

# Election Integrity in Montana

Sen Theresa Manzella

Article 1, Section 4, Clause 1 of the U.S. Constitution states -  
The times, Places and Manner of holding Elections for Senators  
and Representatives, shall be prescribed in each State by the  
Legislature thereof;

The Constitution of the State of Montana states in Article IV,  
Section 3 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  
registrations, and shall insure the purity of elections and guard  
against abuses of the electoral process.



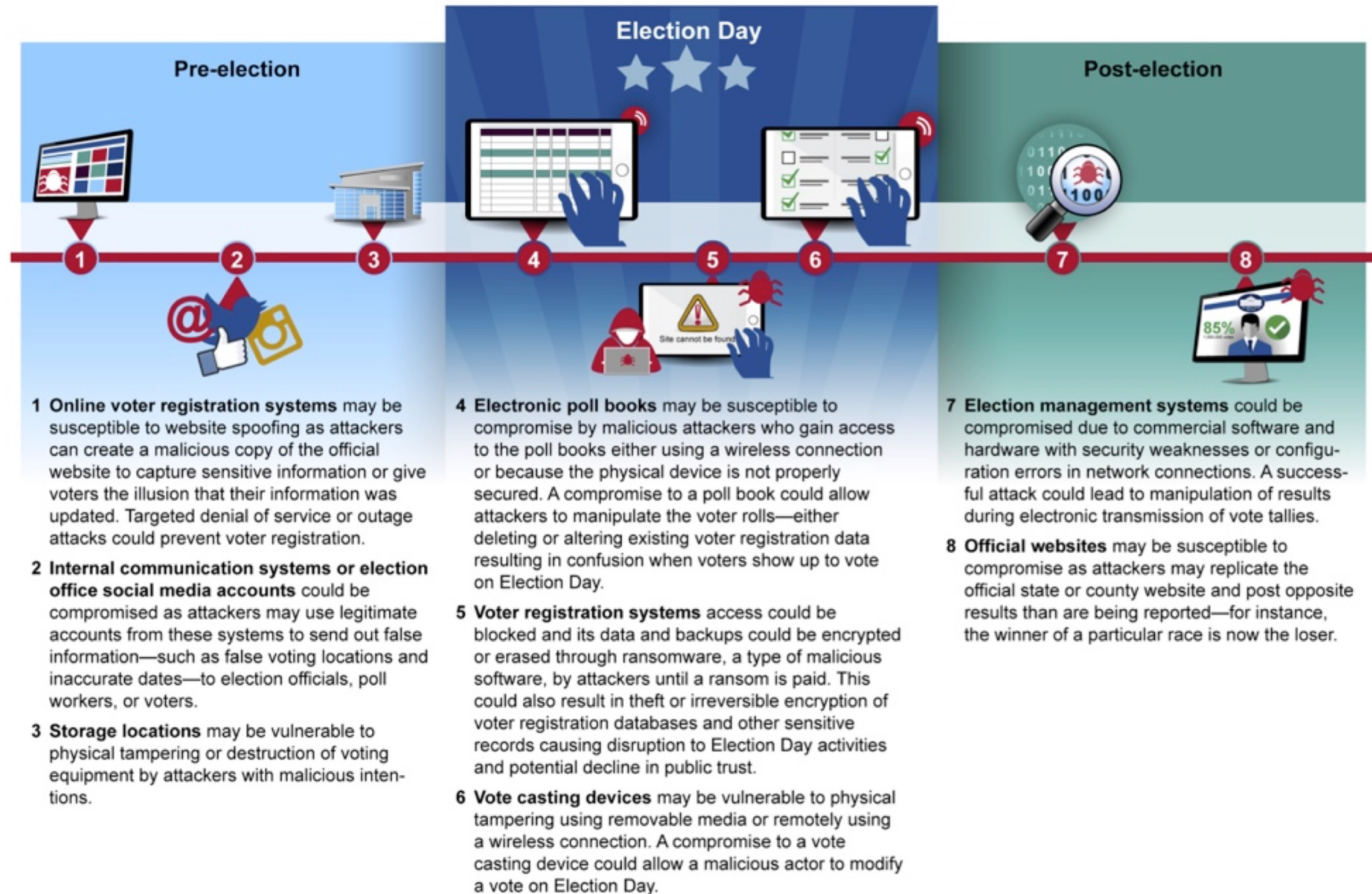
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February 2020

# ELECTION SECURITY

DHS Plans Are  
Urgently Needed to  
Address Identified  
Challenges Before the  
2020 Elections

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







A REPORT  
TO THE  
MONTANA  
LEGISLATURE

INFORMATION SYSTEMS AUDIT

# *Security and Maintenance of Montana Election Systems*

*The Office of the Secretary of State*

AUGUST 2020

LEGISLATIVE AUDIT  
DIVISION

19DP-06



## MONTANA LEGISLATIVE AUDIT DIVISION

## Security and Maintenance of Montana Election Systems

THE OFFICE OF THE SECRETARY OF STATE

### BACKGROUND

Montana Elections are managed and administered by the Office of the Secretary of State (SOS) and local officials. Each of the counties administer elections differently, while SOS is required to advise and assist them. Additionally, the state and the counties receive resources and support from the federal government.

**Agency:**

The Office of the Secretary of State

**Secretary of State:**

Corey Stapleton

**Division:**

Elections

This information systems audit examined whether SOS is evaluating physical security and managing election risks, including the accuracy of the voter registration database. We found that, although SOS is making improvements to elections, further definitions are required to identify scope of election security and election security measurements. SOS can also improve success of future security initiatives by updating grant management practices, with potential oversight opportunities from the legislature. SOS provides counties the tools to manage the accuracy of voter registration and status changes, but our work found that SOS is not conducting state-level maintenance procedures where it is most efficient. These are needed to ensure changes are made in a timely manner and to identify potential training, system, or process improvements.

**KEY FINDINGS:**

**Statute and rule do not define the scope of election security or align with best practices.** Due to the decentralized management of elections, counties need a consistent definition of security and a formal security assessment process. Current law lacks clarification of election security and rule does not specify security measures.

**Management of federal grants do not align with best practices.** SOS does not have performance measurements in place as outlined in grant management best practices. SOS does not have any controls in place to ensure federal grant funding is being used to meet objectives and goals of the grant.

**SOS does not have an Information Security Manager position to oversee all divisions within the department.** Since 2017, SOS has had a vacant Information Security Manager position that is necessary to independently oversee all aspects of security within an agency, including election security.

**The department does not have a state-level maintenance program in place to ensure accuracy and timeliness of voter registration statuses.** SOS relies on the county election administrators to update their residents voter status. Although SOS provides the resources and information, they are not verifying that status updates have occurred within a timely manner.

For the full report or more information, contact the Legislative Audit Division.

[leg.mt.gov/lad](http://leg.mt.gov/lad)

Room 160, State Capitol  
PO Box 201705  
Helena, Montana 59620  
(406) 444-3122

The mission of the Legislative Audit Division is to increase public trust in state government by reporting timely and accurate information about agency operations, technology, and finances to the Legislature and the citizens of Montana.

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Call  
(Statewide)  
(800)-222-4446 or  
(Helena)  
(406)-444-4446

Text  
(704) 430-3930

**RECOMMENDATIONS:**

In this report, we issued the following recommendations:

To the office: 4

To the legislature: 1

**RECOMMENDATION #1 (PAGE 10):**

Using industry standards and best practices, the Montana Legislature should define the scope of election security and mandate assessments at the local levels.

**Office response:** **Concur**

**RECOMMENDATION #2 (PAGE 12):**

SOS should align the definition of election security within rule with statute and provide further guidance on necessary security measurements.

**Office response:** **Concur**

**RECOMMENDATION #3 (PAGE 16):**

SOS should enhance the grant management program, including implementing measurable objectives, goals, and timelines while ensuring ongoing evaluation is occurring to measure success.

**Office response:** **Concur**

**RECOMMENDATION #4 (PAGE 21):**

SOS should fill the vacant Information Security Manager position to ensure both election security and agency-wide security have consistent, independent, and comprehensive oversight.

**Office response:** **Concur**

**RECOMMENDATION #5 (PAGE 30):**


SOS should implement between a state-level maintenance program to address timeliness and verification of voter status updates in the voter registration database.

**Office response:** **Concur**



## **RECOMMENDATION #1**


*We recommend the Montana Legislature:*

- A. Clearly define the scope of election security using federal election security best practices and National Institute of Standards and Technology security controls to ensure all aspects of elections are secure, and*
  - B. Mandate the assessment of election security using defined security standards at the local and state levels.*
- 



## **RECOMMENDATION #2**

*We recommend the Office of the Secretary of State develop rules that:*

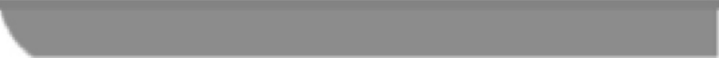
- A. Define voting system consistently with statute.*
  - B. Include detailed security measures that align with statute, election best practices, National Institute of Standards and Technology security controls, and federal recommendations.*
- 



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### **RECOMMENDATION #3**

*We recommend the Office of the Secretary of State implement a detailed grant management program to be applied to future allocated Help America Vote Act funding that includes:*


- A. Measurable objectives and goals for grant spending.*
  - B. Ongoing evaluation and tracking of objectives and goals to ensure success.*
  - C. Clear timelines and milestones to ensure funding and expenditures meet objectives and goals of the grant.*
- 
- 





#### **RECOMMENDATION #4**

*We recommend the Office of the Secretary of State fill the Information Security Manager position to:*

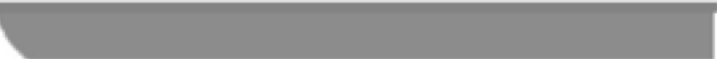
- A. Conduct all security requirements listed in statute,*
  - B. Ensure internal policies and procedures are available and consistently reviewed to reduce election and agency risks,*
  - C. Provide independent security oversight for election officials and election systems, and*
  - D. Provide ongoing communication channels between election administrators, stakeholders, and agency personnel to address security risks.*
- 



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### **RECOMMENDATION #5**

*We recommend the Office of the Secretary of State implement a state-level maintenance program that addresses issues identified including:*

- A. Developing a regular maintenance, communication, and follow-up schedule for the state and counties to follow to ensure timeliness of updates.*
  - B. Implementing periodic voter registration data analysis to review controls that ensure voter statuses are current, accurate, and prevent invalid ballots.*
- 
- 

# Montana Code Annotated 2021

## TITLE 13. ELECTIONS

### CHAPTER 17. VOTING SYSTEMS

#### Part 1. General Provisions

## Required Specifications For Voting Systems

**13-17-103. Required specifications for voting systems.** (1) A voting system may not be approved under **13-17-101** unless the voting system:

- (a) allows an elector to vote in secrecy;
  - (b) prevents an elector from voting for any candidate or on any ballot issue more than once;
  - (c) prevents an elector from voting on any office or ballot issue for which the elector is not entitled to vote;
  - (d) allows an elector to vote only for the candidates of the party selected by the elector in the primary election;
  - (e) allows an elector to vote a split ticket in a general election if the elector desires;
  - (f) allows each valid vote cast to be registered and recorded within the performance standards adopted pursuant to subsection (3);
  - (g) is protected from tampering for a fraudulent purpose;
  - (h) prevents an individual from seeing or knowing the number of votes registered for any candidate or on any ballot issue during the progress of voting;
  - (i) allows write-in voting;
  - (j) will, if purchased by a jurisdiction within the state, be provided with a guarantee that the training and technical assistance will be provided to election officials under the contract for purchase of the voting system;
  - (k) uses a paper ballot that allows votes to be manually counted; and
  - (l) allows auditors to access and monitor any software program while it is running on the system to determine whether the software is running properly.
- (2) A voter interface device may not be approved for use in this state unless:



3. **Prohibited Uses.** Customer shall not take any of the following actions with respect to the ES&S Software or the Documentation:

a. Reverse engineer, decompile, disassemble, re-engineer or otherwise create, attempt to create, or permit, allow or assist others to create, the source code or the structural framework for part or all of the ES&S Software;

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b. Cause or permit any use, display, loan, publication, transfer of possession, sublicensing or other dissemination of the ES&S Software or Documentation, in whole or in part, to or by any third party without ES&S' prior written consent; or

c. Cause or permit any change to be made to the ES&S Software without ES&S' prior written consent; or





Stephanie Verhasselt &lt;sverhasselt@richland.org&gt;

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## Forensic Audits

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**Corson, Dana** <DCorson@mt.gov>  
To: SOS Elections <SOSElections@mt.gov>

Wed, Oct 27, 2021 at 4:46 PM

To All County Election Officials:

I have been made aware that several counties have been approached about a "forensic audit" of your tabulators. Please consider these items when responding to the request:

1. Unauthorized access or attempts to hack a tabulator may be a violation of your agreement with Election Systems & Services.
2. A tabulator accessed by a non-county or ES&S personnel may have to be retested and certified to ensure no unauthorized code was placed on the tabulator and that passwords remains secret. This may entail extra expense that you would need to cover.
3. A tabulator may contain confidential information that relates to either information systems configuration or business trade secrets. For example, a citizen does not have the ability to access or "audit" the configuration of your County network router or server or the State's Internet firewall.

I recommend that:

1. You notify the Secretary of State's office if you are planning on allowing an "audit" of your tabulators.
2. Before allowing any type of "audit" that you consult with your County Attorney.
3. You consult with Election Systems & Services in regards to your support and sales agreement.
4. Whatever the proposed audit activity is, get it clearly defined in advance. This would include the exact activity, audit steps, and information that would be obtained from the tabulators.

If you have any questions, please let me know.

[Logo, calendar Description automatically generated]  
Dana Corson | Elections Director  
Montana Secretary of State, Christi Jacobsen  
State Capitol Building  
Helena, MT 59601  
PHONE 406.444.3334

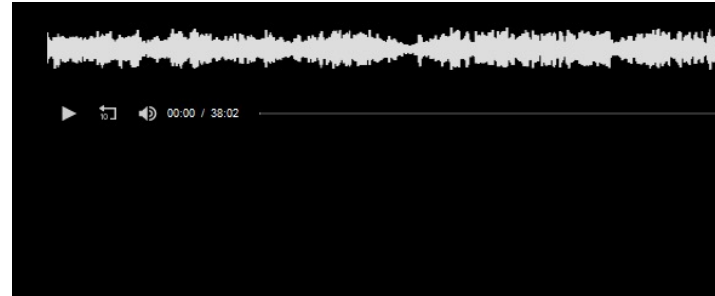


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registrations, and shall insure the purity of elections and guard  
against abuses of the electoral process.

# Montana Gov Brian Schweitzer speech



## Montana Gov. Brian Schweitzer speech to trial lawyers convention, 7/14/2008

Publication date [2008-07-14](#)  
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Topics [Brian Schweitzer](#), [trial lawyers](#), [vote fraud](#)

Montana Governor Brian Schweitzer's speech to the annual trial lawyers' convention in Philadelphia on July 14, 2008, in which Schweitzer boasted (to the cheers of the trial lawyers) of his misuse of official powers to interfere with the voting and vote-counting process to tip the 2006 Montana election for a U.S. Senate seat to his favored candidate, Jon Tester (listen at 10:30 to 12:00 about the plan Schweitzer carried out to use threats of false arrest to force Republican poll watchers to abandon their posts, and at 12:45 to 14:30 about Schweitzer's directive to the clerk of Silver Bow County to delay the release of vote counts for many hours so as to give Tester a tactical advantage in resisting a recount)

Addeddate [2008-08-26 22:51:52](#)  
External\_metadata\_update [2019-03-29T02:15:20Z](#)  
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## Reviews

 Add Review

Reviewer: [NoiseCollector](#) - ★★★★★ - September 22, 2008  
Subject: Democracy in action  
Awesome!



# Arrow To The Heart

## The Last Battle at the Little Big Horn

The Custer Battlefield Museum vs. The Federal Government

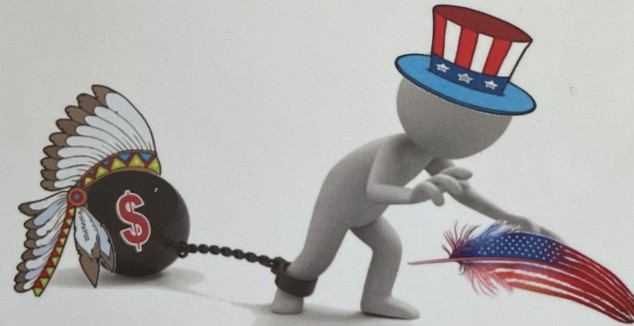
**Christopher Kortlander**

Founding Director, Custer Battlefield Museum

Foreword by  
**Ammon Bundy**

# American Tribal Tyranny

...how federal Indian policy secretly monies up  
elected officials forcing American taxpayers to  
fund all annual operating needs of the  
Bureau of Indian Affairs and  
574 wealthy tribal governments



**ELAINE DEVARY WILLMAN, MPA**



# Election Costs -

- Montana Code Annotated 2021
- TITLE 13. ELECTIONS
- CHAPTER 1. GENERAL PROVISIONS
- Part 3. Local Election Administration
- Election Costs
- **13-1-302. Election costs.** (1) Unless specifically provided otherwise, all costs of the regularly scheduled primary and general elections shall be paid by the counties and other political subdivisions for which the elections are held. Each political subdivision shall bear its proportionate share of the costs as determined by the county governing body.
- (2) A political subdivision holding an annual election with a regularly scheduled school election shall bear its proportionate share of the costs as determined by the county election administrator and the school district election administrator.
- (3) The political subdivision for which a special election is held shall bear all costs of the election, or its proportionate share as determined by the county governing body if held in conjunction with any other election.
- (4) Costs of elections may not include the services of the election administrator or capital expenditures. A county may not charge a political subdivision or school district for the purchase or routine maintenance of a voter interface device. However, the county may charge for the cost of programming a device for the election and for replacement, repairs, or maintenance required due to the political subdivision's or school district's use of the device.
- (5) The county governing body shall set a schedule of fees for services provided to school districts by the election administrator. Before finalizing a contract to conduct a school election pursuant to a request under [20-20-417](#), the county shall provide the school district with an estimate of costs for each county voter interface device to be used for the election. When a school district is conducting its own election, the school district shall request from the county an estimate of the cost for using a county voter interface device. The county shall provide the estimate within 30 days of receiving the school district's request.
- (6) Election costs shall be paid from county funds, and any shares paid by other political subdivisions shall be credited to the fund from which the costs were paid.
- (7) The proportionate costs referred to in subsection (1) of this section shall be only those additional costs incurred as a result of the political subdivision holding its election in conjunction with the primary or general election.
- **History:** En. Sec. 16, Ch. 571, L. 1979; amd. Sec. 7, Ch. 27, L. 1981; amd. Sec. 1, Ch. 558, L. 1983; amd. Sec. 2, Ch. 644, L. 1987; amd. Sec. 4, Ch. 61, L. 2021.
-



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**SPECIAL REPORT**

# Which States Did CTCL Flood with “Zuck Bucks”?



# How private money helped save the election

After Congress failed to aid local election offices, a nonprofit provided critical funds — including \$350 million from Mark Zuckerberg — that paid for staff, ballot-scanning machines, protective gear, and rental space that helped the presidential election run surprisingly smoothly.

December 7, 2020 | by Geoff Hing, Sabby Robinson, Tom Scheck, and Gracie Stockton





# Should Louisiana governments have taken cash from Mark Zuckerberg? Appeals court reverses ruling

3rd Circuit says earlier ruling clearing the donations was flawed

BY SAM KARLIN | STAFF WRITER APR 1, 2022 - 5:16 PM





Grace Alda



Jannet Zeta



Aaron Flint | Published: February 4, 2022

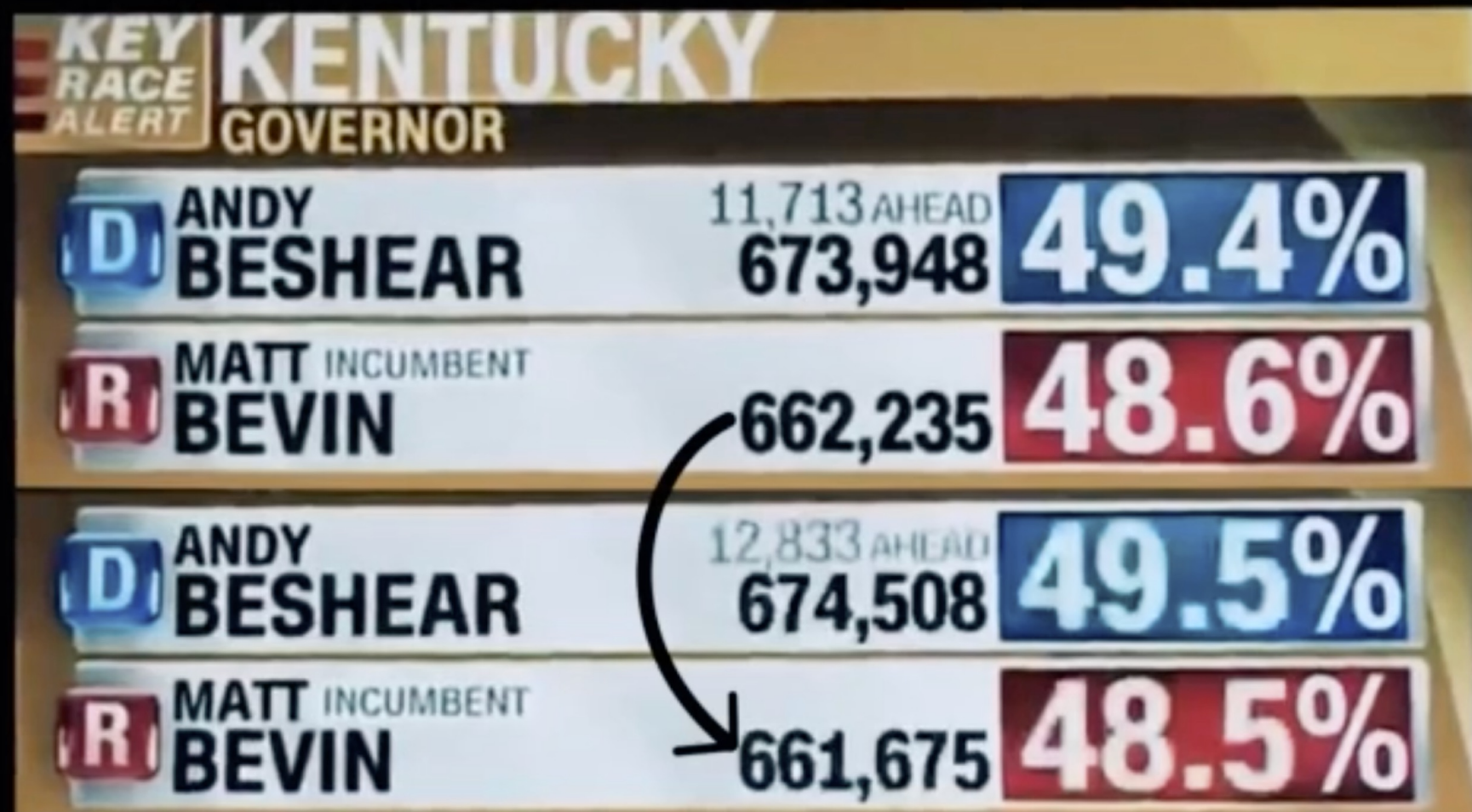
Credit Dodson Public Schools website.

## TWO NONCITIZENS ARRESTED FOR ILLEGALLY VOTING IN MONTANA ELECTION

# The easiest, most cost effective and comprehensive fix :

- Shrink all Montana precincts to 1000 homes per precinct.
- Fill precinct man and woman positions with patriots prepared for the task of getting to know the people in their precincts.
- Accept, train, prepare and certify election judges from all recognized parties to count the ballots at the polling precincts after they've closed.
- Preliminary results can be called into County Election Clerk after being confirmed by the election judges at the polling place.
- Transfer secured ballots to County headquarters for confirmation count by the machines.





BEFORE

AFTER

$$673,948 + 560 = 674,508 \text{ VOTES}$$

$$662,235 - 560 = 661,675 \text{ VOTES}$$

**TRU NEWS**

# GEORGIA



Nov. 4th  
6:34:50 a  
+107,040 v

BIDEN INJECTION

TRU NEWS

Republicans flipped 13 seats in the House in the 2020 election.

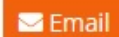
Democrats flipped 3



[The New American](#) » [Politics](#) » Will the 2010 U.S. Census Data Be Used to Fraudulently Register Voters?

# Will the 2010 U.S. Census Data Be Used to Fraudulently Register Voters?

by [Kurt Hyde](#)  November 1, 2010



Many Americans objected to the numerous unconstitutional questions that were contained in this past year's U.S. Census forms. Most of the objections were based on unconstitutionality, invasions of personal privacy, or concerns over possibly using the Census data to make a national database of all the people. All of these are valid reasons to raise objections. But there may be another, more insidious danger from that unconstitutional gathering of information. The data collected could be used to commit electoral fraud by bypassing the voter registration process and adding selected individuals directly into voter registration databases via a computer data feed.

We don't know if this vulnerability has been exploited to commit electoral fraud in this year's elections. But, for the first time in our nation's history, this vulnerability to our elections exists. Hopefully, by raising awareness we might reduce it or prevent it from happening.



# Inaccurate, Costly, and Inefficient

## Evidence That America's Voter Registration System Needs an Upgrade

REPORT | February 14, 2012 | Read time: 1 min

Projects: [Election Initiatives](#)

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Research in Pew's report underscores the need for registration systems that better maintain voter records, save money, and streamline processes.

Our democratic process requires an effective system for maintaining accurate voter registration information. Voter registration lists are used to assign precincts, send sample ballots, provide polling place information, identify and verify voters at polling places, and determine how resources, such as paper ballots and voting machines, are deployed on Election Day. However, these systems are plagued with errors and inefficiencies that waste taxpayer dollars, undermine voter confidence, and fuel partisan disputes over the integrity of our elections.

Voter registration in the United States largely reflects its 19th-century origins and has not kept pace with advancing technology and a mobile society. States' systems must be brought into the 21st century to be more accurate, cost-effective, and efficient.

Research commissioned by the Pew Center on the States highlights the extent of the challenge:

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Inaccurate, Costly, and Inefficient

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- Approximately 24 million—one of every eight—voter registrations in the United States are no longer valid or are significantly inaccurate.
- More than 1.8 million deceased individuals are listed as voters.
- Approximately 2.75 million people have registrations in more than one state.

Meanwhile, researchers estimate at least 51 million eligible U.S. citizens are unregistered, or more than 24 percent of the eligible population.

# Pew Center for the States 2012 Study

## 24 million

VOTER REGISTRIES ARE

INACCURATE

OR

OUT OF DATE

OR



## 2.8 million

PEOPLE ARE REGISTERED TO VOTE IN

TWO OR MORE STATES

## 1.8

## million

DECEASED

people are still  
registered to vote




# The Secret History of the Shadow Campaign That Saved the 2020 Election



Illustration by Ryan Olbrysh for TIME  
BY MOLLY BALL

FEBRUARY 4, 2021 5:40 AM EST

A weird thing happened right after the Nov. 3 election:  
nothing.

618 characters 



## Judge Releases Dominion Audit Report: System 'Designed' to 'Create Systemic Fraud'

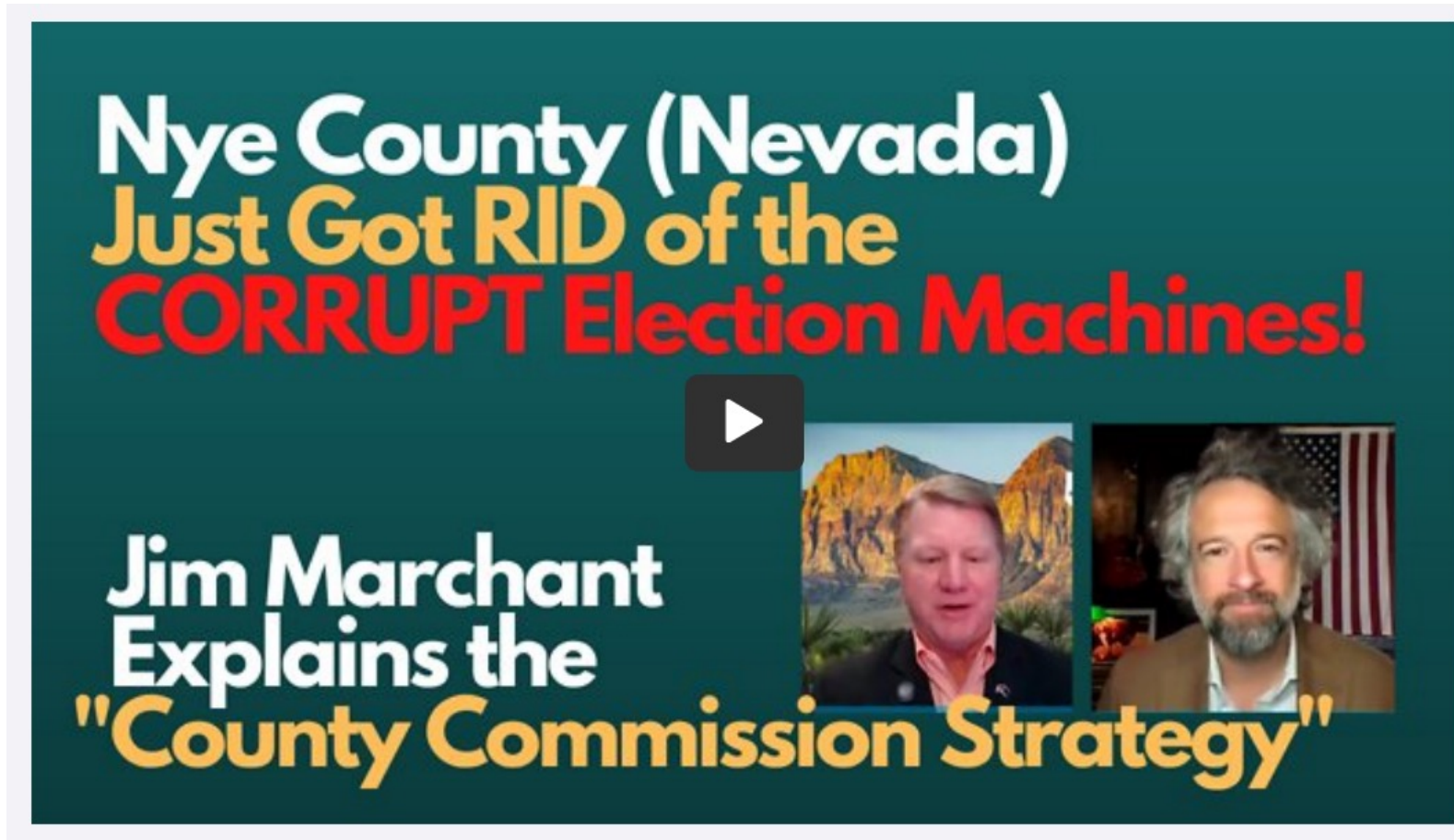
by The Standard | Jan 27, 2021 | Jay Greenberg | 39 comments

**Court unseals details of audit on machines in Michigan's Antrim County**



13th Circuit Court Judge Kevin Elsenheimer released the audit report

If you don't believe counting machines have a place in your local voting process, please watch this 21 minutes video that demonstrates what local citizens in Nye County Nevada have recently accomplished:



# The A. Haldeman Report

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

DONNA CURLING, ET AL.,  
Plaintiffs,

v.

BRAD RAFFENSPERGER, ET AL.,  
Defendants.

DECLARATION OF  
J. ALEX HALDERMAN

Civil Action No. 1:17-CV-2989-AT

Pursuant to 28 U.S.C. § 1746, J. ALEX HALDERMAN declares under penalty of perjury that the following is true and correct:

1. I hereby incorporate my previous declarations as if fully stated herein. I have personal knowledge of the facts in this declaration and, if called to testify as a witness, I would testify under oath to these facts.

2. I have reviewed the expert disclosures prepared by Dr. Juan Gilbert and Dr. Benjamin Adida for State Defendants. Neither Dr. Gilbert nor Dr. Adida offers any rebuttal to the numerous, critical vulnerabilities in Georgia's BMDs that I described in my July 1, 2021 expert report. Dr. Adida did not respond to my report at all; State Defendants reissued prior declarations from him previously provided in this litigation. Neither of them disputes the presence of any of the serious



**MESA COUNTY**  
CLERK & RECORDER

Hon. Janet Rowland  
Board of County Commissioners  
544 Rood Ave. Grand Junction, CO

*March 1, 2022*

RE: Forensic Report No. 2 on EMS Server Images

Dear Commissioner Rowland:

Enclosed is the second report, in electronic and hard copy form, from the cybersecurity experts who have continued to analyze the forensic images of the drive of the DVS Democracy Suite Election Management System in my office which we used for the management of the 2020 general election and the 2021 City Council Election. As you know, I had these images taken to preserve election records and help determine whether the county should continue to utilize the equipment from this vendor. Because the enclosed report reveals shocking vulnerabilities and defects in the current system, placing my office and other county clerks in legal jeopardy, I am forwarding this to the county attorney and to you so that the county may assess its legal position appropriately. Then, the public must know that its voting systems are fundamentally flawed, illegal, and inherently unreliable.

From my initial review of the report, it appears that our county's voting system was illegally certified and illegally configured in such a way that "vote totals can be easily changed." We have been assured for years that external intrusions are impossible because these systems are "air gapped," contain no modems, and cannot be accessed over the internet. It turns out that these assurances were false. In fact, the Mesa County voting system alone was found to contain thirty-six (36) wireless devices, and the system was configured to allow "any computer in the world" to connect to our EMS server. For this and other reasons—for example, the experts found uncertified software that had been illegally installed on the EMS server—our system violates the federal Voting System Standards that are mandated by Colorado law.

As the county officer elected to manage our elections in accordance with the law, I cannot hide behind the Secretary of State's certification of the Democracy Suite system and ignore the numerous and profound deficiencies revealed in this report. As the experts point out, the Secretary of State's certification itself was unlawful, based as it was on testing performed by an unaccredited lab, a lab that missed 100% of the security issues that render the system unusable, uncertifiable, and illegal. The county must reassess its recently-renewed lease agreement and consider its legal options immediately. We cannot continue to use this equipment. Please respond once you have read the enclosed report.

Very truly yours

Tina M. Peters

**Tina M. Peters**

**Mesa County Clerk & Recorder**

200 S. Spruce Street | Grand Junction, CO 81501

[Tina.Peters@MesaCounty.US](mailto:Tina.Peters@MesaCounty.US) Office(970) 244-1714 Cell (970) 812-2610





**Mesa County  
Colorado  
Voting Systems**

**Report #3  
Election Database and Data Process Analysis**



March 19 2022

# THIS IS YOUR WAKE UP CALL

- <https://rumble.com/vkze5h-mike-lindell-cyber-symposium-your-wake-up-call-col-phil-waldron.html>
- Dinesh DeSouza – 2000 Mules
- Rigged – True The Vote - being released soon -

**“We have put together the most extensive and inclusive voter fraud organization in the history of American politics.”**

*JOE BIDEN, OCTOBER 24, 2020*

**“I don’t need you to get me elected. I need you once I’m elected.”**

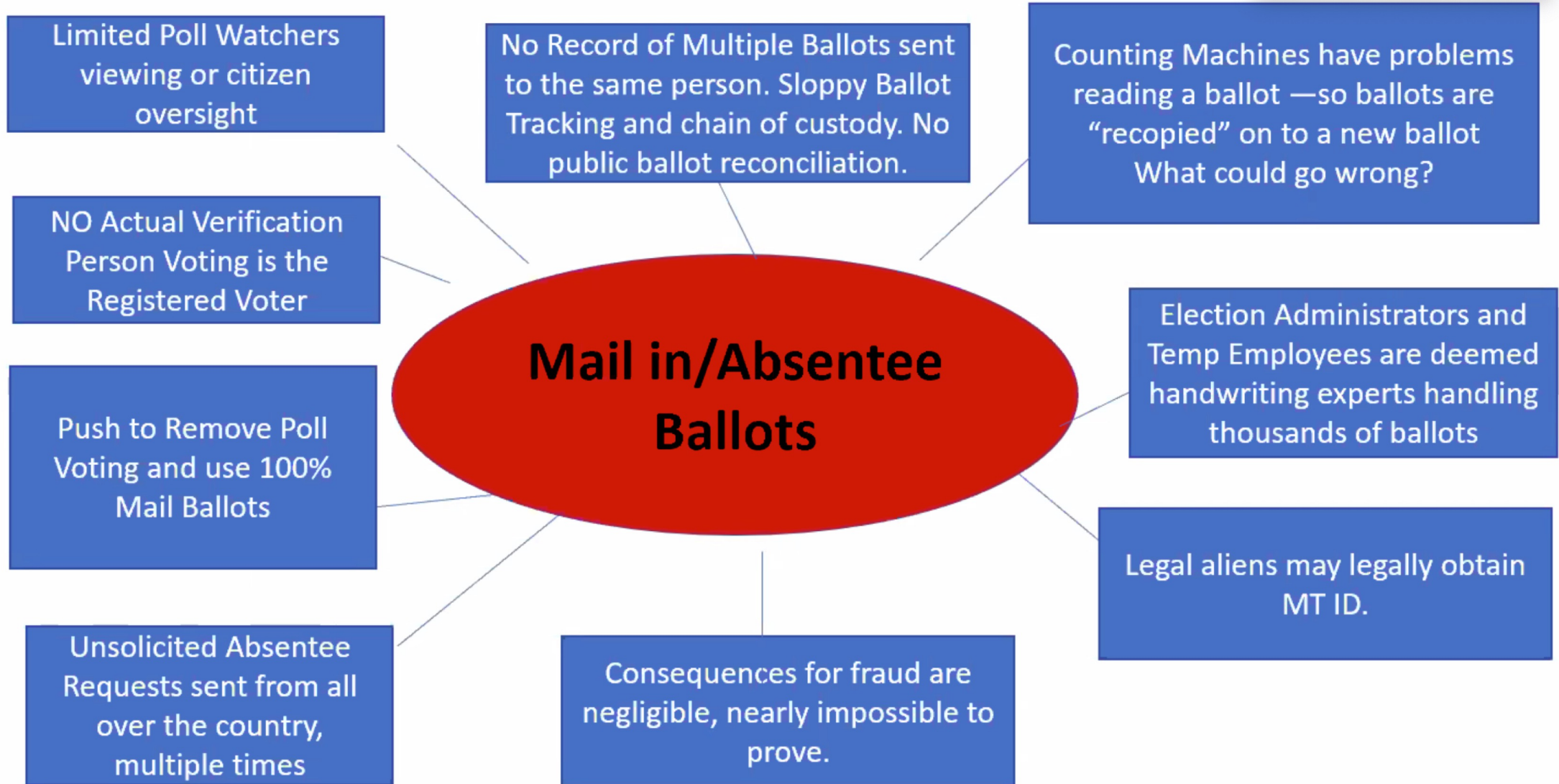
*- JOE BIDEN, OCTOBER 31, 2020*

**“It’s no longer just about who gets to vote. Or making it easier for eligible voters to vote. It’s about who gets to count the vote.”**

*JOE BIDEN, JULY 13, 2021*

# The Perfect Storm created by design

Talking: Restore Liberty





# Who Makes Law?

- Article 1, Section 1: Congress
- All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Montana Constitution, Article V, Section 1 Power and structure. The legislative power is vested in a legislature consisting of a senate and a house of representatives. The people reserve to themselves the powers of initiative and referendum.

# The Supremacy Clause of the U.S. Constitution-

## Article VI, clause 2

- This Constitution, and the Laws of the United States **which shall be made in Pursuance thereof**; and all Treaties made, or which shall be made, under the Authority of the United States, **shall be the supreme Law of the Land**; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

# Montana Code Annotated 2019

## TITLE 10. MILITARY AFFAIRS AND DISASTER AND EMERGENCY SERVICES

### CHAPTER 3. DISASTER AND EMERGENCY SERVICES

#### Part 1. General Provisions and Administration

## General Authority Of Governor

**10-3-104. General authority of governor.** (1) The governor is responsible for carrying out parts 1 through 4 of this chapter.

(2) In addition to any other powers conferred upon the governor by law, the governor may:

(a) suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or orders 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;

(b) direct and compel the evacuation of all or part of the population from an emergency or disaster area within the state if the governor considers this action necessary for the preservation of life or other disaster mitigation, response, or recovery;

(c) control ingress and egress to and from an incident or emergency or disaster area, the movement of persons within the area, and the occupancy of premises within the area.

(3) Under this section, the governor may issue executive orders, proclamations, and regulations and amend and rescind them. All executive orders or proclamations declaring or terminating a state of emergency or disaster must indicate the nature of the emergency or disaster, the area threatened, and the conditions that have brought about the declaration or that make possible termination of the state of emergency or disaster.

**History:** En. Sec. 6, Ch. 218, L. 1951; Sec. 77-1306, R.C.M. 1947; amd. and redes. 77-2304 by Sec. 11, Ch. 94, L. 1974; amd. Sec. 6, Ch. 335, L. 1977; R.C.M. 1947, 77-2304(1) thru (3); amd. Sec. 2, Ch. 176, L. 1995.

# Montana Code Annotated 2019

TITLE 10. MILITARY AFFAIRS AND DISASTER AND EMERGENCY SERVICES

CHAPTER 3. DISASTER AND EMERGENCY SERVICES

Part 3. State Planning and Execution

## Declaration Of Emergency -- Effect And Termination

**10-3-302. Declaration of emergency -- effect and termination.** (1) A state of emergency may be declared by the governor when the governor determines that an emergency as defined in **10-3-103** exists.

(2) An executive order or proclamation of a state of emergency activates the emergency response and disaster preparation aspects of the state disaster and emergency plan and program applicable to the political subdivision or area and is authority for the deployment and use of any forces to which the plans apply and for the distribution and use of any supplies, equipment, and materials and facilities assembled, stockpiled, or arranged to be made available pursuant to parts 1 through 4 of this chapter or any other provision of law pertaining to disasters and disaster-related emergencies. An executive order or proclamation may authorize the practice of disaster medicine. The provisions of **10-3-110** do not apply to the state of emergency unless the order or proclamation includes a provision authorizing the practice of disaster medicine.

(3) A state of emergency may not continue for longer than 30 days unless continuing conditions of the state of emergency exist, which must be determined by a declaration of an emergency by the president of the United States or by a declaration of the legislature by joint resolution of continuing conditions of the state of emergency.

**History:** En. Sec. 6, Ch. 218, L. 1951; Sec. 77-1306, R.C.M. 1947; amd. and redes. 77-2304 by Sec. 11, Ch. 94, L. 1974; amd. Sec. 6, Ch. 335, L. 1977; R.C.M. 1947, 77-2304(4); amd. Sec. 19, Ch. 56, L. 2009; amd. Sec. 4, Ch. 255, L. 2009; amd. Sec. 1, Ch. 252, L. 2019.



# Montana Code Annotated 2019

## TITLE 13. ELECTIONS

### CHAPTER 19. MAIL BALLOT ELECTIONS

#### Part 1. General Provisions

## Mail Ballot Elections Not Mandatory -- When Authorized -- When Prohibited -- When County Election Administrator Conducts

**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.

# Montana Code Annotated 2021

TITLE 10. MILITARY AFFAIRS AND DISASTER AND EMERGENCY SERVICES

CHAPTER 3. DISASTER AND EMERGENCY SERVICES

Part 3. State Planning and Execution

## Repealed

**10-3-302. Repealed.** Sec. 13, Ch. 504, L. 2021.

**History:** En. Sec. 6, Ch. 218, L. 1951; Sec. 77-1306, R.C.M. 1947; amd. and redes. 77-2304 by Sec. 11, Ch. 94, L. 1974; amd. Sec. 6, Ch. 335, L. 1977; R.C.M. 1947, 77-2304(4); amd. Sec. 19, Ch. 56, L. 2009; amd. Sec. 4, Ch. 255, L. 2009; amd. Sec. 1, Ch. 252, L. 2019.

# Montana Code Annotated 2021

TITLE 10. MILITARY AFFAIRS AND DISASTER AND EMERGENCY SERVICES

CHAPTER 3. DISASTER AND EMERGENCY SERVICES

## Part 3. State Planning and Execution

### Declaration Of Emergency Or Disaster -- Effect And Termination

**10-3-303. Declaration of emergency or disaster -- effect and termination.** (1) A state of emergency may be declared by the governor when the governor determines that an emergency as defined in **10-3-103** exists. A state of disaster may be declared by the governor when the governor determines that a disaster, as defined in **10-3-103**, has occurred. The governor may not declare another state of emergency or disaster based on the same or substantially similar facts and circumstances without legislative approval.

(2) (a) An executive order or proclamation of a state of emergency activates the emergency response and disaster preparation aspects of the state disaster and emergency plan.

(b) An executive order or proclamation of a state of disaster activates the disaster response and recovery aspects of the state disaster and emergency plan.

(c) Both the disaster preparation aspects and disaster response and recovery aspects of the plans in subsections (2)(a) and (2)(b) are the programs applicable to the political subdivision or area and are authority for the deployment and use of any forces to which the plans apply and for the distribution and use of any supplies, equipment, and materials and facilities assembled, stockpiled, or arranged to be made available pursuant to parts 1 through 4 of this chapter or any other provision of law pertaining to disaster and disaster-related emergencies. An executive order or proclamation may authorize the practice of disaster medicine. The provisions of **10-3-110** do not apply to the state of emergency or disaster unless the order or proclamation includes a provision authorizing the practice of disaster medicine.

(3) (a) Except as provided in subsection (3)(b), a state of emergency or disaster may not continue for longer than 45 days unless continuing conditions of the state of emergency or disaster exist, which must be determined through a poll of the legislature as provided in **10-3-122** or by the declaration of the legislature by joint resolution of continuing conditions of the state of emergency or disaster.

(b) A state of emergency or disaster may continue for a drought, an earthquake, flooding, or a wildfire as long as continuing conditions of the state of emergency or disaster exist unless terminated by the declaration of the legislature by joint resolution of termination of the state of emergency or disaster.

(4) The governor shall terminate a state of emergency or disaster when:

(a) the emergency or disaster has passed;

(b) the emergency or disaster has been dealt with to the extent that emergency or disaster conditions no longer exist; or

(c) at any time the legislature terminates the state of emergency or disaster by joint resolution. However, after termination of the state of emergency or disaster, disaster and emergency services required as a result of the emergency or disaster may continue.

(5) The legislature may, by joint resolution in a regular or special session:

(a) terminate a state of emergency or disaster as provided in subsection (4)(c);

(b) extend a state of disaster;

(c) provide conditions or limits on the governor's actions taken pursuant to **10-3-104**; and

(d) approve or disapprove the continuation of any executive order, proclamation, or regulation that was enacted based on a state of emergency or disaster.

# Montana Code Annotated 2021

## TITLE 13. ELECTIONS

### CHAPTER 17. VOTING SYSTEMS

#### Part 1. General Provisions

## Required Specifications For Voting Systems

**13-17-103. Required specifications for voting systems.** (1) A voting system may not be approved under **13-17-101** unless the voting system:

- (a) allows an elector to vote in secrecy;
  - (b) prevents an elector from voting for any candidate or on any ballot issue more than once;
  - (c) prevents an elector from voting on any office or ballot issue for which the elector is not entitled to vote;
  - (d) allows an elector to vote only for the candidates of the party selected by the elector in the primary election;
  - (e) allows an elector to vote a split ticket in a general election if the elector desires;
  - (f) allows each valid vote cast to be registered and recorded within the performance standards adopted pursuant to subsection (3);
  - (g) is protected from tampering for a fraudulent purpose;
  - (h) prevents an individual from seeing or knowing the number of votes registered for any candidate or on any ballot issue during the progress of voting;
  - (i) allows write-in voting;
  - (j) will, if purchased by a jurisdiction within the state, be provided with a guarantee that the training and technical assistance will be provided to election officials under the contract for purchase of the voting system;
  - (k) uses a paper ballot that allows votes to be manually counted; and
  - (l) allows auditors to access and monitor any software program while it is running on the system to determine whether the software is running properly.
- (2) A voter interface device may not be approved for use in this state unless:





11208 JOHN GALT BLVD  
OMAHA, NE 68137-2364  
(402) 993-0101

## Sales Order Agreement

Customer P.O. #: \_\_\_\_\_

1st Election Date: To be Agreed Upon by the Parties

Estimated Delivery Date: April 2020

Phone Number: (406) 883-7269

Fax Number: N/A

Customer Contact, Title: Katie Harding

Customer Name: Lake County, Montana

Type of Sale: ☒ NEW

Type of Equip: ☒ NEW ☐ REFURBISHED

Bill To: \_\_\_\_\_

Lake County, Montana

Katie Harding

106 4th Avenue E.

Polson, MT 59860

Ship To: \_\_\_\_\_

Lake County, Montana

Katie Harding

106 4th Avenue E.

Polson, MT 59860

Item	Description	Qty	Price	Total
1	DS450 Model DS450 High Speed Digital Image Scanner with Steel Table, Reports Printer, Audit Printer, Start-Up Kit, Dust Cover, Battery Backup, Two (2) USB Cables, and Two (2) Standard 8GB Memory Devices	1	\$49,950.00	\$49,950.00
2	DS450 Equipment Installation	1	\$1,925.00	\$1,925.00
3	Shipping Shipping & Handling	1	\$750.00	\$750.00

Freight Billable: yes ☒ no ☐

Order Subtotal \$ **52,625.00**

Customer Discount **(\$4,950.00)**

Order Total \$ **47,675.00**

Lori Mommaerts  
Regional Sales Manager

William D. Bano  
Customer Signature

02/06/2020  
Date

\_\_\_\_\_  
V.P. of Finance Date

Chairman, Board of County Commission  
Title

### Payment Terms

100% of Order Total due Thirty (30) Calendar Days after the later of (a) Equipment Delivery, or (b) Receipt of Corresponding ES&S Invoice.

Invoices are due net 30 from invoice date.

Note 1: Any applicable state and local taxes are not included, and are the responsibility of the Customer.

Note 2: In no event shall Customer's payment obligations hereunder, or the due dates for such payments, be contingent or conditional upon Customer's receipt of federal and/or state funds.

Warranty Period (Years): One (1) Year From Equipment Delivery

### Hardware Maintenance and Software License, Maintenance and Support Services (Post-Warranty Period)

The terms, conditions, and pricing for the Hardware Maintenance and Software License, Maintenance and Support Services (Post-Warranty Period) are set forth in Exhibit A attached hereto.

SEE GENERAL TERMS AND CONDITIONS

# Montana Code Annotated 2021

TITLE 13. ELECTIONS  
CHAPTER 1. GENERAL PROVISIONS  
Part 1. General Provisions

## Definitions

- 13-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following definitions apply:
- (1) "Active elector" means an elector whose name has not been placed on the inactive list due to failure to respond to confirmation notices pursuant to **13-2-220** or **13-19-313**.
  - (2) "Active list" means a list of active electors maintained pursuant to **13-2-220**.
  - (3) "Anything of value" means any goods that have a certain utility to the recipient that is real and that is ordinarily not given away free but is purchased.
  - (4) "Application for voter registration" means a voter registration form prescribed by the secretary of state that is completed and signed by an elector, is submitted to the election administrator, and contains voter registration information subject to verification as provided by law.
  - (5) "Ballot" means a paper ballot counted manually or a paper ballot counted by a machine, such as an optical scan system or other technology that automatically tabulates votes cast by processing the paper ballots.
  - (6) (a) "Ballot issue" or "issue" means a proposal submitted to the people at an election for their approval or rejection, including but not limited to an initiative, referendum, proposed constitutional amendment, recall question, school levy question, bond issue question, or ballot question.  
  
(b) For the purposes of chapters 35 and 37, an issue becomes a "ballot issue" upon certification by the proper official that the legal procedure necessary for its qualification and placement on the ballot has been completed, except that a statewide issue becomes a "ballot issue" upon preparation and transmission by the secretary of state of the form of the petition or referral to the person who submitted the proposed issue.
  - (7) "Ballot issue committee" means a political committee specifically organized to support or oppose a ballot issue.
  - (8) "Candidate" means:
    - (a) an individual who has filed a declaration or petition for nomination, acceptance of nomination, or appointment as a candidate for public office as required by law;
    - (b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and retained contributions, made expenditures, or given consent to an individual, organization, political party, or committee to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure nomination or election to any office at any time, whether or not the office for which the individual will seek nomination or election is known when the:

(29) "Mail ballot election" means any election that is conducted under Title 13, chapter 19, by mailing ballots to all active electors.

# Montana Code Annotated 2021

## TITLE 13. ELECTIONS

### CHAPTER 19. MAIL BALLOT ELECTIONS

#### Part 1. General Provisions

## General Requirements For Mail Ballot Election

**13-19-106. General requirements for mail ballot election.** A mail ballot election must be conducted substantially as follows:

- (1) Subject to **13-12-202**, official mail ballots must be prepared and all other initial procedures followed as provided by law, except that mail ballots must be paper ballots and are not required to have stubs.
- (2) An official ballot must be mailed to every qualified elector of the political subdivision conducting the election.
- (3) Each signature envelope must contain a form that is the same as the form for absentee ballot signature envelopes and that is prescribed by the secretary of state for the elector to verify the accuracy of the elector's address or notify the election administrator of the elector's correct mailing address and to return the corrected address with the voted ballot in the manner provided by **13-19-306**.
- (4) The elector shall mark the ballot and place it in a secrecy envelope.
- (5) (a) The elector shall then place the secrecy envelope containing the elector's ballot in a signature envelope and mail it or deliver it in person to a place of deposit designated by the election administrator.  
(b) Except as provided in **13-21-206** and **13-21-226**, the voted ballot must be received before 8 p.m. on election day.
- (6) Election officials shall first qualify the voted ballot by examining the signature envelope to determine whether it is submitted by a qualified elector who has not previously voted in the election.
- (7) If the voted ballot qualifies and is otherwise valid, officials shall then open the signature envelope and remove the secrecy envelope, which must be deposited unopened in an official ballot box pursuant to the timeline specified in **13-13-241**(7).
- (8) Except as provided in **13-19-312**, voted ballots must be counted and canvassed as provided in Title 13, chapter 15.

**History:** En. Sec. 3, Ch. 196, L. 1985; amd. Sec. 17, Ch. 591, L. 1991; amd. Sec. 1, Ch. 338, L. 1997; amd. Sec. 1, Ch. 546, L. 2001; amd. Sec. 76, Ch. 414, L. 2003; amd. Sec. 1, Ch. 443, L. 2003; amd. Sec. 33, Ch. 297, L. 2009; amd. Sec. 10, Ch. 101, L. 2011; amd. Sec. 64, Ch. 242, L. 2011; amd. Sec. 6, Ch. 139, L. 2013; amd. Sec. 55, Ch. 336, L. 2013; amd. Sec. 7, Ch. 229, L. 2019.

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# Proposed Standing Election Committee Rule Change

- Structure
- Authority for the Legislature to exercise its Constitution responsibility to administer and insure the purity of the elections. Establish a new Standing Session Committee on Elections for the 2023 Session and possibly concluding at the conclusion of the regular session of 2025.
- Separate Elections from the State Administration and Veterans Affairs Committee
- Provide subpoena power for this committee that includes not only witnesses but information from state agencies and political subdivisions.
- Power to refer any finding of illegality for further investigation and/or prosecution.
- Provide for the Elections Committee to remain in-session during the interim.
- Election Investigation Unit reports the election related issues disclosed to their unit and the disposition along with any trending, suggestions, are the laws working, etc.
- Consider a Citizen Advisory Council -- must have poll watcher or election judge or election experience.



# Proposed Standing Election Committee Rule Change

- [Goals](#)
- Engage with the election administrators, ask what changes they would like to have made.
- Determine loopholes in state statutes
- Create legislation to correct loopholes
- Review all election tabulator contracts
- Research and gather information on citizen generated election issues
- Oversee a central reporting mechanism for election related citizen reports; this must be public information but may not disclose the person reporting.
- Investigate all non-profit funding accepted by any political subdivisions for the purpose of elections—six previous years.
- Investigate all non-profits granted taxpayer money by any state agency or political subdivisions for the purpose of elections, ballot initiatives, registering voters, etc (At least the last 6 years.) Are these non-partisan.
- Investigate all counties who hired or allowed non-profit groups to assist with elections including using any portion of the voter registration system or handling ballots.
- Investigate any counties who processed ballots on Saturdays or Sundays and if any non-profit organizations were present during these times—violation of [13-13-241 \(7\) b](#) using data tracking logs.
- Review all vendor agreements for vote tabulation machines
- Develop an audit procedure for tabulation machines, including logs.
- Develop a Forensic Audit procedure, likely rolled out in phases
- Review county implementation of election procedures for best practices
- Develop an actual election audit procedure to be performed each election cycle, which includes signature verifications.
- Ensure all elections, including school and municipal elections follow the same laws as federal elections.
- Review the new voter registration system during and after implementation and the 2024 election cycle.

# Elections Investigation Unit

- Stand up an elections Investigations Unit as part of the Department of Criminal Investigations

## Investigative Duties

- 1) Reporting, Investigation and Referral for Prosecution
- 2) Serve as the central collection point for all reports of voter irregularities  
Should be first-hand information
- 3) Website for the public to submit election irregularities, upload data/information and provide their information confidentially.
- 4) Posting of reported irregularities.
- 5) Reports are public information; reporters name is not public information
- 6) Operational Advertised Statewide Hotline during the election period and all day into the evening on election day.
- 7) Audit authority needs to be outlined, what is realistic, required and in the constraints of election security.
- 8) Spot check/sample audit the voter registration system for proper removal of ineligible voters or votes, deaths. Multiple voters from same address, canvass, google searches, non-citizen records, nursing homes, envelope signatures verifications, etc.
- 9) Investigate forensic audit findings.
- 10) Inspect tabulation equipment for WI-FI capabilities
- 11) Review tabulation logs and SOS registration logs for Saturday/Sunday activity and incursions.
- 12) Quarterly report to the legislature election committee on findings and activities.
- 13) Investigate COPP complaints
- 14) Subpeona power
- 15) Submit Legislation Proposals to the Election Committee as needed.
- 16) Prosecutorial authority
- 17) Citizen Advisory Council same members as Legislative Election Committee
- 18) Tabulation Companies provide the source codes for each tabulation machine the day following the election. The investigation unit must review the source codes for irregularities.
- 19) Review the ballot resolution logs.
- 20) Review all voters over 100 for viability

# Elections Investigation Unit

- **Personnel Qualification Suggestions**

Prior Investigation Experience; either private or public

Ability to analyze Data, identify trends, utilize all public information sources for fact finding.

Patience with the public

Cybersecurity Background

Prior Law Enforcement Background/Constitutional Education in Citizens' Rights

**Personnel Required:** Investigator, Website/Cyber, Prosecuting Attorney, Admin Assistant Researcher

Not required to live in Helena.

- Prosecutions are not required to be filed in Lewis and County.

# Funding

- 50% of the rental car tax  
Fines collected  
funding allocation from the COPP budget  
Travel Budget
- **Major changes:** Implementing an election investigation and enforcement mechanism for oversight.  
Move the investigation of COPP complaint referrals to this group.



# 25 Big Questions

1. Why did the vote counting stop on election night in several swing states?
2. Why did the vote counting delays *only happen in swing states*?
3. Why were election observers barred from entering vote counting stations in swing states?
4. Why did Trey Trainor, the chair of the Federal Election Commission, [declare on TV](#) that election "observers have not been allowed into the polling locations in a meaningful way" and that "if they're not, the law is not being followed, making this an illegitimate election" on November 6th, 2020?
5. Why are [any electronic voting machines hooked up](#) to the Internet?
6. Why were [votes from the 2020 election sent overseas](#) for "processing" and "tabulation" purposes?
7. Why would [votes from 30 states in America](#) be processed by a Canadian firm?
8. Why would the company that "tabulates" votes for 800 American counties be a recently bankrupt Barcelona-based firm with the Department of Defense as its best-known client?

# 25 Big Questions cont

9. Why would America's electronic voting machines be under the ownership of citizens from foreign nations?
10. Why are so many electronic voting machine companies owned by shell companies?
11. Why did it take Maricopa County (Arizona) two weeks to count its votes?
12. Why did an audit expert find [74,000 more votes were counted in Maricopa County](#) (Arizona) than were mailed out?
13. Why did Mark Zuckerberg fork over \$400 million to his personal charity to run a parallel private election system in 2020?
14. Why did [the Special Counsel in Wisconsin just release a report](#) that called Zuckerberg's donations in five Wisconsin counties a classic case of bribery?
15. Why did [AG Merrick Garland at Biden's Department of Justice threaten to interfere](#) in a post-election audit conducted in Arizona — and authorized by the state of Arizona?
16. Why did a county circuit court judge in Wisconsin rule that [the Wisconsin Elections Commission had run the 2020 election](#) in an illegal manner?
17. Why have [the voting machine companies refused to comply](#) with subpoenas from the state officials of Wisconsin?

# 25 Big Questions cont

18. Why do the voting machine companies [refuse to have their machines inspected](#) even though these machines are used in public elections?
19. Why is [a federal judge in Georgia refusing to release a report](#) by a cybersecurity expert who inspected a Dominion machine and found it vulnerable to hacking and manipulation of the votes?
20. Why has Dominion Voting Systems refused to comply with the post-election audit in Arizona — which was ordered by the State of Arizona itself?
21. Why are [more than 300,000 ballot transfer forms missing](#) in Georgia's 2020 election?
22. Why did Dominion Voting Systems [fail to show up](#) and answer questions from the elected officials of Pennsylvania after the 2020 election?
23. Why do 204,430 mail-in ballots in Arizona have mismatched signatures?
24. Why do 740,000 mail-in ballots in Arizona have broken chain of custody?
25. Why did the Wisconsin Special Counsel [find that 50 nursing homes had 100% voter turnout](#) and that cheating was widespread?

Dear Senate President Blasdel and Speaker Galt,

The purpose of this letter is to request the appointment of a select committee of legislators to investigate the 2020 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.*

In Feb. 2020, the Government Accountability Office (GAO) issued a report on [Election Security](#) indicating a Department of Homeland Security plan was URGENTLY needed to address identified challenges before the 2020 elections. We must confirm that the challenges were met.

As you are aware, the legislatures constitutional authority was usurped in the 2020 election by Governor Bullocks directive dated Aug 6, 2020 – [Executive Orders 2-2020 and 3-2020](#), which provided measures in the 2020 November general election, where by Counties were permitted to conduct mail ballot elections and expanded early voting, although [MCA 13-19-104](#) specifically prohibits the conduct of federal elections by mail.

Three hundred and fifty million dollars from [the Center for Tech and Civic Life \(CTCL\)](#), (which originates with Mark Zuckerberg/Facebook (Zuckerberg connection is in the sixth paragraph) was infused into our 2020 election process, which included [28 Montana counties in Montana](#). It's completely unethical to have outside funding with a stated agenda influencing our elections and should be illegal.

Six Montana legislators (myself, Rep Brad Tschida, Rep Paul Fielder, Rep Jerry Schlinger, Rep Bob Phalen, and Rep Steven Galloway) recently attended the Mike Lindell's, 3 day [Cyber Symposium](#) in Sioux Falls, SD where we saw evidence of election irregularities from across the nation, heard direct testimony of citizens who had their vote affected and disqualified, reviewed analytical and circumstantial evidence which all exposed vulnerabilities in our election process, our laws, chain of custody and the opportunities election tampering.

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Our interest in the Cyber Symposium was heightened by election irregularities uncovered by the Missoula County Election Integrity Project, comprised of a group of dedicated citizens who made their interest in reviewing the election process known to the Missoula County Election Office administrator well in advance of the 2020 election. The irregularities 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.
- 28 voters were sent a ballot on 10/9/20 for which the SOS database shows an eligibility date AFTER the 2020 election.
- 4,592 ballots were found without corresponding signature/affirmation envelopes.

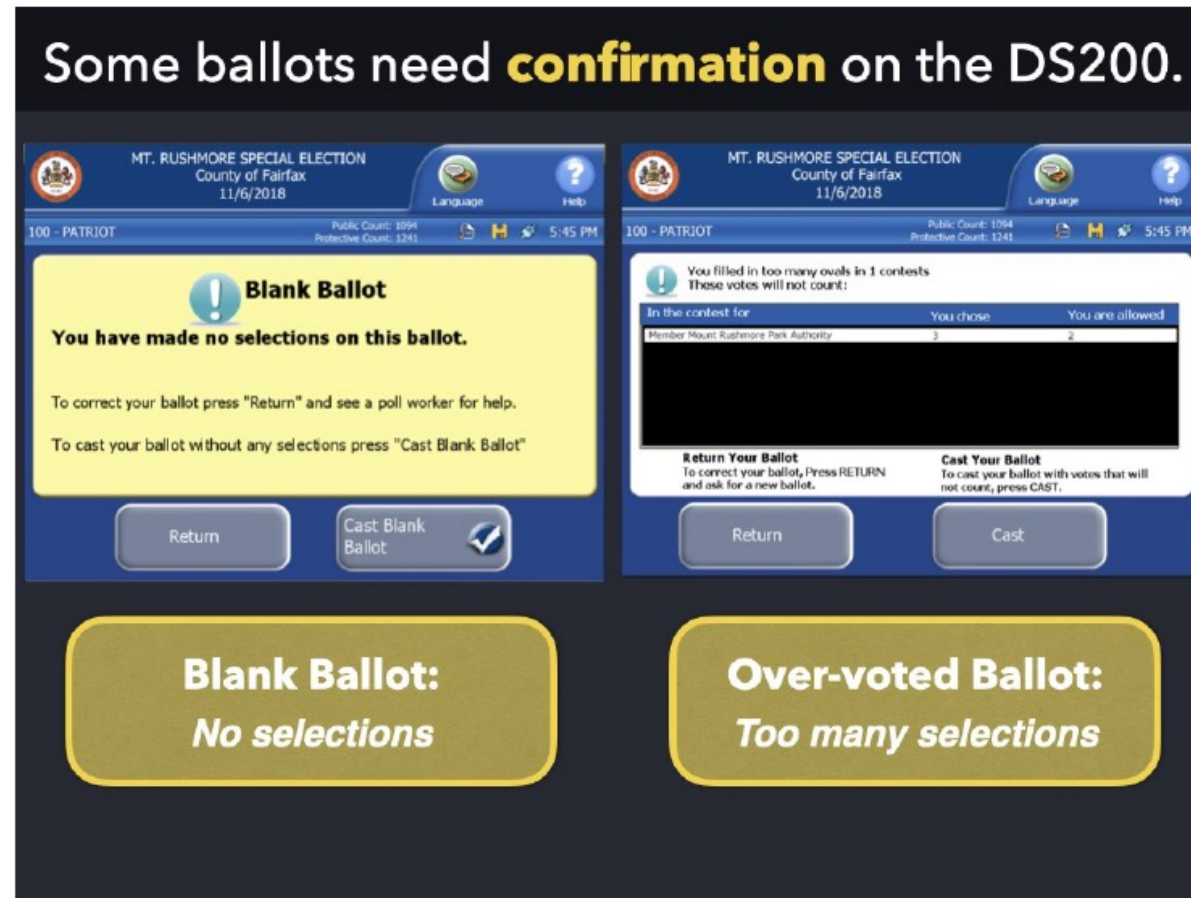


# Vulnerabilities of the ES&S DS200 Vote Tabulator

John B. Nevin [<https://uncoverdc.com/author/johnbnevin/>]

## Vulnerabilities of the ES&S DS200 Vote Tabulator

John B. Nevin [<https://uncoverdc.com/author/johnbnevin/>]



[<https://i1.wp.com/uncoverdc.com/wp-content/uploads/2021/08/Ballot-Confirmation.jpg?fit=1024%2C768&ssl=1>]

# Vulnerabilities of the ES&S DS200 Vote Tabulator cont

- More electronic voting machines in the United States are managed by [Election Systems & Software](#) [<https://www.essvote.com/>] (ES&S) than any other vendor. An in-depth review of the specifications and functions of one of the company's most used voting machines—the [DS200 Vote Tabulator](#) [<https://www.essvote.com/products/ds200/>] —reveals a machine with a difficult-to-detect modem buried in its motherboard, allowing the device mostly undetected access to the internet.
- ES&S DS200 Vulnerabilities
- Let's Fix Stuff [reported](https://letsfixstuff.org/2021/04/modem-chips-embedded-in-votingsystem-computer-motherboards/) [<https://letsfixstuff.org/2021/04/modem-chips-embedded-in-votingsystem-computer-motherboards/>] that the DS200 has a modem embedded in its motherboard, noting that "*Malware can be embedded in hardware as well as software.*" Attorney [Matt DePerno](#) [<https://uncoverdc.com/2021/05/07/dark-to-light-matt-deperno-election-integrity-in-antrim-mi/>] included that finding in [Exhibit 6](#) [<https://www.scribd.com/document/513389247/Matt-DePerno-Antrim-Michigan-Lawsuit-Exhibit-6>] of his [Michigan lawsuit](#) [<https://uncoverdc.com/2021/07/15/deperno-persists-forensic-audit-in-michigan-a-must/>] .
- According to Let's Fix Stuff, the chip is "*designed to operate on a virtual private network*" and enables communication with election servers while not having a visible external port:

# Vulnerabilities of the ES&S DS200 Vote Tabulator cont

- *"It is very difficult to detect unless you pry open the machine case to investigate the hardware... Anyone with access to any SIM card could have pre-programmed access to the APN... It demonstrates how electronic voting systems could be connected to the internet with minimal risk of detection."*
- More detail on that vulnerability can be found in an [affidavit](#)
- [\[https://www.auditelectionsusa.org/2016/12/12/ess-ds200-wireless-vulnerabilities/\]](https://www.auditelectionsusa.org/2016/12/12/ess-ds200-wireless-vulnerabilities/) from the Executive Director of Americans United for Democracy, Integrity, and Transparency ([AUDIT](#) [\[https://www.auditelectionsusa.org/\]](https://www.auditelectionsusa.org/) ), John Brakey. He describes himself as specializing in "evaluating the vulnerability and reliability of election systems" and says the machines are "vulnerable to insider or sophisticated hacking."
- In 2017, Brakey sent a [letter \[https://www.scribd.com/document/513390945/AuditAZ-ES-SDS200-Letter\]](https://www.scribd.com/document/513390945/AuditAZ-ES-SDS200-Letter) to the State Election Director serving under the [Secretary of State of Alabama](#) [\[https://www.sos.alabama.gov/\]](https://www.sos.alabama.gov/) advising that the digital images of cast ballots that are created by the DS200 are part of the chain of custody and therefore must be preserved per federal law—
- but the DS200 has a vulnerability in which menu options accessible to election officials allow images to be destroyed on election day.

# Vulnerabilities of the ES&S DS200 Vote Tabulator cont

- There's a limit to how much we can find out about how the ES&S DS200 counts votes underneath the hood. The code is not open source—the "System & Method for Decoding Marks on a Paper Ballot" is a proprietary "trade secret" and considered [intellectual property](#)
- [\[https://www.essvote.com/intellectual-property/\]](https://www.essvote.com/intellectual-property/) owned by the company based on patent law.
- *"The fact that we have vendors that say 'you cannot look at our code' is the first problem,"* says Jake Stauffer, a former cyber analyst for the U.S. Air Force. He is one of few who have looked inside the ES&S DS200—his "Red Team" was approved to produce a "[Vulnerability & Security Assessment Report](#) [<https://www.scribd.com/document/513400991/ESS-RedTeam-Jake-Stauffer-Vulnerability-Security-Assessment-Report>] " for the State of California. He is featured in HBO's productions about vulnerabilities in America's voting systems: [Hacking Democracy](#)



# Vulnerabilities of the ES&S DS200 Vote Tabulator cont

- [\[https://www.imdb.com/title/tt0808532/\]](https://www.imdb.com/title/tt0808532/) (2006) and [Kill Chain](#)
- [\[https://www.imdb.com/title/tt12041084/\]](https://www.imdb.com/title/tt12041084/) (2020). In Hacking Democracy, he said:
- *"What we found... it's staggering. There were multiple vulnerabilities that could allow an*
- *attacker to get the highest level of access to the system. We found multiple operating*
- *system patches missing—what that means is that an attacker can inject code into that*
- *system, execute that with the possibility of receiving some sort of control.*
- *When ES&S discovered that we were not using their testing plans, they were appalled.*
- *When we used our own testing plan and found these vulnerabilities, they pretty much told*
- *us that they had their own team and that they were not interested.*
- *How can a vendor sell a voting system with this many vulnerabilities? I can't find a straight*
- *answer."*

# Vulnerabilities of the ES&S DS200 Vote Tabulator cont

- [\[https://uncoverdc.com/2021/08/03/vulnerabilities-of-the-ess-ds200-vote-tabulator/exclusivecritical-u-s-election-systems-have-been-left-exposed-online-despite-official-denials/\]](https://uncoverdc.com/2021/08/03/vulnerabilities-of-the-ess-ds200-vote-tabulator/exclusivecritical-u-s-election-systems-have-been-left-exposed-online-despite-official-denials/) Among
- other vulnerabilities, the Red Team also found that the file systems on the flashcards used were
- not encrypted, the system was allowed to boot to a modified version, and that ballot images
- were unencrypted and alterable. Additionally, the password to access the SSH server "was
- *cracked within 46 seconds using a common dictionary attack.*" The analyst says this process
- resulted in gaining remote access to an unmodified DS200.

# Vulnerabilities of the ES&S DS200 Vote Tabulator cont

- The Red Team [report \[https://verifiedvoting.org/wp-content/uploads/2020/08/ESS-red-team-CA-2016-1.pdf\]](https://verifiedvoting.org/wp-content/uploads/2020/08/ESS-red-team-CA-2016-1.pdf) states:
- *"Upon further investigation of the DS200, a weak root password hash was discovered, along*
- *with an SSH server that allows root logins as well as the ability to trivially image*
- *memory (RAM). This could ultimately lead to a malicious actor obtaining a DS200*
- *flash card, modifying the operating system's configuration, and putting a modified*
- *system into production unbeknownst to election officials or voters."*

# Vulnerabilities of the ES&S DS200 Vote Tabulator cont

- How ES&S DS200 Operates
- Anoka County, Minnesota hosts start-of-day [Set Up Instructions](#)
- [<https://www.anokacounty.us/DocumentCenter/View/10278/DS200-Ballot-Counter-Set-Up-Instructions-PDF?bidId>] to be used by election administrators in precincts that use the DS200;
- Broward County, Florida created a [training & procedures manual](#)
- [[http://assets01.aws.connect.clarityelections.com/Assets/Training/RootPreview/Customers/FL\\_Broward/Library/Manuals/VST\\_DS200\\_and\\_Ivotronic\\_Manual.pdf](http://assets01.aws.connect.clarityelections.com/Assets/Training/RootPreview/Customers/FL_Broward/Library/Manuals/VST_DS200_and_Ivotronic_Manual.pdf)] for poll workers' election day
- operations, and the following are slides from Fairfax County, VA Office of Elections:



# Vulnerabilities of the ES&S DS200 Vote Tabulator cont

- In precincts that operate under an election administration contract that calls for ES&S systems,
- the DS200 is used alongside optional devices, including the KNOWiNK Pollpad device that is preloaded
- with voter data from an iSYNC drive to check in voters and the ExpressVote Ballot
- Marking Device (BMD).
- *Source:*

# Vulnerabilities of the ES&S DS200 Vote Tabulator cont

Appendix A: Percentage Market Share by Vendor

Vendor	Registrants Reached	% Market Share
Election Systems & Software	83,380,867	43.8%
Dominion Voting Systems	71,006,665	37.3%
Hart InterCivic	20,983,037	11.0%
Unisyn Voting Solutions	3,430,900	1.8%
MicroVote	3,291,260	1.7%
Danaher	2,685,409	1.4%
MTS	2,435,360	1.3%
IVS	1,336,070	0.7%
Five Cedars Group	972,475	0.5%
Clear Ballot	623,083	0.3%

Source: TrustTheVote.org *Election Technology Report*  
[[https://trustthevote.org/wpcontent/uploads/2017/03/2017-whartonoset\\_industryreport.pdf](https://trustthevote.org/wpcontent/uploads/2017/03/2017-whartonoset_industryreport.pdf)]

# Vulnerabilities of the ES&S DS200 Vote Tabulator cont

- An administrator with password access to the printing options screen on a DS200 can select from
- several reports. These reports are then printed out on paper similar to a retail cash register or an
- ATM receipt. These are the “tally tapes” or “ballot tapes” we refer to throughout this article.

# Vulnerabilities of the ES&S DS200 Vote Tabulator cont

## Report Options

DS200 Operator Guide v. 2.7  
February 7, 2013

From the Reports screen, you can print the following reports:

- Press **Ballot Status Accounting Report** to reprint your ballot status accounting report.
  - Press **Zero Report** to reprint your zero report.
  - Press **Event Log Report** to print an audit log of the activity that has occurred on the scanner. Information such as the date and times when the system is initialized and when it prints reports appears on this report.
  - Press **Configuration Report** to print a system configuration report. Information such as election settings, diverter settings and firmware version appears on this report.
- ❖ Press **Preview Report** to view a previewed copy of the report on the screen.
- ❖ Press **Print** to print a hard copy of the report.

DS200 Operator Guide v. 2.7  
February 7, 2013

Public Count: 0  
Protected Count: 0  
3:21 PM

Please select the report to preview/print.

Report Type

- Daily Ballot Status Accounting Report
- Zero Report**
- Event Log Report
- Configuration Report

Report Level

- ☒ Polling Place
- ☐ Precinct

Report Detail

- ☒ Public
- ☐ Detailed

Miscellaneous

- ☐ Include Affidavit

Preview Report Print Report Cancel



# Vulnerabilities of the ES&S DS200 Vote Tabulator cont

- Based on the manual, the DS200 instructions give us these definitions of the various printable report types:
- Ballot Status Accounting Report: “[A] descriptive list of system settings that automatically generates when you turn on the scanner. The report includes a list of election configuration settings if the election definition is loaded when you turn on the scanner.”
- Zero Totals Report: “[Used to] ensure all of your contests have zero votes when the polls are initially opened.”
- Event Log Report: “...lists all of the scanner events that occur from the time you load your election definition USB flash drive into the scanner until you remove the flash drive after the election is complete.”
- Configuration Report: “...lists information such as the storage memory availability, firmware information and basic scanner information such as the status of the touch screen and battery charge level.”
- Voting Results Report: “...prints the results of your elections.”

# Vulnerabilities of the ES&S DS200 Vote Tabulator cont

## Zero Totals

Use the zero report to ensure all of your contests have zero votes when the polls are initially opened.

### Sample Zero Report

```
*** ZERO TOTALS REPORT ***
7:10 AM November 06, 2007
Unit Serial Number: 0107380000

ANY COUNTY
2008 GENERAL ANY STATE
1 POLL 1
Election Date: November 06, 2007
Poll Opened Date: November 06, 2007
Poll Opened Time: 7:10 AM
Poll Closed Date: No
Poll Closed Time: No
Public Count: 0

Poll Voting Report

Total Ballots: 0

GOVERNOR AND LT. GOVERNOR
Number to Vote For: 1

REP WILLIAM SULLIVAN 0
DEM STEPHEN WASZJULIAN 0
CON DOUGLAS STONE 0
LIB ANNE NEEL 0
SEN FRANK L. MATTHEWS 0
SEN ROBERT MARSH 0
LAB CURTIS TOPHER W. RICHARDSON 0
CON THOMAS REISS 0
CON WILLIAM MALICKI 0
PRE WILLIAM RHODES 0
Write-in 0

COMPTROLLER
Number to Vote For: 1

REP MICHAEL SANTARCANGELO 0
DEM CHERYL SIMON 0
CON PETER F. SAXTON 0
LIB FRANKLIN MARGO 0
SEN EUGENE RUFF 0
SEN ARTHUR SALAMACK 0
LAB THOMAS TURNER 0
CON KENNETH INTERLECHIO 0
Write-in 0

WE, THE UNDERSIGNED DO HEREBY CERTIFY
THAT THE ABOVE RESULTS ARE A TRUE AND
ACCURATE ACCOUNT OF ALL BALLOTS COUNTED
AND THAT ALL COUNTS WERE ZERO (0) WHEN
THE POLLS OPENED AND THAT THE ELECTION WAS
HELD IN ACCORDANCE WITH THE LAWS OF THE STATE.

=====
ELECTION JUDGE
=====
ELECTION JUDGE
=====
ELECTION JUDGE
=====
ELECTION JUDGE
=====
ELECTION JUDGE
=====
ELECTION JUDGE
=====
01 ANY COUNTY POLL
UNITY Serial Number: 010101011
***END OF REPORT***
```

The Ballot Status Accounting Report and Zero Report automatically print when polls open. To print the Event Log Report and Configuration Report, press **Report Options**.

# Vulnerabilities of the ES&S DS200 Vote Tabulator cont

- The “Election Definition” for each jurisdiction is programmed onto a USB flash drive for each
- tabulator. As stated in the DS200 manual, “An election definition contains all of the candidates,
- contests and ballot variations that the scanner will process at the polling place. The election
- definition also contains customizable program options that control how the tabulator operates
- and reports results.” In each jurisdiction, those options — such as whether polls can be reopened,
- whether results reports are automatically printed when polls close, and whether the
- voter can override a rejected ballot — are all decided beforehand and loaded into the “Election
- Definition.”

During election day, when a voter tries to cast their paper ballot into the DS200, it could be rejected from the feed mechanism for the reasons explained below. The configuration options above determine the conditions that will trigger the machine to reject a ballot. The machine makes an audible sound, and the voter is shown a message on the screen. Here's a screenshot of an example of what is seen by the voter when their ballot is rejected (in this case because it is blank):

#### Blank Ballots

DS200 Operator Guide v. 2  
February 7, 2011

If the ballot is blank, the DS200 can be setup to identify these ballots.

- Press **Correct Your Ballot** to return the ballot to the voter. The voter then can review and mark the ballot.
- Press **Cast Blank Ballot** to cast the ballot without making any changes.



**Important:** If **Always Accept** is selected in the **Blank Ballot** field in the in the DS200 settings in ElectionWare, the **Blank Ballot** screen will not appear.

If **Always Reject** is selected in the DS200 settings in ElectionWare, the ballot will not be able to be processed until all mistakes are resolved.

**Reference:** For more information about the Set Tabulator Parameters window in ElectionWare, refer to the Tabulator Settings heading in Chapter 5: Generate Elections in the *ElectionWare System Operations Procedures* manual.

# Vulnerabilities of the ES&S DS200 Vote Tabulator cont

- From the ES&S DS200 Operator's Manual:
- *"The DS200 can scan ballots inserted in any direction or orientation. Depending on the options set for your election definition, the DS200 will use one of the following methods for accepting or rejecting blank ballots, overvotes, and undervotes.*
- *Unconditional acceptance: The scanner accepts and tabulates results for all ballots. Any contests that are blank, overvoted, or undervoted will be logged as such, and the remaining contests will be tabulated appropriately.*
- *Unconditional rejection: The DS200 automatically rejects undervoted, overvoted, or blank ballots. Voters must review and correct ballot selections before the scanner will accept the ballot.*
- *Query the voter for correction: The DS200 returns a questioned ballot to the voter and displays a screen message that describes the problem and prompts the voter to either review and edit the ballot or cast the ballot as it is."*



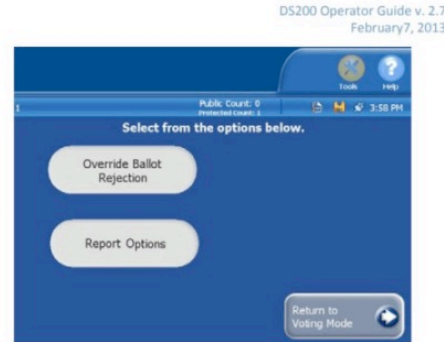
# Vulnerabilities of the ES&S DS200 Vote Tabulator cont

- An election day [training manual](#)
- [[https://sos.idaho.gov/elect/Clerk/DS200%20Procedures/U3400\\_TRN00\\_DS200\\_Election.pdf](https://sos.idaho.gov/elect/Clerk/DS200%20Procedures/U3400_TRN00_DS200_Election.pdf)]
- for the ES&S DS200 explains other conditions in which the machine can be programmed to reject a ballot:
- If the voter has 'undervoted,' it means there are too few markings for the ballot to be considered valid. For example, the voter did not mark any ovals for any candidate.
- If the voter has 'overvoted,' it means there are too many markings for the ballot to be considered valid. For example, the voter marked both Candidate A and Candidate B's ovals.
- If the voter has 'crossover' voted, it means there are markings for more than one party during a closed primary election.
- The ballot may also detect one of these conditions and automatically allow the ballot to pass through into the storage bin.
- If you have more information about the DS200 machine, including how to interpret the ballot tapes, please contact us at [tips@uncoverdc.com](mailto:tips@uncoverdc.com).

# Vulnerabilities of the ES&S DS200 Vote Tabulator cont

The following options will be displayed:

- **Override Ballot Rejection** - used to process ballot that are rejected due to an exception on the ballot.
- **Report Options** - used to view and print reports.



## Override Ballot Rejection

This option is used to process ballots that may be rejected due to an exception on the ballot, if the option was set in ElectionWare to reject the improperly marked ballots.

1. From the Tools Menu, touch **Override Ballot Rejection**.
2. Select from the following options;
  - **Override One Ballot** - allows the poll worker to process one ballot with exceptions.
  - **Override All Ballots** - allows the poll worker to process multiple ballots with exceptions.
3. Select **Yes** to accept the ballot with the exceptions on the ballot, select **No** to exit the screen.
4. If you selected **Yes** you will need to insert the ballot into the scanner.
  - If you selected to Override One Ballot after the ballot has been scanned you will be returned to the Welcome Screen.
  - If you selected Override All Ballots once the ballot is scanned, you will have the options to continue scanning ballots. Once you are done scanning all the ballots, select **Exit** to go back to the previous screen. Then select **Menu** to go back to the Tools Menu and select **Return to Voting Mode** to return to the Welcome Screen.

# The importance of poll watchers.

- This is some of what happens at the polls, where it's open to observation. If this is happening in plain sight and knowledge there are no consequences, what could possibly be happening with absentee ballots when it is almost completely out of sight. Some of the electioneering laws were corrected, but there is no enforcement. The statewide hotline is my log of all the call on election day. This should make clear the utter intentional chaos of same day registration.

# The importance of poll watchers

Cascade County  
Poll Watcher Documentation  
November 6, 2012

Name: [REDACTED]  
Address: [REDACTED]  
City: [REDACTED]  
Phone: [REDACTED]

**Polling Location:** Montana Expo Park

**Precinct:** 20A

**Open Area in Exhibition Hall (Observations)**

**Time:** 7:00 PM – 7:00 PM

**10:30 AM** – Carlie Boland (Candidate) sat with me in Precinct 20A. She asked the Election Judges how things were going and also reviewed the list of registered voters. She left for a while and returned one more time. Both times she stayed approximately 15 minutes or so.

**12:00 PM** – I observed a table with a sign that said "Trouble Voting Talk to Me". Several lawyers were sitting at that table. Throughout the day I observed Anders Blewett, Daniel, Larry Anderson, Bill Bronson, Benjamin Graybill, Gary Zadick, and Alexander Blewett. Elizabeth Best didn't sit at the table but was observed nearby the table. Larry Anderson's wife Nancy was also sitting there at times.

**3:00 PM** – Carlie Boland was sitting at the table where they were taking Provisional Ballots. The voter handed their ballot (which was enclosed in a sealed white envelope) to Carlie Boland. Carlie Boland then placed the white envelope into a manila envelope. An election judge took a sticker with the voter's name and put it onto the manila envelope. The manila envelope is placed into a box. Carlie Boland wrote the name onto a sheet of paper. I observed Candidate Carlie Boland actually handling the envelopes that had ballots enclosed.

**A little after 5:00 PM** – Judy Tankink told me about some ballots that were brought in from outside and the woman took the box of ballots into the women's restroom. Carol Halvorson, Election Judge also observed this and told me about it. As we were discussing it Kandy (Election Official) came out and talked to Judy. She told Judy that the woman was Election staff and "It wasn't the end of the world." She said she would talk to the woman who miss-handled the ballots.

A while later, Shantell who is an Election Official, talked w/Judy and was accompanied by Larry Anderson, Attorney; Nancy Anderson, Montana Democratic Vice-Chair; and Benjamin Graybill, Attorney; regarding the incident with the ballots from outside that were taken by an Election Official into the women's restroom. Judy mentioned that any reasonable person would be concerned if they observed someone bringing ballots into the building that were unsecured – then taking them into the bathroom. Shantell said that in the future Judy shouldn't talk to Election staff. Judy pointed out that there was no way to ascertain who the individual was – she did not identify herself, nor did she have an official name tag. It could have been anyone.

**Numerous Times:** Throughout the day I observed Candidate Tom Jacobson (HD25) handing out food and drink items to electors standing in line. He also went to all of the precinct polling tables and handed out food/drink items there as well. Oftentimes, he was accompanied by an attorney, usually Anders Blewett. Tom Jacobson was not wearing a name tag – however, Anders Blewett was wearing one that said his name and said Senator.

# Montana Statewide Hotline

## MONTANA STATEWIDE HOTLINE

### Command Center Calls

755	Notification of stickers being used violating spoiled ballot process MCA 13-13-117 (voters must be issued a new ballot) contacted the MTVIP County Coordinators to watch for this.
850	People walking around Expo Park (Cascade County) inside the polling locations wearing vests. The vests are not marked, the Republican poll watchers are sitting behind the election judges. These people are walking around.
1019	Poll watcher in Lake County made a mistake on her own ballot and was given a sticker to put on the ballot
1022	Thompson Falls (Sanders County) is also using stickers instead of spoiled ballots
1054	Cascade County the vested patrols are Democrats determining how many people have voted. They are roving from precinct to precinct not interacting with voters, only the election judges. The vested patrols are asking for number of voters
1059	Missoula County counted votes the night before the elections, observed a lot of wasted time
1114	Cascade County poll watcher in precinct 23A was questioned by the EA and asked what she was doing there. PW explained to EA she was a poll watcher. All MT VIP poll watcher names were submitted to the County Election Administrators, the first time this had ever been done in the MT VIP counties and this poll watcher was questioned.
1155	Candidates are poll watchers in Cascade County
1208	Lewis and Clark County long lines around the building, inside they are counting ballots, a lot of jamming in the machines. Several out of county license plates observed in the parking lot
1223	Lake County report at 632am At 632am in Whitefish Senior Center precinct 47, a Ms Metcalf who describes herself as a Democrat election attorney and a legal spectator for the Democrat party arrives at polls. The Chief Election Judge Elizabeth James Hall, turned her into an election judge as they were short 2 judges, , she was making calls to the Clerk in Whitefish to resolve concerns on behalf of the Chief Election Judge. Ms Metcalf takes a phone call and then leaves the premises and states she will return, another poll watcher has come to replace her. Chief election Judge states poll watchers can leave the premises and come and go as they please. There is no record she was sworn in as a judge nor that she completed the paperwork to be paid. Her term of election "spectator" is odd, as that is not commonly used in MT
1305	Lewis and Clark County Library polling locations 5 copies of Time magazine Sept edition with Obama on the cover on display upon entering the facility.



## Proposed Standing Election Committee Rule Change

### Structure

- Authority for the Legislature to exercise its Constitution responsibility to administer and insure the purity of the elections. Establish a new Standing Session Committee on Elections for the 2023 Session and possibly concluding at the conclusion of the regular session of 2025.
- Separate Elections from the State Administration and Veterans Affairs Committee
- Provide subpoena power for this committee that includes not only witnesses but information from state agencies and political subdivisions.
- Power to refer any finding of illegality for further investigation and/or prosecution.
- Provide for the Elections Committee to remain in-session during the interim.
- Election Investigation Unit reports the election related issues disclosed to their unit and the disposition along with any trending, suggestions, are the laws working, etc.
- Consider a Citizen Advisory Council -- must have poll watcher or election judge or election experience.

### Goals

- Engage with the election administrators, ask what changes they would like to have made.
- Determine loopholes in state statutes
- Create legislation to correct loopholes
- Review all election tabulator contracts
- Research and gather information on citizen generated election issues
- Oversee a central reporting mechanism for election related citizen reports; this must be public information but may not disclose the person reporting.
- Investigate all non-profit funding accepted by any political subdivisions for the purpose of elections—six previous years.
- Investigate all non-profits granted taxpayer money by any state agency or political subdivisions for the purpose of elections, ballot initiatives, registering voters, etc (At least the last 6 years.) Are these non-partisan.
- Investigate all counties who hired or allowed non-profit groups to assist with elections including using any portion of the voter registration system or handling ballots.
- Investigate any counties who processed ballots on Saturdays or Sundays and if any non-profit organizations were present during these times—violation of [13-13-241 \(7\) b](#) using data tracking logs.
- Review all vendor agreements for vote tabulation machines
- Develop an audit procedure for tabulation machines, including logs.
- Develop a Forensic Audit procedure, likely rolled out in phases
- Review county implementation of election procedures for best practices
- Develop an actual election audit procedure to be performed each election cycle, which includes signature verifications.
- Ensure all elections, including school and municipal elections follow the same laws as federal elections.
- Review the new voter registration system during and after implementation and the 2024 election cycle.



Hon. Janet Rowland  
Board of County Commissioners  
544 Rood Ave. Grand Junction, CO

*March 1, 2022*

RE: Forensic Report No. 2 on EMS Server Images

Dear Commissioner Rowland:

Enclosed is the second report, in electronic and hard copy form, from the cybersecurity experts who have continued to analyze the forensic images of the drive of the DVS Democracy Suite Election Management System in my office which we used for the management of the 2020 general election and the 2021 City Council Election. As you know, I had these images taken to preserve election records and help determine whether the county should continue to utilize the equipment from this vendor. Because the enclosed report reveals shocking vulnerabilities and defects in the current system, placing my office and other county clerks in legal jeopardy, I am forwarding this to the county attorney and to you so that the county may assess its legal position appropriately. Then, the public must know that its voting systems are fundamentally flawed, illegal, and inherently unreliable.

From my initial review of the report, it appears that our county's voting system was illegally certified and illegally configured in such a way that "vote totals can be easily changed." We have been assured for years that external intrusions are impossible because these systems are "air gapped," contain no modems, and cannot be accessed over the internet. It turns out that these assurances were false. In fact, the Mesa County voting system alone was found to contain thirty-six (36) wireless devices, and the system was configured to allow "any computer in the world" to connect to our EMS server. For this and other reasons—for example, the experts found uncertified software that had been illegally installed on the EMS server—our system violates the federal Voting System Standards that are mandated by Colorado law.

As the county officer elected to manage our elections in accordance with the law, I cannot hide behind the Secretary of State's certification of the Democracy Suite system and ignore the numerous and profound deficiencies revealed in this report. As the experts point out, the Secretary of State's certification itself was unlawful, based as it was on testing performed by an unaccredited lab, a lab that missed 100% of the security issues that render the system unusable, uncertifiable, and illegal. The county must reassess its recently-renewed lease agreement and consider its legal options immediately. We cannot continue to use this equipment. Please respond once you have read the enclosed report.

Very truly yours

A handwritten signature in blue ink, appearing to read "Tina M. Peters", is written over a horizontal line.

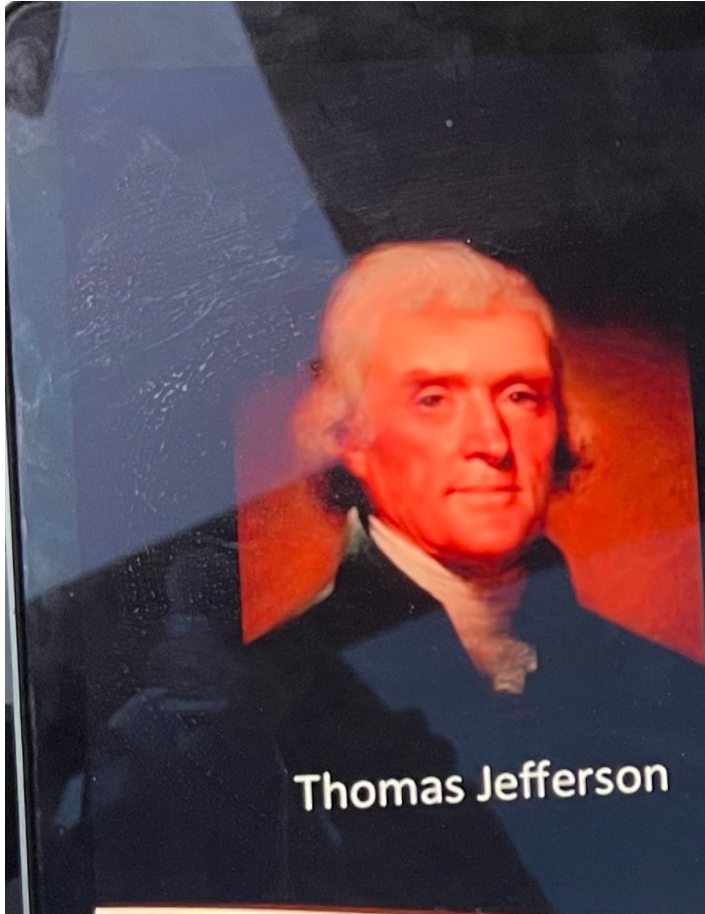
Tina M. Peters

**Tina M. Peters**

**Mesa County Clerk & Recorder**

200 S. Spruce Street | Grand Junction, CO 81501

[Tina.Peters@MesaCounty.US](mailto:Tina.Peters@MesaCounty.US) Office(970) 244-1714 Cell (970) 812-2610

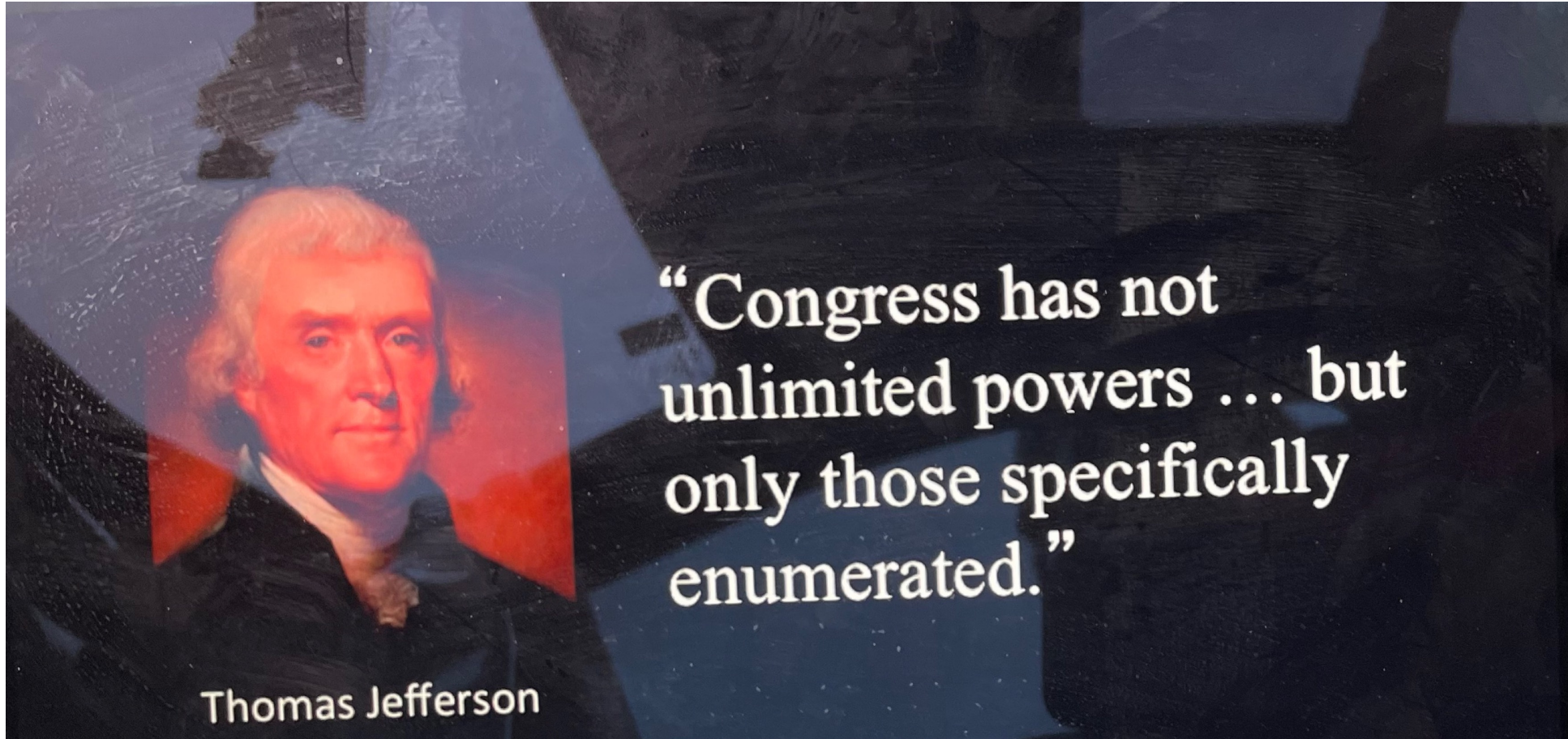


Thomas Jefferson

“To take a single step beyond the boundaries thus specially drawn around the powers of Congress, is to take possession of a boundless field of power no longer susceptible of any definition.”



Congress has not unlimited powers....





# NEWS RELEASE

Arizona House of Representatives  
Representative Mark Finchem (R-11)  
1700 West Washington • Phoenix, Arizona • 85007

Monday, February 7, 2022  
FOR IMMEDIATE RELEASE

## Representative Finchem Introduces Resolution to Set Aside & Decertify Three 2020 County Elections

STATE CAPITOL, PHOENIX – State Representative Mark Finchem has introduced [HCR 2033](#), a concurrent resolution calling for the elections of Maricopa, Pima and Yuma Counties to be set aside based on clear and convincing evidence that the elections in those counties were irredeemably compromised.

Statement from Representative Finchem:

"The circumstances surrounding these elections undermine voter confidence in the election system, moreover, they ultimately translate into doubts about election integrity.

"The questions first raised over a year ago about the legitimacy of the 2020 General Election persist. Evidence and testimony collected since November 3, 2020, has reached the point of clear and convincing and is now in the hands of the Arizona Attorney General for action. Citations of various elements justifying the Resolution can be found in the body of the Resolution. *We have debunked the 'baseless claims' narrative promoted by the propaganda pushing media and are now on to the business of providing specific relief to the People.*

"While some may say there is no valid constitutional, nor statutory grounds for such an action, they clearly are disregarding longstanding jurisprudence. Article II, Section 1, Clause 2 of the U.S. Constitution provides, in relevant part, 'Each State shall appoint, *in such Manner as the Legislature thereof may direct*, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress.' U.S. Const. Art. II, § 1, cl. 2 (emphasis added). The Supreme Court has described the constitutional authority of the state legislatures to determine the manner of choosing electors as 'plenary.' *See McPherson v. Blecker*, 146 U.S. 1, 35 (1892); *see also Bush v. Gore*, 531 U.S. 98, 104 (2000).

"The Supreme Court of the United States has even noted that, 'whatever provisions may be made by statute, or by the state constitution, to choose electors by the people, there is no doubt of the right of the legislature to resume the power *at any time*.' *McPherson*, 146 U.S. at 35 (emphasis added, quoting with approval Sen. R., 1st Sess. 43rd Cong. No. 395); *see also Bush v. Gore*, 531 U.S. at 104 ('The State, of course, after granting the franchise in the special context of Article II, can take back the power to appoint electors').



<https://www.dni.gov/index.php/newsroom/press-releases/item/2162-dni-john-ratcliffe-s-remarks-at-press-conference-on-election-security>




Office *of the*  
Director *of* National Intelligence

Print this page



Thursday, 22 October 2020 13:55



Oct. 21, 2020



# HOW AMERICA WAS HIJACKED

## OBSERVATIONS FROM OTHER BATTLEGROUND STATES

### REMEDIAL ACTIONS REQUIRED

1. Stop Censoring Evidence of Election Fraud"
2. Protect Election Records
3. Canvass every county
4. Conduct a Forensic Audit
5. Decertify Election
6. Remove Illegitimate Office Holders From Office
7. Prosecute Violations of Law
8. Election Reform Legislation

AZ	GA	WI	PA
<ul style="list-style-type: none"> <li>• Vote gap 10,457</li> <li>• Canvassing identified 173,104 lost votes and 96,389 phantom voters in Maricopa County alone</li> <li>• 17,126 voters with duplicate votes</li> <li>• 5,047 voted in multiple counties</li> <li>• Internet connectivity confirmed despite attempts to hide</li> <li>• Intentional deletion of security logs</li> <li>• Signature verification stamps applied to blank signatures</li> <li>• Multiple statutory violations</li> <li>• Ballot factory found near Phoenix</li> </ul>	<ul style="list-style-type: none"> <li>• Vote gap 11,779</li> <li>• 770,210 absentee ballots ordered 4 days before election in Fulton County where population is just over 1 million</li> <li>• State Farm Arena poll workers illegally scanned thousands of hidden mail-in ballots</li> <li>• 60% error rate discovered during hard recount of Fulton County</li> <li>• Elections website showed negative vote increments for Trump</li> <li>• 100% of unfolded mail-in ballots in Fulton County went for Biden</li> <li>• Whistleblowers terminated</li> </ul>	<ul style="list-style-type: none"> <li>• Vote gap 20,682</li> <li>• 205,000 people removed from voter rolls....after the 2020 election</li> <li>• 45,665 new voters registered with driver's license information that did not match DMV records</li> <li>• Surge of 130,000 "indefinitely confined voters"</li> <li>• Racine County Sheriff accused Wisconsin Election Commission committed statewide election fraud after investigation</li> <li>• More than 200 "Democracy in the Park" illegal polling places</li> </ul>	<ul style="list-style-type: none"> <li>• Vote gap 80,555</li> <li>• 440,000 mail ballots went missing or undeliverable</li> <li>• Mail-in ballots without envelopes counted</li> <li>• 25,000 ballots requested from nursing homes at the same time</li> <li>• Live CNN feed shows negative vote increments for Trump</li> <li>• While observing the Philadelphia County Board operations, Philly Dem Brian McCaffrey states "This is a coup against the President of the United States of America."</li> </ul>



See LetsFixStuff.org for latest information on eye-opening documentary

## WAS AMERICA HIJACKED?

RIGHT STUFF CLUB MEMBERS CAN SEE EVIDENCE DETAILS ON LET'S FIX STUFF WEBSITE

# LETSFIXSTUFF.ORG



# HOW AMERICA WAS HIJACKED

MICHIGAN ELECTION WAS SYSTEMATICALLY SUBVERTED VIA FOLLOWING PHASES

## 1 Preparation

- Voter registration file was stuffed with ineligible voters
- Ballot initiatives implemented to weaken election integrity
- Verification standards for mail-in voters were compromised
- Election operations were centralized via use of networked electronic voting systems
- All of the key records in the election chain of custody were accessible via the internet
- Poor credential management practices in place that not only posed a serious security risk but also aided in concealing who was responsible for any security breaches
- Media narratives prepare for success or failure scenarios



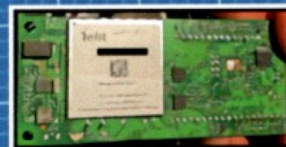
## 2 Main Attack

- Widespread mail-in ballot stuffing across entire state
- Voters matched to ballots via machine-based algorithm
- Ballot harvesting was encouraged and observed despite being against the law
- COVID leveraged to obstruct oversight of election processes
- Impervious to detection by recount
- Only detectable by audit of statewide election chain of custody including canvassing of those reported to have voted



## 3 Backup

- Voter turnout exceeded projections leading to need for injection of additional votes
- Synchronized vote stoppage across multiple states indicates that election results were not proceeding as planned
- Election night reporting anomalies reveal presence of a digital controller
- Vote tallies updated directly in friendly jurisdictions
- Ballots needed to cover up vote tallies injected as late mail-in ballot drops
- Poll books updated to cover up ballot drops
- Poll challengers subject to aggressive obstruction by election officials impeding collection of further evidence of election fraud

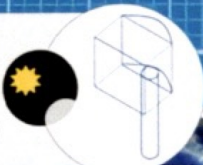


## 4 Defense

- Certification "No" vote reversed after intimidation tactics successfully employed
- Rampant media censorship and defamation of anyone asserting election fraud
- Big tech censors election fraud claims
- Threatening cease and desist letters issued to citizens speaking out against election fraud
- Destruction of election records
- Fake audits
- Legislature paralyzed by fear and fifth columnists
- Clerks threatened by MI SoS
- Clerks directed to violate federal law by MI SoS
- Attorneys threatened with disbarment for filing election fraud cases
- Conspiracy to manipulate election results confirmed by conspirators



LET'S  
FIX  
STUFF



RIGHT STUFF CLUB MEMBERS CAN SEE EVIDENCE DETAILS ON LET'S FIX STUFF WEBSITE

LETSFIXSTUFF.ORG



# Request for Information

Jordan Hall  
2181 W Holly Street  
Sidney, MT 59270

12/30/21

Stephanie Verhasselt

Clerk & Recorder

201 W Main St.

Sidney, MT 59720

Dear Stephanie Verhasselt:

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 the email correspondence made on your public server with Christi related to the election security issue. .

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$10. 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 election security in Richland County. This information is not being sought for commercial purposes.

This is the second time I am requesting this information and if we do not receive any correspondence within two weeks, then we will have to take other measures to get this information.

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,

Jordan Hall

406-433-4004