

Douglas Bohn
P.O. Box 815
Victor, MT 59875

8/22/2022

Regina Plettenberg
Clerk and Recorder
Ravalli County
215 S. 4th Street, Suite C
Hamilton, MT 59840

RECEIVED

AUG 22 2022

Ravalli County Commissioners

--	--	--	--	--

Dear Regina:

RE: Montana Public Information Request

Under the Montana Public Records Act § 2-6-1006 et seq, Headed by the following:

WHEREAS, Article II, section 9, of the Montana Constitution provides that the public is guaranteed a fundamental right to access and examine the documents of all public bodies and agencies of state government and its subdivisions; and

WHEREAS, this right to know is essential to ensure that government is accountable to its citizens; and

WHEREAS, unreasonable delay of information requested by the public impedes the fundamental right to access government documents; and

WHEREAS, a failure on the part of government agencies to timely respond to information requests has resulted in public information and public documents not being available for public review until long after the underlying or related decision by a public agency has been made and potentially implicating other constitutional rights.

In the interest of transparent, free and open elections in the State of Montana, I am once again requesting the Cast Vote Record (CVR) produced by the ES&S voting machines owned by the citizens of Ravalli County. The CVR's that I am specifically requesting are those related to the 2020 General Election and the 2022 Primary election.

My previous request was responded to, not by you, but by Stewart Fuller of the Secretary of State's office instructing you to "maintain the historical practice", and citing MCA 13-1-303 as justification for not releasing this DATA.

MCA 13-1-303 reads: Disposition of ballots and other election materials.

(1) (a) Except for a federal election and as provided in **13-15-301**

(2), the voted ballots, detached stubs, unvoted 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.

(b) The voted ballots, detached stubs, unvoted ballots, and unused ballots from a federal election must be retained in the unopened packages received from the election judges for a period of 22 months. The packages may be opened only as provided in subsection (1)(a) or for a postelection random-sample audit of vote-counting machines.

(c) An election administrator may dispose of the ballots as provided in subsection (2) if after the time periods provided for in this subsection (1), there is no:

- (i) contest begun;
- (ii) recount pending; or
- (iii) appeal of a decision relating to a contest, a recount, or a postelection random-sample audit.

(2) Each election administrator shall prepare a plan for retention and destruction of election records in the county according to the retention schedules established by the local government records committee provided for in **2-6-1201**.

The response from Stewart Fuller, plainly interpreted, states: "Just keep doing what you have always done, and ignore your citizens' lawful request for any information regarding elections."

This is not acceptable. To pass this off to the SOS appears to be an attempt to "pass the buck" of responsibility that comes with your elected office. The authority to provide this information is well within your elected authority and duty.

I must point out, this MCA, does not in any way, identify the DIGITAL records that I am requesting as "protected election records". I also note that these digital records fall outside of the Election Administrator's authority to destroy or dispose of them.

Whereas MCA 13-17-103 (I) reads:

(I) allows auditors to access and monitor any software program while it is running on the system to determine whether the software is running properly

Whereas there are no records of this statute having been complied with in Ravalli County elections, the requested CVRs are the closest record available to the County or State to comply with this law. These records are digital in nature, they may be duplicated without disturbing the original records, and without risking original record degradation. In addition, these CVRs require less space to preserve than the space occupied by today's common Bic lighter.

These records should include:

- CVR Record #
- Timestamp
- Tabulator ID
- Municipality
- Precinct
- Batch ID
- Record ID
- Counting Group
- Session Type
- Ballot Type ID
- Paper Index
- Contest
- Candidate
- Undervotes
- Overvotes
- Mark Density

I respectfully demand that you comply with the Montana State Constitution and the Montana State laws cited above and fulfill this request for information prior to August 29th. I will be happy to provide the thumb-drive upon which you may provide these records. Just let me know if you are in need of these supplies.



Douglas Bohn
P.O. Box 815
Victor, MT 59875

bohnc01@outlook.com
406.369.5592 [Text Message Preferred]

CC: Commissioner Greg Chilcott, **CLAY R. LELAND** Deputy County Attorney

Received by:

On Behalf of Regina Plettenberg Date

On Behalf of Greg Chilcott Date

On Behalf of Clay R. Leland Date

