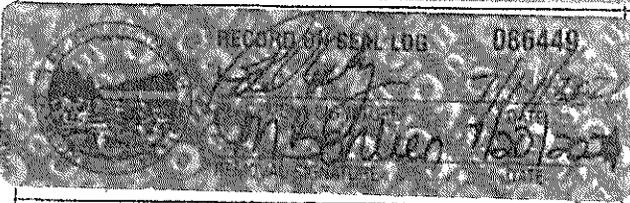


Angela Nunn | Chief Deputy
Montana Secretary of State, Christi Jacobsen
State Capitol Building
Helena, MT 59601
PHONE 406.444.2087

[website](#) | [email](#) | [map](#)

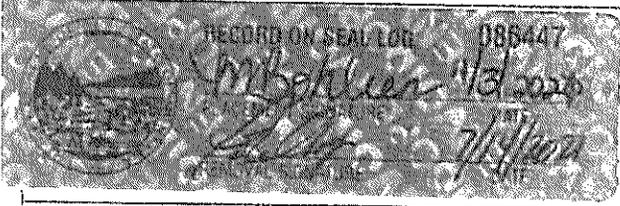
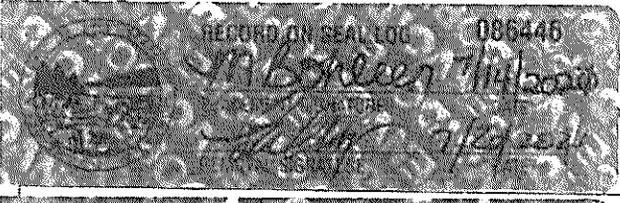
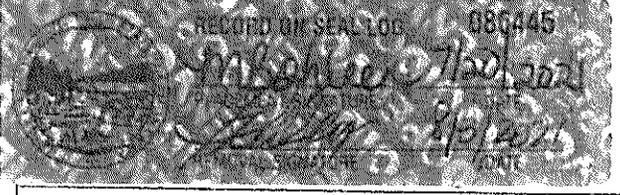
Security Seal Log – Page 2 of Chain of Custody & Security Seal Log

Election: **2021 CC DETENTION CENTER** Precinct: **CENTRAL COUNT** Polling Place: **RED LODGE ADMIN BUILDING**

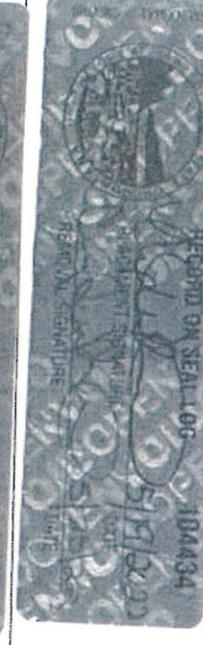
Removed Seal	Machine Type Machine Number	Reason Removed	Date	Initials
 RECORD ON SEAL LOG 086450 7/13/2021 7/14/2021	DS200 Machine #1	Internal Test		MB
 RECORD ON SEAL LOG 086449 7/14/2021 7/16/2021	DS200 Machine #1	Public Test		MB
 RECORD ON SEAL LOG 086448 7/16/2021 7/13/2021	DS200 Machine #1	Election Day		MB
(place removed seal here)	DS200 Machine #1			
(place removed seal here)	DS200 Machine #1			

Security Seal Log – Page 3 of Chain of Custody & Security Seal Log

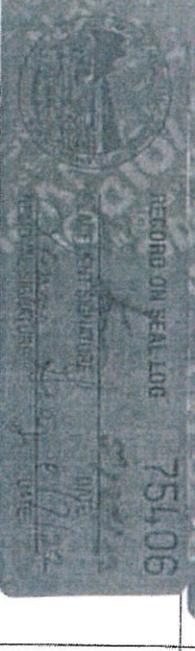
Election: **2021 CC DETENTION CENTER** Precinct: **CENTRAL COUNT** Polling Place: **RED LODGE ADMIN BUILDING**

Removed Seal	Machine Type Machine Number	Reason Removed	Date	Initials
 <p>RECORD ON SEAL LOG 086447 M. Bohlen 7/13/2021 [Signature] 7/14/2021</p>	DS200 Machine #2	Internal Test	7/14/2021	CG
 <p>RECORD ON SEAL LOG 086446 M. Bohlen 7/14/2021 [Signature] 7/14/2021</p>	DS200 Machine #2	Public Test	7/20/2021	CG
 <p>RECORD ON SEAL LOG 086445 M. Bohlen 7/20/2021 [Signature] 8/3/2021</p>	DS200 Machine #2	Election	8/3/2021	CG
(place removed seal here)	DS200 Machine #2			
(place removed seal here)	DS200 Machine #2			

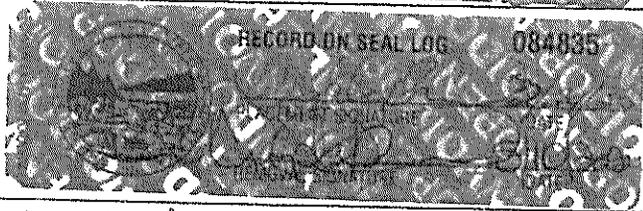
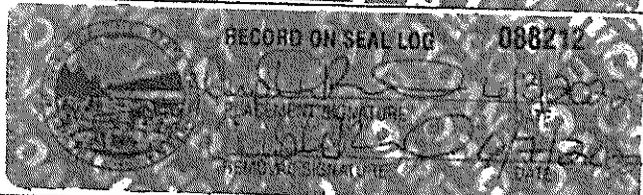
MT-SOS-22-0539-A-000145

Removed Seal	Seal Location	Seal Number Removed	Reason For Removal	Date	Initials
 RECORD ON SEAL LOG 086362 REMOVAL SIGNATURE: [Signature] DATE: 4/1/2022	DS 200 #1	086362	Maintenance	4/1/2022	CR
 RECORD ON SEAL LOG 084834 REMOVAL SIGNATURE: [Signature] DATE: 5/1/2022	DS 200 #1	084834	Internal First Part Run	5/1/2022	CR
 RECORD ON SEAL LOG 084809 REMOVAL SIGNATURE: [Signature] DATE: 5/1/2022	DS 200 #1	084809	Public Text	5/1/22	CR
 RECORD ON SEAL LOG 104431 REMOVAL SIGNATURE: [Signature] DATE: 5/1/22	DS 200 #1	104431	Maintenance	5/1/2022	CR
 RECORD ON SEAL LOG 104434 REMOVAL SIGNATURE: [Signature] DATE: 5/1/2022	DS 200 #1	104434	Public	5/1/2022	CR
 RECORD ON SEAL LOG 75407 REMOVAL SIGNATURE: [Signature] DATE: 7/5/2021	DS 200 #1	75407	Election	7/5/2021	CR

COPY

Removed Seal	Seal Location	Seal Number Removed	Reason For Removal	Date	Initials
 RECORD ON SEAL LOG 086363 NORTHWEST SPOKANE REMOVAL SIGNATURE 5/11/2022	DS 200 #2	086363	Maintenance	5/11/2022	CR
 RECORD ON SEAL LOG 084833 NORTHWEST SPOKANE REMOVAL SIGNATURE 5/10/2022	DS 200 #2	084833	Internal Test Data Run	5/10/2022	CR
 RECORD ON SEAL LOG 084810 NORTHWEST SPOKANE REMOVAL SIGNATURE 5/12/2022	DS 200 #2	084810	Public Test	5/12/2022	NRH
 RECORD ON SEAL LOG 104432 NORTHWEST SPOKANE REMOVAL SIGNATURE 5-12-22	DS 200 #2	104432	Maintenance	5/12/2022	CR
 RECORD ON SEAL LOG 104433 NORTHWEST SPOKANE REMOVAL SIGNATURE 5/12/2022	DS 200 #2	104433	Public Test	5/12/2022	PRH
 RECORD ON SEAL LOG 75406 NORTHWEST SPOKANE REMOVAL SIGNATURE 5/12/2022	DS 200 #2	75406	Election	5/12/2022	CR

COPY

Removed Seal	Seal Location	Seal Number Removed	Reason For Removal	Date	Initials
	Elections Laptop	3891918	Test Laptop. make sure it turns on. Set password	5/1/2022	CR
	Elections Laptop	086364	Finally received passwords from ES&S. checking them.	2/24/2022	CR
	Elections Laptop	084835	uploading internal test to network	9/10/2021	CR
	Elections Laptop	084811	ESARS TEST	6/6/22	CR
	Elections Laptop	088206	ESARS TEST ERROR FIRST DOWNLOAD	6/3/22	CR
	Elections Laptop	088212	Election	4/7/2022	CR

COPY

Carbon County Clerk & Recorder

Your message is ready to be sent with the following file or link attachments:

foia request 6-22.pdf

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

<foia request 6-22.pdf>

<FIOA Request.pdf>

Ames, Susan

From: Elections Administrator <elections@co.carbon.mt.us>
Sent: Friday, June 24, 2022 8:07 AM
To: Roy McKenzie
Cc: Marcia Henigman; Macque Bohleen; SOS Elections; Theresa Manzella; Brad Tschida
Subject: [EXTERNAL] RE: Emailing: foia request 6-22.pdf

Mr. McKenzie,

The County is not in possession of documents related to your request.

Crystal Roascio

Election Administrator
Deputy Clerk and Recorder
17 West 11th
PO Box 887
Red Lodge, MT 59068
406.446.1220 Main
406-425-4612 Cell
406.446.2640 Fax
elections@co.carbon.mt.us

From: Roy McKenzie <roy@westernmt.news>
Sent: Thursday, June 23, 2022 4:43 PM
To: Elections Administrator <elections@co.carbon.mt.us>
Cc: Christine Stovall <recorder@co.carbon.mt.us>; Macque Bohleen <mbohleen@co.carbon.mt.us>;
soselections@mt.gov; Theresa Manzella <theresa.manzella@mtleg.gov>; Brad Tschida
<tschida4mthouse@outlook.com>
Subject: Re: Emailing: foia request 6-22.pdf

Ms Roascio,

According to the Montana statute, I am not required to submit Montana Public Records request acts using any specialized form or provide personal details such as "proof of identification" or a signature as the form you created requires. This information is not necessary to the fulfillment of the request as stated in Part 15 "State Agency Protection of Personal Information". My previous submission of my Public Records Act request was sufficient and was answered by your office and itself provided answers to many of the questions posed in the form you created. Please see my Montana Public Records Act request below.

Roy McKenzie
Publisher
Western Montana News
westernMT.news [westernmt.news]
406 885 8032 (text/call)
roy@westernmt.news

Roy McKenzie
2120 S. Reserve Street
Missoula, MT 5980

June 23, 2022

Crystal Roascio
Deputy Clerk & Recorder
Carbon County
17 West 11th
Red Lodge, MT 59068

Dear Ms Roascio:

Pursuant to the Montana Public Records Act § 2-6-1001 et seq., I am requesting an opportunity to inspect or obtain copies of public information that describes all information related to the authorization and performance of maintenance of DS 200 tabulation machines by ESS that your office described as required including related to the May 24th email from ESS Account Manager Jared Schwab (see attached). Who directed the "required" maintenance and please provide all communications regarding the maintenance scheduling and performance.

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$50. However, I would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and is related to news gathering purposes and will contribute significantly to the public's understanding of open and transparent elections and elections processes in Carbon County. This information is not being sought for commercial purposes.

If access to the information I am requesting will take longer than a 'reasonable' amount of time, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

Sincerely,

Roy McKenzie
406.885.8032

On Jun 23, 2022, at 3:51 PM, Elections Administrator <elections@co.carbon.mt.us> wrote:

Mr. McKenzie,

We have fulfilled your FOIA request. If you are wanting to request any further documentation, fill out the attached form and submit to our office.

Thank you

Crystal Roascio
Election Administrator

Deputy Clerk and Recorder
17 West 11th
PO Box 887
Red Lodge, MT 59068
406.446.1220 Main
406-425-4612 Cell
406.446.2640 Fax
elections@co.carbon.mt.us

From: Roy McKenzie <roy@westernmt.news>
Sent: Thursday, June 23, 2022 3:09 PM
To: Elections Administrator <elections@co.carbon.mt.us>
Cc: Christine Stovall <recorder@co.carbon.mt.us>; Macque Bohleen <mbohleen@co.carbon.mt.us>;
soselections@mt.gov
Subject: Re: Emailing: foia request 6-22.pdf

Ms Roascio,

Did the Secretary of State direct this "required" maintenance? If not, who directed that the maintenance was required?

Thank you,

Roy McKenzie
Publisher
Western Montana News
westernMT.news [westernmt.news]
406 885 8032 (text/call)
roy@westernmt.news

On Jun 23, 2022, at 3:03 PM, Elections Administrator <elections@co.carbon.mt.us> wrote:

Mr. McKenzie,

Christine is out for the afternoon. Once again these questions need to be directed to the SOS office. We had the maintenance that was required to run our machines by the certified technician the SOS has us use. I, as the EA, certify that these machines are performing properly through the public testing, per MCA 13-17-212.

Crystal Roascio
Election Administrator
Deputy Clerk and Recorder
17 West 11th
PO Box 887
Red Lodge, MT 59068
406.446.1220 Main
406-425-4612 Cell
406.446.2640 Fax
elections@co.carbon.mt.us

From: Roy McKenzie <roy@westernmt.news>
Sent: Thursday, June 23, 2022 2:47 PM
To: Christine Stovall <recorder@co.carbon.mt.us>
Cc: Macque Bohleen <mbohleen@co.carbon.mt.us>; Elections Administrator <elections@co.carbon.mt.us>; soselections@mt.gov
Subject: Re: Emailing: foia request 6-22.pdf

Christine,

Is it your understanding that machines are still considered certified by the Elections Assistance Commission even after having logic boards replaced or updated that may not have been inspected by the EAC?

Were the new scanner boards that were inserted by ESS into Carbon County DS200 machines certified by the EAC?

Thank you,

Roy McKenzie
Publisher
Western Montana News
westernMT.news [westernmt.news]
406 885 8032 (text/call)
roy@westernmt.news

On Jun 16, 2022, at 8:18 AM, Christine Stovall <recorder@co.carbon.mt.us> wrote:

Greetings,
Per your e-mailed FOIA request dated 6/19/2022, please find the attached file with your requested information. We will not charge for this search and copies. In the future we have a FOIA request form you can request from elections@co.carbon.mt.us with outlined charges. Thank you for your patience through this election.

Kris

Christine (Kris) L Stovall
Carbon County Clerk & Recorder

Your message is ready to be sent with the following file or link attachments:

foia request 6-22.pdf

Note: To protect against computer viruses, e-mail programs may

prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

<foia request 6-22.pdf>

<FIOA Request.pdf>

Ames, Susan

From: Corson, Dana
Sent: Thursday, August 18, 2022 12:55 PM
To: brad@tschida.org
Cc: SOS Elections
Subject: Replacement ballot for special session
Attachments: Tschida_Replacement_Ballot.pdf

Representative Tschida,

Thank you for contacting the Secretary of State's Office and requesting a replacement ballot.

The address information we use for legislators comes from Legislative Services. If your information has changed, please be sure to update your address with Legislative Services.

Please find attached a copy of the letter that was previously sent to you together with your replacement ballot.

You can return your ballot in person, or if you want to return your ballot by mail, please follow the instructions in your replacement ballot packet making sure it is received in the Secretary of State's Office no later than 5:00PM, September 14, 2022.



Dana Corson | Elections Director
Montana Secretary of State, Christi Jacobsen
State Capitol Building
Helena, MT 59601
PHONE 406.444.3334

[website](#) | [email](#) | [map](#)



CHRISTI JACOBSEN

MONTANA SECRETARY OF STATE

August 15, 2022

Dear Representative Tschida:

On August 10, 2022, the Secretary of State's Office received a request from ten legislators to convene a special session.

Pursuant to § 5-3-106, MCA, please find enclosed a copy of the request which includes:

- the names of the legislators making the request;
- the reasons for calling the special session;
- the purposes of the special session; and
- the requested convening date and time of the special session.

Your completed ballot must be returned to the Secretary of State's Office no later than 5:00 PM on September 14, 2022, in order to be counted. A pre-addressed return envelope is included for your convenience.

Final poll results will be posted on the Secretary of State's website at <https://sosmt.gov>. The results will be finalized within one working day following the deadline set forth above for the return of ballots, and all legislators will be promptly notified. If a majority of the legislators reply affirmatively to the poll, the Special Session will convene at 8:00 AM on September 29, 2022. If a majority of the legislators fail to approve the call for a Special Session, all ballots are void.

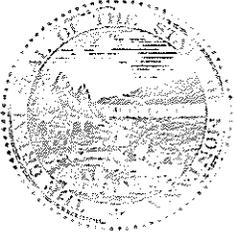
If you have any questions concerning this process, please contact the Secretary of State's Office by calling the Elections Division at (406) 444-9608 or emailing soselections@mt.gov.

Sincerely,

A handwritten signature in blue ink that reads "Christi Jacobsen".

CHRISTI JACOBSEN
Secretary of State

Sent via certified mail



Special Session Poll Instructions & Official Ballot (Replacement)

COMPLETE YOUR BALLOT

1. In the appropriate box, mark "Approve" or "Reject" the convening of a Special Session and sign your ballot.

RETURN YOUR BALLOT

1. There are two options to return your ballot:
 - a) **In person:** Deliver your marked and signed ballot to the Office of the Secretary of State, Room 260, State Capitol Building in Helena, Montana.
 - b) **By mail:** Insert your marked and signed ballot in an envelope addressed to Montana Secretary of State, Attn: Dana Corson, P.O. Box 202801, Helena, MT 59620-2801. Please be sure to provide sufficient postage prior to mailing it.
2. Your completed ballot must be received in the Secretary of State's office **no later than 5:00 PM September 14, 2022**, to be counted. Once the ballots are counted, the Secretary of State will notify each legislator of the results.



OFFICIAL BALLOT (REPLACEMENT)

I APPROVE the request for a Special Session beginning **September 29, 2022, at 8:00 AM** in Helena, Montana.

I REJECT the request for a Special Session beginning **September 29, 2022, at 8:00 AM** in Helena, Montana.

Signature of the Honorable Brad Tschida

OFFICIAL BALLOT Ballot No. 2022-2-SS-R098



MONTANA STATE LEGISLATURE

MONTANA STATE CAPITOL
PO BOX 200300
HELENA MT 59620-0600
PHONE: (406) 444-1800

RECEIVED
LEGISLATIVE
CLERK
JAN 11 2022

Montana Secretary of State
Montana Capitol Building, Rm 260
P.O. Box 202801
Helena, MT 59620-2801

Honorable Secretary Jacobsen,

Whereas, each biennium the legislature appropriates the anticipated revenue projections for the state.

Whereas, the budget, mostly contained in House Bill 2 (HB2), was passed and signed by Governor Gianforte on May 20, 2021.

Whereas, since making HB2 law the anticipated revenues collected by the state have been substantially higher than projected revenue. In fiscal year 2021 and fiscal year 2022 the state collected an estimated surplus of \$1.5 billion.

Whereas, these unforeseen, unappropriated and surplus tax collections belong to the people of Montana. The people of Montana have overpaid their tax liability to operate our state.

Whereas, when an overpayment of this magnitude occurs, it is logically expected by the people of Montana and fiscally responsible for state government to return the overpayment in an efficient manner and on a timely schedule.

We the undersigned, acknowledge the current fiscal position of the state of Montana. We ask you to conduct a poll of all legislators pursuant to Article V, Section 6 of the Montana Constitution and in accordance with Montana Code Annotated 5-3-105 and 5-3-106 for a special session to be convened September 29, 2022, at 8:00am.

The purpose of the session is to accomplish three goals -- (1) rebates of up to \$1,000 for Montana resident homeowners who paid property taxes on their primary residences in 2021 and 2020, (2) rebates of up to \$1,250 for individual taxpayers (and up to \$2,500 for couples filing jointly) who paid taxes to the State for Montana resident individual income tax liability in 2020 and 2021, and (3) a payment of \$100 million to reduce existing bonded debt of the State of Montana.

Sincerely,

RECEIVED
03/10/22 11:58



Representative Sue Vinton, House Majority Leader



Senator Cary Smith, Senate Majority Leader



Representative Bill Mercer



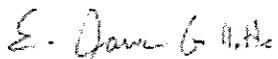
Senator Greg Hertz



Representative Matt Regier



Senator Dan Bartel



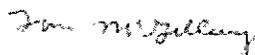
Representative Jane Gillette



Senator Ken Bogner



Representative Terry Moore



Senator Tom McGillivray

Ames, Susan

From: Brad Tschida <betschida54@gmail.com>
Sent: Friday, August 26, 2022 6:20 PM
To: James, Austin
Subject: [EXTERNAL] Testimony Comments

Austin:

I expect that someone in your position, having made regrettable comments in testimony, would possess the moral fortitude to discuss the impact of those comments with one of the persons to whom the comments were directed.

Given the pitiable silence from the Secretary's office concerning election issues, the reticence to evaluate credible allegations, and the fact that the March 2022 recount in Missoula was conducted with 33 boxes of ballot affirmation envelopes, while the first one in 2021 involved only 31 boxes, would be reason enough to investigate the issue. On top of these displays of recreancy, you failed to return my call today. Your timorousness is something I did not anticipate.

If you hope to retain a modicum of respect from the legislators and private citizens whom you disparaged with your comments, please screw up the courage to call me to discuss this matter. Don't neglect the responsibility to face those whom you have scorned.

Respectfully,

Brad Tschida

Ames, Susan

From: Jacobsen, Christi
Sent: Monday, September 12, 2022 9:07 AM
To: Ames, Susan
Subject: FW: Official Duties/ Records Retention/ Montana Public Records Act Requests
Attachments: Election Records Retention.docx

Christi Jacobsen
Montana Secretary of State
State Capitol Building
Helena, MT 59601

[website](#) | [email](#) | [map](#)

-----Original Message-----

From: Gunderson Steven <steve.gunderson@mtleg.gov>
Sent: Friday, September 2, 2022 3:09 PM
To: Jacobsen, Christi <CJacobsen@mt.gov>
Subject: [EXTERNAL] Official Duties/ Records Retention/ Montana Public Records Act Requests

Madame Secretary,

Please review and forward the attached letter.

Regards,

Steve

--
Representative Steve Gunderson
MT House District 1
310 Conifer Rd
Libby, MT 59923
steve.gunderson@mtleg.gov
406-334-4370 cell

Legislators are publicly elected officials. Legislator emails sent or received involving legislative business may be subject to the Right to Know provisions of the Montana Constitution and may be considered a "public record" pursuant to Montana Law. As such, email, sent or received, it's sender and receiver, and the email contents, may be subject to public disclosure, except as otherwise provided by Montana law.

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Montana State Legislature

MONTANA HOUSE OF REPRESENTATIVES

Representative Steve Gunderson
House District 01

DURING THE SESSION
State Capitol Building
PO Box 200400
Helena MT 59620-0400
Phone: (406) 444-4800
leg.mt.gov

COMMITTEES
Natural Resources - Chair
Business and Labor
Local Government
Rules
Environmental Quality
Council (EQC)
Libby Asbestos Superfund
Oversight Committee
(LASOC) -Chair

HOME ADDRESS
310 Conifer Road
Libby, MT 59923
Phone: (406) 334-4370
steve.gunderson@mtleg.gov

8/2/2022

Montana Secretary of State
Christi Jacobsen
Montana Capitol Building
Rm 260 P.O. Box 202801
Helena, MT 59620-2801

Madame Secretary,

We have had numerous calls from constituents, and we are aware of activity across Montana regarding records retention in connection with the 2020 election. Our understanding is that records retention mandates are currently due to expire September 3, 2022, whereupon election administrators can begin exercising discretionary authority to dispose of the records. Given the amount of these concerns we are hearing we feel it is our duty to address the matter as part of a comprehensive legislative package during the 2023 legislature, where we will all serve. All records associated with the 2020, 2021, and 2022 elections are vital to these efforts. Consequently, we are directly petitioning you to exercise your authority pursuant to 13-1-201, MCA as the chief election officer of Montana so there is uniformity with respect to the records we will request and make use of in our official duties and endeavors. Among other matters this will and does involve ensuring efficient and effective uniform management of public records and information pertaining to elections in Montana, and how we, and or our constituents, exercise rights pursuant to Article II, sections 8 through 10, of the Montana Constitution.

Consequently, and in addition, we are making a Montana Public Records Act Request for access to all Montana election materials maintained by your office, as well as those maintained by county election administrators under your control pursuant to the aforementioned statute. Pursuant to 2-6-1001, MCA et seq., we formally request all records for the 2020, 2021, and 2022 election cycles maintained, and we will meet with you at your convenience to determine the exact scope of the records that must be produced. Please



Montana State Legislature

MONTANA HOUSE OF REPRESENTATIVES

Representative Steve Gunderson
House District 01

DURING THE SESSION
State Capitol Building
PO Box 200400
Helena MT 59620-0400
Phone: (406) 444-4800
leg.mt.gov

COMMITTEES
Natural Resources - Chair
Business and Labor
Local Government
Rules
Environmental Quality
Council (EQC)
Libby Asbestos Superfund
Oversight Committee
(LASOC) -Chair

HOME ADDRESS
310 Conifer Road
Libby, MT 59923
Phone: (406) 334-4370
steve.gunderson@mtleg.gov

communicate to impacted election administrators that you received our request, that election materials must be maintained and certainly not destroyed, and that refinement of the scope of the request is ongoing.

Thank You for your time and attention to this important matter.

Regards,

Representative Steve Gunderson HD 1

/s/Senator Theresa Manzella SD 44
/s/Representative Bob Phalen HD 36
/s/Representative Jerry Schillinger HD 37

Ames, Susan

From: Roy McKenzie <roy@westernmt.news>
Sent: Thursday, October 13, 2022 9:08 AM
To: SOS Records; SOS Elections; Melby, Richie
Cc: Theresa Manzella; Brad Tschida; Contact DOJ; Chris Kortlander
Subject: [EXTERNAL] Public Records Request: Konnech and Votem

Dear Secretary of State,

My name is Roy McKenzie and I am investigating the use of Konnech and Votem software by the State of Montana. Please see my public records request below:

Roy McKenzie
PO Box 127
Whitefish, Montana 59937

October 13, 2022

Custodian of Records
Montana Secretary of State's Office
State Capitol, Room 260
Helena, Montana 59620

Dear custodian of records:

Under the Montana Public Records Act § 2-6-1001 et seq., I am requesting an opportunity to inspect or obtain copies of public information that include previous and current contracts or agreements with Konnech Inc or Konnech Corp and Votem Inc or Votem Corp.

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$25. However, I would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of the security of Montana's elections. I am a member of the media and this is related to news gathering purposes. This information is not being sought for commercial purposes.

If access to the information I am requesting will take longer than a 'reasonable' amount of time, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

Sincerely,

Roy McKenzie
Publisher
Western Montana News

westernMT.news [westernmt.news]

406 885 8032 (text/call)

roy@westernmt.news

Ames, Susan

From: Chris Kortlander <Chris@historicalrarities.com>
Sent: Thursday, October 13, 2022 9:12 AM
To: Roy McKenzie; SOS Records; SOS Elections; Melby, Richie
Cc: Theresa Manzella; Brad Tschida; Contact DOJ
Subject: [EXTERNAL] RE: Public Records Request: Konnech and Votem

Roy,
Perfect.
Chris

From: Roy McKenzie <roy@westernmt.news>
Sent: Thursday, October 13, 2022 9:08 AM
To: sosrecords@mt.gov; soselections@mt.gov; Melby, Richie <Richie.Melby@mt.gov>
Cc: Theresa Manzella <theresa.manzella@mtleg.gov>; Brad Tschida <brad@tschida.org>; contactdoj@mt.gov; Chris Kortlander <Chris@historicalrarities.com>
Subject: Public Records Request: Konnech and Votem

Dear Secretary of State,

My name is Roy McKenzie and I am investigating the use of Konnech and Votem software by the State of Montana. Please see my public records request below:

Roy McKenzie
PO Box 127
Whitefish, Montana 59937

October 13, 2022

Custodian of Records
Montana Secretary of State's Office
State Capitol, Room 260
Helena, Montana 59620

Dear custodian of records:

Under the Montana Public Records Act § 2-6-1001 et seq., I am requesting an opportunity to inspect or obtain copies of public information that include previous and current contracts or agreements with Konnech Inc or Konnech Corp and Votem Inc or Votem Corp.

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$25. However, I would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of the security of Montana's elections. I am a member of the media and this is related to news gathering purposes. This information is not being sought for commercial purposes.

If access to the information I am requesting will take longer than a 'reasonable' amount of time, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

Sincerely,

Roy McKenzie

Publisher

Western Montana News

westernMT.news [westernmt.news]

406 885 8032 (text/call)

roy@westernmt.news

Ames, Susan

From: Gagnon, Conner
Sent: Thursday, October 13, 2022 10:11 AM
To: Ames, Susan; Melby, Richie
Cc: SOS Elections
Subject: FW: [EXTERNAL] Public Records Request: Konnech and Votem

Good morning,

FYI, FOIA request.

Thanks,
Conner

From: Roy McKenzie <roy@westernmt.news>
Sent: Thursday, October 13, 2022 9:08 AM
To: SOS Records <sosrecords@mt.gov>; SOS Elections <SOSElections@mt.gov>; Melby, Richie <Richie.Melby@mt.gov>
Cc: Theresa Manzella <theresa.manzella@mtleg.gov>; Brad Tschida <brad@tschida.org>; Contact DOJ <contactdoj@mt.gov>; Chris Kortlander <chris@historicalrarities.com>
Subject: [EXTERNAL] Public Records Request: Konnech and Votem

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Thank you for considering my request.

Sincerely,

Roy McKenzie

Publisher

Western Montana News

westernMT.news [westernmt.news]

406 885 8032 (text/call)

roy@westernmt.news

Ames, Susan

From: Brad Tschida <betschida54@gmail.com>
Sent: Friday, November 4, 2022 1:56 PM
To: SOS Elections
Subject: [EXTERNAL] Fwd: Election Results Update

SoS Election Staff:

I find the actions listed in the enclosed letter, from the Missoula County Elections Office, unpalatable and totally unprofessional.

It is not as if this election was a complete surprise to our Missoula County Election staff. Elections happen the first Tuesday after the first Monday of November in even numbered years. The election staff has had 2 years to prepare for this event. Their apparent incompetence in conducting the count of ballots next week is a stain on the process in our county and, by extension, possibly reflects negatively on the SoS office. By no means am I making that implication of your staff, but to have Bradley Seaman tell me, face-to-face, that he is statutorily allowed to engage in such an action is mind-numbing and absurd.

I would appreciate some communication from the SoS Election office with Mr. Seaman, indicating that he take steps to ensure that vote tallies in Missoula are completed without an overnight delay. I would also appreciate knowing where, in statute, our election officials are allowed the authority to suspend the count and resume 10 hours later. Given the lack of early voting by absentee voters in this election, there is no apparent reason for such a delay.

Respectfully,

Rep. Brad Tschida

----- Forwarded message -----

From: Brad Tschida <tschida4mthouse@outlook.com>
Date: Fri, Nov 4, 2022 at 1:42 PM
Subject: Fwd: Election Results Update
To: Brad Tschida <betschida54@gmail.com>

Brad Tschida

“The power of evil men lives on the cowardice of the good.” - St. John Bosco

“Evil is powerless if the good are unafraid.”
- Ronald Reagan

“He who dares not offend cannot be honest.”
- Thomas Paine

Begin forwarded message:

From: Bradley Seaman <bseaman@missoulacounty.us>

Date: November 4, 2022 at 8:40:41 AM MDT

Subject: Election Results Update

Candidates and Elected Officials,

As you're likely aware, we're seeing a very slow, low ballot return rate. Returning a ballot before Election Day ensures there is enough time to resolve any issues that could arise out of the receipting and verification process that happens before the secrecy envelope is removed from the voter affidavit envelope. In addition, getting as many absentee ballots as possible before Election Day increases the number of ballots included in the initial results report shortly after 8 p.m. The more absentee ballots there are to process at the end of the day on Election Day, the slower the results.

You can expect three runs of results on election night: one shortly after 8 p.m., one at 9:45 and another before midnight. It's possible the report before midnight will not be the final report and that we will need to resume tabulating ballots the day after the election. In years past, election administrators and staff worked upwards of 48 hours straight tabulating ballots. To reduce the risk of human error, we will pause tabulation at midnight to allow election workers to rest before resuming the count. Even when we pause at midnight, workers do not get home until 2 or 3 in the morning. We'll resume again at 10 a.m. on Wednesday, Nov. 9, if needed.

We are doing everything we can to speed up the process and increase the return rate, including communicating to the public the importance of getting ballots returned. But a flood of ballots on Election Day will slow those results, despite our best efforts. We appreciate your service, your willingness to ask clarifying questions and demonstrate curiosity about this process, and your acknowledgement that this work is time-consuming and critical to get right.

Thank you for your public service.

BRADLEY SEAMAN

MISSOULA COUNTY ELECTIONS ADMINISTRATOR

(406) 258-4751 (OFFICE)

(406) 529-8980 (DIRECT LINE)

(406) 258-3913 (FAX)

BSEAMAN@MISSOULACOUNTY.US



[\[missoulavotes.com\]](http://missoulavotes.com)

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Ames, Susan

From: Brad Tschida <betschida54@gmail.com>
Sent: Monday, November 7, 2022 11:24 AM
To: Corson, Dana
Cc: James, Austin; Jacobsen, Christi
Subject: [EXTERNAL] Fwd: Election Certification Questions

Mr. Corson:

Since my initial correspondence was sent and received 5 days ago, I would have considered a response by today to be timely.

Along with the other Montana citizens who encouraged me to contact you on their behalf, I would like a response as to the questions initially proffered.

Respectfully,

Rep. Brad Tschida

----- Forwarded message -----

From: Brad Tschida <betschida54@gmail.com>
Date: Wed, Nov 2, 2022 at 10:33 AM
Subject: Election Certification Questions
To: Corson, Dana <dcorson@mt.gov>
Cc: Jacobsen, Christi <CJacobsen@mt.gov>, <Austin.James@mt.gov>

Mr. Corson:

While myriad questions remain concerning identified weaknesses in our election systems, a few notable questions remain unanswered. I would appreciate a timely and specific reply to each of them.

1. Can you, as the director of elections, as well as the elections' officials in any county using machines to record and tabulate votes, certify, under penalty of perjury, that every single vote tabulated came from a legitimate voter, and that no votes were cast by persons listing non-existent addresses such as cemeteries or vacant fields lacking mailboxes or by deceased persons?
2. Given the requirements of MCA 13-17-103, how will you / your office certify that the voting systems in each county using ES&S machines can be approved if no "auditor" is provided by the State or County to "access and monitor any software program while it is running on the system to determine whether the software is running properly"? If you / your office will certify elections pursuant to the requirements of MCA 13-17-103 with no auditors participating, how will this be done?
3. Given the myriad issues identified by MEIP citizen-canvassers participating in the 6-county canvass earlier this year (approximately 852/4,347 voters spoken with identified issues with their votes) how can Montana citizens have adequate assurances that our elections are not significantly compromised?

Be assured that the people conducting the canvass, as well as those others aside from the MEIP with concerns over voting integrity, are not without substantive reasons for their concerns. They are of sound faculties. All they desire is a factual explanation for their inquiries and not silence from you and your office. If there is proof of the integrity of the elections in Montana, please provide that to us. If our elections are the "gold standard" for the US, please provide the rationale for that claim.

Our requests are extremely reasonable.

Respectfully,

Rep. Brad Tschida

Ames, Susan

From: Brad Tschida <betschida54@gmail.com>
Sent: Tuesday, November 8, 2022 3:04 PM
To: Fuller, Stuart
Cc: SOS Elections; Corson, Dana; James, Austin; Jacobsen, Christi
Subject: Re: [EXTERNAL] Fwd: Election Results Update

Mr. Fuller:

You are correct. A fellow legislator was dealing with news of a cancer diagnosis involving his wife and I was probably helping address that concern. That was the only reason I missed any votes that session.

Under what typical or usual circumstances would you envision that a county would pause counting during a midterm election? The Missoula Administrator seems to be in very limited company on this issue, as I've spoken with legislators from other large population counties and their administrators and C&Rs are working to get the votes counted as soon as possible, without taking a nap.

Have any other counties made the same announcements? If so, who are they?

Has Missoula County engaged in this prior to the 2022 midterm? I believe that the 2020 election had vastly larger voter numbers and they didn't pause the count then. Why do it now, with a much smaller vote total?

Did the Missoula County Election Office notify your office of this strategy and, if so, when did they provide that update?

It is strikingly odd that during a midterm, after what may have been an historically large turnout handled in 2020, the MCEO is engaging in such an action.

I'd like a comment from Mr. Corson concerning this most unusual action by the MCEO. I believe it will make it far more difficult to certify, under penalty of perjury, that every vote tallied came from a certified / qualified elector.

Respectfully,

Rep. Brad Tschida

On Mon, Nov 7, 2022 at 4:00 PM Fuller, Stuart <Stuart.Fuller@mt.gov> wrote:

Representative Tschida,

During the 2019 Legislature, SB 162 introduced by Senator Webb modified Title 13 so that continuous count is not a requirement. See page 3 of the bill where 13-15-101(1) MCA was changed to eliminate "*...and continue without adjournment until completed and the result is publicly declared.*"

According to the Legislative website, you were marked as absent when SB 162 passed the House on third reading.

Regards,



Stuart Fuller | Elections & Voter Services Manager
Montana Secretary of State, Christi Jacobsen
State Capitol Building
Helena, MT 59601
PHONE 406.444.4282

[website \[sosmt.gov\]](http://sosmt.gov) | [email](#) | [map \[goo.g\]](https://www.google.com/maps)

From: Brad Tschida <betschida54@gmail.com>
Sent: Friday, November 4, 2022 1:56 PM
To: SOS Elections <SOSElections@mt.gov>
Subject: [EXTERNAL] Fwd: Election Results Update

SoS Election Staff:

I find the actions listed in the enclosed letter, from the Missoula County Elections Office, unpalatable and totally unprofessional.

It is not as if this election was a complete surprise to our Missoula County Election staff. Elections happen the first Tuesday after the first Monday of November in even numbered years. The election staff has had 2 years to prepare for this event. Their apparent incompetence in conducting the count of ballots next week is a stain on the process in our county and, by extension, possibly reflects negatively on the SoS office. By no means am I making that implication of your staff, but to have Bradley Seaman tell me, face-to-face, that he is statutorily allowed to engage in such an action is mind-numbing and absurd.

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Respectfully,

Rep. Brad Tschida

----- Forwarded message -----

From: **Brad Tschida** <tschida4mthouse@outlook.com>

Date: Fri, Nov 4, 2022 at 1:42 PM

Subject: Fwd: Election Results Update

To: Brad Tschida <betschida54@gmail.com>

Brad Tschida

“The power of evil men lives on the cowardice of the good.” - St. John Bosco

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- Ronald Reagan

“He who dares not offend cannot be honest.”

- Thomas Paine

Begin forwarded message:

From: Bradley Seaman <bseaman@missoulacounty.us>

Date: November 4, 2022 at 8:40:41 AM MDT

Subject: Election Results Update

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number of ballots included in the initial results report shortly after 8 p.m. The more absentee ballots there are to process at the end of the day on Election Day, the slower the results.

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Thank you for your public service.

BRADLEY SEAMAN

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Ames, Susan

From: Brad Tschida <betschida54@gmail.com>
Sent: Friday, November 18, 2022 9:08 AM
To: SOS Elections
Subject: [EXTERNAL] List of voters in Senate Dist. 49 from the 2022 Midterm Election

Follow Up Flag: Follow up
Flag Status: Flagged

To whom it may concern:

Given a vast discrepancy existing between the published results of the 2022 Midterm race in SD 49 in Montana from the SOS office, and the information on votes cast in that race which I received from the Missoula County Elections office, I am requesting a list of all persons from Missoula County who voted in the SD 9 race on 11/8/2022. I presume that information was provided to you by the Missoula County Elections office, allowing you to publish the 10,344 total votes cast in that race.

Please contact me to provide information on what is required from me to fulfill this request, if this email is insufficient.

Respectfully,

Brad Tschida

Ames, Susan

From: Brad Tschida <betschida54@gmail.com>
Sent: Monday, November 28, 2022 2:47 PM
To: SOS Elections
Subject: [EXTERNAL] Fwd: List of voters in Senate Dist. 49 from the 2022 Midterm Election

A gentle reminder that I haven't heard back concerning my request for the names of the voters who voted in SD 49 in the 2022 Midterm election.

Thank you.

Brad Tschida

----- Forwarded message -----

From: Brad Tschida <betschida54@gmail.com>
Date: Fri, Nov 18, 2022 at 9:08 AM
Subject: List of voters in Senate Dist. 49 from the 2022 Midterm Election
To: SOS Elections <soselections@mt.gov>

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Respectfully,

Brad Tschida

Ames, Susan

From: Brad Tschida <betschida54@gmail.com>
Sent: Monday, December 12, 2022 1:53 PM
To: Corson, Dana
Subject: Re: [EXTERNAL] Discrepancy in election results

Mr. Corson:

I explained in my message on Friday that I did not expect you to provide a list, given your previous communication. While I thought I had made that understanding clear, apparently I did not.

I followed your request and reached out to the MCEO office. They are now asking me to go through a 2-week process with the Missoula County information services office to have my request for this data "assessed and approved". My request, which I reiterate here, is that you encourage the MCEO to provide this information to me without playing games concerning my request.

If that is something your office is unwilling or unable to do, please let me know.

Many thanks,

Brad Tschida

On Mon, Dec 12, 2022 at 10:56 AM Corson, Dana <DCorson@mt.gov> wrote:

Hi Representative Tschida,

The document that Missoula County Elections Office previously provided you with is a report that this office did not generate. Please reach out to the Missoula County Office for clarification on the report's contents.

As mentioned in earlier emails, if you are interested in historical reports of the voter file product, please let me know what dates you will want prior to ordering them at <https://app.mt.gov/voterfile/>.



Dana Corson | Elections Director

Montana Secretary of State, Christi Jacobsen
State Capitol Building
Helena, MT 59601
PHONE 406.444.3334

website [sosmt.gov] | **email** | **map** [[google.com](https://www.google.com)]

From: Brad Tschida <betschida54@gmail.com>
Sent: Friday, December 9, 2022 1:52 PM
To: Corson, Dana <DCorson@mt.gov>
Cc: Jacobsen, Christi <CJacobsen@mt.gov>
Subject: [EXTERNAL] Discrepancy in election results

Mr. Corson:

A little over a week ago, I sent an email to your office seeking clarification on a discrepancy in the vote totals from my race for SD 49. The discrepancy between what your office reported on 11/9/2022 (10,344), received by your office from the Missoula County Elections Office (MCEO) and the information they provided me (9,234), was a difference of 1,110 votes.

I requested the list/data that the MCEO sent to your office to publish the results on 11/9/2022 and you directed me to reach out to the MCEO for that information. I followed those directions on 12/5/2022 and, as of yet, have received no response from the MCEO staff. I can forward my correspondence and list from their office, if you desire, but it changes nothing concerning the lack of communication from the MCEO to resolve this critical issue.

The MCEO was initially asked by me to provide me with "the names of every person who voted in the 11/9/2022 Midterm Election in Missoula County". It was an all inclusive request. There was no provision for how or when these individuals voted, only the names of all who voted. Since the MCEO provided your office with "unofficial" results, which were published by your office on 11/9/2022, I anticipated receiving the same information. Instead, the double-checked numbers I received from their office show 1,110 fewer voters than your published results, which were subsequently certified in the last 2 weeks.

While I have no idea if a change in results would occur, the 1,110 total vote discrepancy is sufficient to change the dynamic of the outcome in a number of ways.

If the MCEO will not provide this information to me, the rationale for their recalcitrance is alarming. Additionally, the fact that the 1/8/2022 election was "certified" with a known discrepancy of this magnitude is extremely troubling.

I am asking that your office strongly encourage the MCEO to cease dragging their feet and immediately provide me with information that is public information. I don;t believe I need to cite the section of Title 13 that corresponds to my request. To have this matter slow-walked in its present fashion is an affront to the rights of citizens to be informed as to the working of their government.

I await your most prompt response.

Respectfully,

Brad Tschida

Ames, Susan

From: Brad Tschida <betschida54@gmail.com>
Sent: Saturday, January 7, 2023 10:58 AM
To: Corson, Dana
Cc: Jacobsen, Christi; James, Austin
Subject: [EXTERNAL] Fwd: 2 lists from MCEO
Attachments: POLLING PLACE VOTERS SD 49.xls

There is a serious matter that demands addressing concerning the 11/8/2022 elections in Missoula County. While the information provided in this message only indicates an issue in a single race in Missoula County, the likelihood of wider-ranging issues throughout the state is very evident. The information from the Montana Election Integrity Project, a copy of which your office received, is irrefutable proof of problems with our current election system.

I requested information from the Missoula County Election Office (MCEO) following the conclusion of the 2022 Midterm Election to confirm the numbers reported by them to the SOS Election office. (In no way are my following comments an indication of an effort to overturn the results of the election in SD 49. Rather, this information indicates the near certainty that the election certified by the SOS office was done despite erroneous numbers making up the election results.) The initial file I received on 11/15/22 from the MCEO, also dated 11/15/2022, showed a difference of 1,110 votes (less) than what was reported by the SOS Election office on 11/9/22, despite asking the MCEO for the names of "every individual who voted in the November 8, 2022 Midterm election in SD 49".

In an effort to reconcile the disconnected results, I asked the MCEO for the same file they sent to the SOS office, upon which your published results were based. My request was simple and straightforward, but the response was anything but. The MCEO told me that they were unable to immediately provide me with the requested data and that I would need to jump through a few hoops to get it (my description of their response). After waiting for about an additional week, I received data dated 11/22/2022, which had "absentee" data, and a file that included the "in-person" "Poll" voters. The second file ("Poll voters") was never provided to me at the time of my initial request.

When I added the "In-person" "Poll" voters to the "absentee voter" file I first received from the MCEO, there were 128 more votes (10,472) than what the SOS Election office reported the day after the Midterm election (10,344). While not sufficient to change the outcome of the election, the 128-voter differential is a serious discrepancy. When I added the "in-person" voters to the second set of data I received from the MCEO, the results showed 28 less voters than what the SOS Election office reported on 11/9/2022, a difference of 156 vote from the first set of data. Once again, the gross difference would not change the outcome, but that is secondary to the fact the numbers from the MCEO don't equate to the numbers reported by the SOS Election office, yet the election was certified by the SOS. Were either of these sets of data equivalent to the data sent to the SOS Election office by the MCEO? That needs to be ascertained.

Whether 28 voters too few, or 128 voters too many, the fact appears that the SOS certified an election that is patently inaccurate. Any of the 28 / 128 voters involved were disenfranchised in some manner, as their vote was either not counted, or illegitimate voters were allowed to cancel out their votes. Neither is an acceptable outcome.

I request that you take the files sent to me by the MCEO and compare them with the data received by the SOS Election office to ascertain the reason for the discrepancy discovered by my assessment. While it could be an error on my part, which I am willing to admit if found, I double-checked my data and believe my numbers are accurate.

If confidence is to be returned to elections in Montana, it is imperative that a thorough assessment of the results of the 2022 Midterm Election in Missoula County be conducted. If my numbers are correct, the SOS Election office needs to explain why election results in Missoula County, and perhaps statewide, were certified with such errors.

Brad Tschida



[BT Ex-AbsenteeVotersList-Missoula-2022-11-22-11... \[drive.google.com\]](#)



[Ex-AbsenteeVotersList-Missoula-2022-11-15-17122... \[drive.google.com\]](#)