

October 30, 2020

Via email and hand-delivery

Bradley Seaman
Missoula County Elections Administrator
140 North Russell Street
Missoula, Montana 59801

RE: BALLOT INFORMATION REQUEST

Greetings:

We represent Brad Tschida. Mr. Tschida is seeking public information pursuant to Mont. Code Ann. § 2-6-1006. The statute provides that “a person¹ may request public information from a public agency.” On this authority, Mr. Tschida requests the following:

Altered Ballot Information

Enclosed you will find an affidavit signed by Missoula County Elector Stephanie Dwyer. It indicates that your office is advising people to turn in altered ballots if, after marking their ballots, they make errors or change their minds about their voting choices. Under this procedure, voters who make such changes are not told to obtain a new ballot, but to alter their ballot.

The concern is that if you count altered ballots, it may be impossible to discern if the ballots were altered by the voter or by someone other than the voter. If the altered ballots follow the overall voting pattern for the County, the concern may be a minor one. If, however, they break disproportionately for one party or the other, the concern that the altered ballots were altered by someone other than the voter would be grave indeed. As you may know, elections in Missoula have a history of breaking very late, often in the

¹ See, MONT. CODE ANN. § 1-1-201 defines a person as “a corporation or other entity as well as a natural person.”

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wee hours of the day after election day, and this circumstance may shed some light on that history in our County.

Mr. Tschida, therefore, requests that you retain each ballot that you count that has been altered in the way described in the Dwyer affidavit. Mr. Tschida requests that he or his agent be allowed to inspect them, to count them, and to capture photographic images of them.

Signed Ballot Envelopes

Mr. Tschida also requests access to all signed ballot envelopes for Missoula County for inspection, counting, and photographing. The concern here is that the number of signed ballot envelopes needs to match the number of ballots counted to guarantee no fraudulent ballots are inserted into the process and counted as real votes.

We ask that information requested herein be supplied to us on November 4, 2020, so they can be inspected during regular business hours on November 4, 5, and 6, 2020.

This letter is being sent via email from qmr@montanalawyer.com, and via hand delivery, and is being copied on local and other news outlets as well as the Missoula County Attorney and the Montana Attorney General.

We thank you in advance for your anticipated cooperation.

Sincerely yours,
RHOADES SIEFERT & ERICKSON PLLC



Quentin M. Rhoades

cc: Client

DECLARATION OF STEPHANIE DWYER

I, Stephanie Dwyer, pursuant to MONT. CODE ANN. § 1-6-105, hereby declare, under penalty of perjury, the following to be true and correct:

1. I am over eighteen (18) years of age, and resident of Missoula County, Montana. I am mentally sound and competent to attest to the matters set forth herein. The matters set forth in this Declaration are based upon my own personal knowledge, unless otherwise stated.
2. On October 28, 2020, I was in possession of an absentee ballot that I had requested and had received several weeks prior. Upon receipt, I filled it out and sealed it, but, as of October 28, 2020, had yet to mail or drop off my absentee ballot.
3. As of October 28, 2020, I changed my mind about a candidate and decided I would like to change my vote.
4. I called the Missoula County Election Office to see how to get a new ballot. The woman I spoke with said I did not need a new ballot. Instead, she instructed:
 - a. Carefully open both envelopes;
 - b. Draw an "x" through the bubble that I don't want;
 - c. Fill out the bubble I do want;
 - d. Put back in the blue envelope;
 - e. Tape it shut;
 - f. Put blue envelope back in the white envelope and tape it shut;
 - g. Write "taped by voter"
 - h. Initial it; and
 - i. Turn in or mail altered ballot.
5. The next day, I wrote an email to the election office personnel to confirm the instructions, as I did not want to make a mistake.
6. I later received an email response from the Missoula County election office confirming the instructions I had been given.
7. On October 28 and 29, 2020, I inquired with Gallatin, Ravalli, Flathead, and Yellowstone Counties. Election officers of all four told me orally that that if such a situation occurred in their jurisdictions, I would need to come into their election office and get a brand-new ballot in person.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.



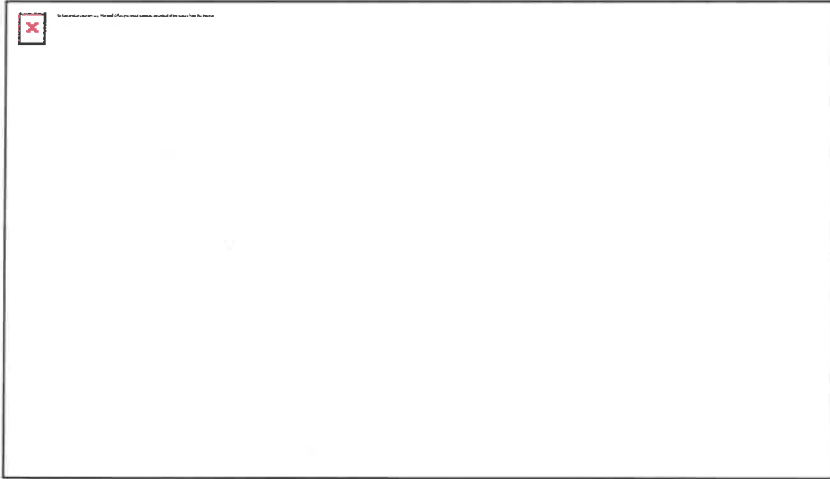
Stephanie Dwyer

Date of Signature: 10/29/2020

City and State of Missoula, Montana

Quentin.Rhoades

From: Stephanie Dwyer <stephanie.m.dwyer@gmail.com>
Sent: Friday, October 30, 2020 1:02 PM
To: Quentin.Rhoades
Subject: Fwd: Absentee Ballot Change - Please Confirm Instructions



Stephanie Dwyer
PureWest | Christie's International Real Estate
406.531.3307

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

From: Bobbi Day <bday@missoulacounty.us>
Date: Thu, Oct 29, 2020 at 10:15 AM
Subject: Re: Absentee Ballot Change - Please Confirm Instructions
To: Stephanie Dwyer <stephanie.m.dwyer@gmail.com>

Stephanie, that will work. If you feel uncomfortable doing that, you can also request a replacement ballot (we can email or mail you the form or you can come to the Election Center at 140 N Russell).

Election Staff

From: Stephanie Dwyer <stephanie.m.dwyer@gmail.com>
Sent: Wednesday, October 28, 2020 5:11 PM
To: electioninfo <electioninfo@missoulacounty.us>
Subject: Absentee Ballot Change - Please Confirm Instructions

Hello,

I have an absentee ballot that I received awhile ago. I filled it out and sealed it, but have yet to mail or drop it off. Since I filled it out, I've changed my mind about a candidate and would like to change my vote.

I called earlier this afternoon and want to make sure I heard the instructions correctly:

The woman I spoke with said:

Carefully open both envelopes

Draw an "x" through the bubble that I don't want

Fill out the bubble I do want

Put back in the blue envelope, tape it shut

Put blue envelope back in the white envelope and tape it shut and write "taped by voter" and initial it.

Can you please confirm the instructions, I don't want to make a mistake.

Thank you!

Stephanie

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