

The letter mentions certain irregularities from the 2020 election. The irregularities listed include:

- ***Due to a court dispute, no ballots were to be mailed prior to 10/9/20. 1,092 were sent prior to this date;***

The letter goes on to state:

Why did the Missoula County Elections office claim to mail out ALL 78,000 ballots on 10/9/2020, when nearly 1,100 ballots were mailed and received by the Missoula County Elections office prior to 10/9/2020?

The court dispute referenced by the letter is *Trump v Bullock*. As you may recall, the Trump campaign challenged the emergency authority of the Governor to issue the directive regarding the 2020 election in federal court. The case was dismissed at the first stage. In other words, the case had no finding or impact at all on the operation of Governor Bullock's election directive. The directive itself had no provisions to prevent the mailing or making available ballots prior to October 9, 2020 for certain voters. Instead, the directive provided:

"Counties that opt to conduct an early vote/mail ballot election pursuant to this Directive and Title 13, Chapter 19, MCA, shall send mail ballots on October 9, 2020, consistent with § 13- 13-205(1)(a)(ii), MCA."

However, there were 1,096 ballots issued pursuant to 13-13-205 and 13-13-222 and the August 6, 2020 Executive Order. Statute 13-13-205(2) provides for ballots for Montana's Uniformed and Overseas voters (UOCAVA). The Governor's Executive Order did not alter the timing of when UOCAVA voters were to receive their ballots.

In other words, military and overseas voters (roughly 1,100) received their ballots under the normal procedures, prior to October 9. But, ballots pursuant to the directive were not mailed and received prior to October 9.

13-13-205(2), MCA, states the following:

"A federal election ballot requested by an absent uniformed services or overseas elector pursuant to Title 13, chapter 21, must be sent to the elector as soon as the ballot is printed but not later than 45 days in advance of the election."

- ***28 voters were sent a ballot on 10/9/20 for which the SOS database shows a voter eligibility date AFTER the 2020 election;***

Ballots were mailed on 10/9/20 to all eligible voters as of 10/9/20. The letter relies on record changes that occurred after the election, in other words, a later report. The 28 voters with changes after the 2020 election were eligible to vote on the date their ballot was mailed. Common reasons for these types of system occurrences include name changes (marriages), or address changes that legally permit a voter to cast one final ballot under their previous registration. See, MCA 13-2-512.

- ***4,592 ballots were found without corresponding signature / affirmation envelopes.***

The Missoula Citizens group only counted envelopes last January and concluded that there was a shortage of envelopes compared to the number of ballots. It is unknown if ballots were accessed or counted and found to be without corresponding signature / affirmation envelopes. Thereafter, the materials were sealed according to law, and require a court order to confirm.

- *28 ballots received from one Missoula nursing home were all signed in the same handwriting.*

County Election officials are responsible for determining signature sufficiency. County Election Officials have been trained and have training materials available to them to help with comparing signatures. All signature comparisons are performed during a public process that allows for citizens to object to the authenticity of the voter. The envelopes were not brought to a court of law or challenged, and subsequently were sealed. MCA, §§ 13-27-103, sufficiency of signature, petitions, 13-19-106, general requirements for mail ballot election, 13-13-241, examination of absentee ballot signature envelopes.

- *A random (sp?) count conducted on 15,455 envelopes. The count identified 55 envelopes with no dates, and 53 that appeared to lack confirmation of signature authenticity.*

The envelopes were not brought to a court of law or challenged, and subsequently were sealed. However, envelopes that are delivered to a place of deposit or an election office (etc.) will not have a post mark date.

- *5,998 ballots were mailed to voters for the 2020 general election that were marked as "undeliverable" the last time a ballot was sent in a previous election.*

A voter with an undeliverable ballot that contacts the election office or shows up to vote in a poll or mail ballot election preserves active voter status. Additionally, a voter with an undeliverable ballot in a previous election may reactivate their status through correspondence during the NVRA process or any voter initiated contact.

In short, it is not irregular for a ballot to be mailed to a voter during a mail ballot election despite that the voter had a previous ballot marked as undeliverable in a previous election.

Similarly, an undeliverable ballot alone does not require changing a voters active status for future elections.

- *Video records of the election process were destroyed prior to the 60 day record retention policy.*

The citizens group had previously relayed information that the policy in Missoula County could be better written. The current retention policy of the County provides that the record should not be kept "to exceed 60 days." In contrast, the letter states the retention was "for 60 days." The State Records Committee is already addressing this issue.

Additionally, the video referenced by the Election Administrator was produced as a live stream. The Office of the Secretary of State has already committed to address this area.

Other items noted include:

- *Note on infusion of money into local elections by CTCL.*

Senator Vance sponsored Senate Bill 335, which would have prohibited this funding, however it failed in the Senate.

- *Do voting machines and tabulators have built in wireless modems?*

The versions of all voting machines and tabulators approved in Montana do not have built in wireless modems. Montana voting systems must first receive federal accreditation and testing by the Election Assistance Commission, before they are publicly certified in Montana. A system will not be approved, certified, or maintain prior authorization/certification if it is unprotected from fraudulent tampering in any form. Montana has not certified modeming, cellular, or networking capabilities for any voting system in this state.