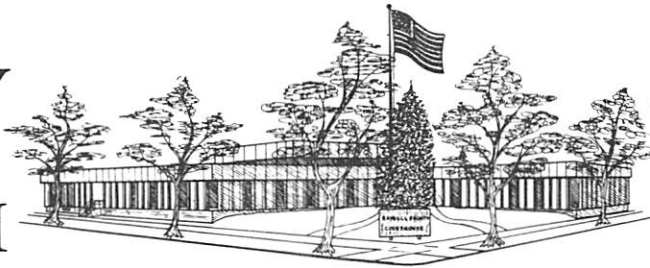


# COUNTY OF RAVALLI



RAVALLI COUNTY COMMISSIONERS  
215 S. 4<sup>th</sup> Street, Suite A  
Hamilton, MT. 59840  
406-375-6500  
[commissioners@rc.mt.gov](mailto:commissioners@rc.mt.gov)

April 25, 2022

Christi Jacobsen  
Montana Secretary of State  
1301 E 6<sup>th</sup> Ave.,  
Helena, MT 59601

RE: Ravalli County Elections - Post-Election Audit Process

Dear Secretary Jacobsen:

Ravalli County is committed to doing everything that it can to ensure election security and voter confidence in its upcoming elections. As you wrote in your April 2021 letter, “[t]he integrity of Montana elections relies on citizen involvement throughout the voting process. The very essence of having transparent elections is to facilitate public participation and promote accountability in the process.” Ravalli County seeks to promote accountability, increase transparency, and address concerns raised by many citizens throughout the County about current statewide processes.

As Americans, the right to vote is fundamental to our democracy and is one of our most sacred rights. Ravalli County is focused on protecting this most sacred right and ensuring its citizens can trust the election results.

For these reasons and in order to comply with Montana law, Ravalli County is seeking authorization from the Secretary of State to slightly expand upon the current procedures of the State as it pertains to the statutorily authorized post-election audit. In addition to complying with and satisfying all the requirements imposed by law, the County is looking to perform an additional independent audit separate from the state for (1) a randomly selected local contested race and (2) a randomly selected local ballot issue. As laid out below, this random selection will take place at the local level.

## **1. Montana Law**

The Montana Secretary of State is charged with adopting rules to implement post-election provisions of the Montana Code. The Code states that “[t]he secretary of state shall adopt rules to

implement the provisions of this part, including but not limited to rules for: the process to be used for selecting precincts, races, and ballot issues for the random-sample audit; and the manner in which the random-sample audit of vote-counting machines will be conducted pursuant to the procedures established in this part.” 13-17-503 (6), MCA.

At the local level, the County Clerk and Recorder is the election administrator. The election administrator has broad authority for administration of all procedures relating to the conduct of elections, including enhancing election security. Pursuant to Section 13-1301, MCA, “[t]he election administrator is responsible for the administration of all procedures relating to . . . [the] conduct of elections . . . and is the primary point of contact for the county with respect to the . . . implementation of other provisions of applicable federal law governing elections.”

Here in Ravalli County, our election administrator has taken steps to increase transparency by encouraging individuals to attend and watch the post-election audit.

## **2. County’s Proposal**

At the conclusion of the random-sample post-election audit, the County seeks to perform a local-post election audit of an additional local contested race and a local ballot initiative.

- A. Random Selection Process:** In order to randomly choose the local contested race and the local initiative, the County will use a random process mirroring the state’s post-election audit process. Similarly to how the state board of canvassers makes its random choices between 7 and 9 days after the election using dice, the County will have the Commission chairman randomly select the precinct, local contested race, and local ballot issue between 7 and 9 days after the election by drawing out of a hat.

It is anticipated that there will be three different hats – one hat with all precincts written out on separate pieces of paper; one hat with all the local contested races written out on separate pieces of paper; and one hat with all the local ballot issues written out on separate pieces of paper.

- B. Open to Public:** This selection process will be open to the public.

- C. Authorization to Unseal Ballots:** This process will require unsealing some ballots for the precincts of the local contested race and local ballot issue selection. Section 13-1-303, MCA states that “Except for a federal election and as provided in 13-15-301(2), the voted ballots, detached stubs, un-voted ballots, and unused ballots from an election must be kept in the unopened packages received from the election judges for a period of 12 months. The packages may be opened only when an order for opening is given by the proper official either for a recount procedure or to process provisional ballots.”

Currently, ballots are kept in unopened packages when received from election judges. These packages are then secured by the Clerk and Recorder/Election Administrator. The specific packages become unsealed when the Clerk and Recorder/Election Administrator is notified by a proper official of the specific precinct being audited for each specific

race. Here, the County will seek authorization to unseal packages of ballots for not only the post-election random-sample audit, but also for the precincts randomly selected through the local selection process.

- D. **Local Post-Election Audit:** Upon the conclusion of the post-election audit, the county audit committee will immediately conduct the expanded local post-election audit, at the same time and place, by manually counting ballots from the designated races and ballot issues in precincts selected through the random local process.
- E. **Results of Local Post-Election Audit:** Similarly to how the post-election audit hand counts are then compared to the machine counts, the local audit hand counts will also be compared to the machine counts.
- F. **Unexplainable Discrepancies:** Should any unexplainable discrepancies come about, such shall be treated in accordance with provisions of Montana law.

Ravalli County also requests that policy or rules be adopted pursuant to Section 13-17-503(6), MCA, to allow counties to perform local post-election audits for all elections in the county including district, municipal and school elections.

Overall, the County seeks authorization to conduct this expanded post-election audit. We request a written response by May 13, 2022.

Respectfully,  
Ravalli County Board of Commissioners



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Dan Huls, Chairman



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Greg Chilcott, Vice-Chair



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Jeff Burrows, Member

CC: Governor, Greg Gianforte  
Attorney General, Austin Knudsen  
State Auditor, Troy Downing  
Senator, Jason Ellsworth  
Senator, Theresa Manzella  
Representative, David Bedey  
Representative, Ron Marshall  
Representative, Michelle Binkley