

May 13, 2014

Rina Fontana Moore
Cascade County Election Administrator
325 2nd Avenue North #100
Great Falls, MT 59401

In the April Sun River Valley High School Newsletter the school district explained the levy the elementary school and high school would be requesting on the May 6, 2014 ballot. (Exhibit A) The newsletter explained the ballots would be mailed April 21, 2014. According to MCA 20-20-204 (Exhibit B) the school district is responsible for the publication requirements for public notice. For this election, the school district does not appear to be in compliance with the proper notices in the Vaughn area as this newsletter does not qualify to meet the publication requirements. I reside and am registered to vote in Vaughn, by April 30, 2014, I had not received a ballot in the mail. The voters in Simms and Fort Shaw had received their ballots.

On April 30, 2014, the Cascade County Elections office was contacted and I was informed all the ballots had been mailed. I was instructed to come to the elections office to obtain a replacement ballot, and to bring my ID. There was no explanation for what happened to my ballot, my husband's and my son's. Later the elections office called and informed me the Vaughn portion of the levy was cancelled. I emailed Dean Jardee (Exhibit C), Vaughn Elementary School Principal, to inquire about the levy, an excerpt of his response (Exhibit D) is below:

The mix up happened when our Board Clerk called the Elections department to cancel the District 74 Vaughn Elementary Trustee election because we didn't have any contested races. The Elections Department for Cascade County assumed that they didn't need to send ballots at all to Vaughn voters even though all Vaughn voters are in District 55F-the high school district. That levy ballot is controlled by the Sun River Valley High School District which is both District 55 and 55F. Therefore, Vaughn voters didn't receive the necessary ballot to vote on the high school technology levy. I have not heard final word on whether they are going to rerun the high school levy or not as that is the high school district's decision.

But to clarify, Vaughn Elementary had no levy request or trustee election therefore we didn't run an election. Also, on another note, I know you weren't upset or angry. I never took it that way. When I had communicated in my last e-mail, I was referring to other Vaughn voters who were not being as nice to the clerk at the high school district. When it came down to it, the Cascade County Elections Department dropped the ball on this one, but wanted to place the blame on the County Superintendent and the Sun River Valley High School District. I'm sure it will all get worked out. It just makes me sad that it reflects poorly on our great communities and schools in the valley.

As confirmed by the Cascade County Election Office and the School Principal the actual notification required statute was not followed. According to MCA 20-20-201, (Exhibit E) Calling of school election. (2) *The resolution calling any school election must be transmitted to the county election administrator no later than 35 days before the election in order to enable the administrator to close the registration and prepare the lists of registered electors as required by school election laws*

The transmission of the "call for the election" information to the County is not required to be in writing, this was communicated verbally, leaving no paper trail. From all documentation, the conclusion can be drawn that the County either did not receive the information or did not understand the Vaughn district was indeed included in the levy.

EXHIBIT
DATE
PAGE

On May 1, I received my ballot, five days before the election. According to MCA 20-20-401 (Exhibit F) .Trustees' election duties -- ballot certification. (1) *The trustees are the general supervisors of school elections unless the trustees request and the county election administrator agrees to conduct a school election under 20-20-417* (The county is administering the election so the below section applies.) (2) *Not less than 25 days before an election, the clerk of the district shall prepare a certified list of the names of all candidates entitled to be on the ballot and the official wording for each ballot issue. The clerk shall arrange for printing the ballots. **Ballots for absentee voting must be printed and available at least 20 days before the election.*** As noted in the newsletter (Exhibit A) this was intended to be an all mail ballot.

At this point in time the County Election Administrator should have been aware the proper school election statutes had not been followed, yet chose to send out ballots (Exhibit G). The ballots were simply photocopies with no security or barcoding. Obviously, the printing and availability of the ballots was not within the statutory time frame referenced in MCA 20-20-401 (Exhibit F).

On May 9, 2014, I emailed (Exhibit H) the Secretary of State Office, the Office of Public Instruction and the Cascade County School Superintendent detailing the events surrounding this election. On May 12, I received a response from the Secretary of State Office (Exhibit I) indicating they had no authority over school elections and the Office of Public Instruction (Exhibit J) wished me good luck and suggested I contact the [Cascade] County Attorney. As of this date, I have not heard from the Cascade County School Superintendent and the Cascade County Election Administrator has shown no leadership in rectifying the problem. . Human error happens, and several political subdivisions were involved, instead of accepting responsibility the chosen action was to further compound the violation of Montana election statutes by circumventing the remaining statutes. I am officially requesting the results of this election not be certified as the process statutes were not followed.

Mrs. Garnett Rope
255 Gordon Road
Vaughn, Montana 59487
406 467-2934

----- Original Message -----

From: Mickelson, Janelle

To: 'rope@3rivers.net'

Sent: Monday, May 12, 2014 12:42 PM

Subject: Re: levy problems in Vaughn

Mrs. Garnett Rope:

Pursuant to 20-20-401, MCA, absentee ballots must be made available 20 days before the election (Wednesday, April 16th this year). Based on the information you provided below, this requirement was not complied with. The Office of Public Instruction does not have the authority to invalidate elections. The Secretary of State's Office is charged with advising election administrators, and might have given advice on this issue. You may also want to check with the Cascade County elections administrator and/or the County Attorney about this situation. It could be that your only recourse is to submit a petition challenging the election.

Good luck,

J. Janelle Mickelson

Office of Public Instruction

School Finance Division Administrator

Phone: (406) 444-3249

Fax: (406) 444-0509

email: jmickelson@mt.gov

----- Original Message -----

From: Kimmet, Lisa

To: rope@3rivers.net

Sent: Monday, May 12, 2014 9:28 AM

Subject: school election

Mrs. Rope

I am copying below some election laws that may be helpful. The first one lays out when ballots must be mailed for an all-mail ballot election, and the other two are from Title 20, school election laws. The Secretary of State does not have authority over school elections, and so we would defer any questions about the conduct of the school election in question to the county election office and the school district, and to the Office of Public Administration.

13-19-207. When materials to be mailed. (1) Except as provided in subsection (2), for any election conducted by mail, ballots must be mailed no sooner than the 25th day and no later than the 15th day before election day.

(2) (a) All ballots mailed to electors on the active list and provisionally registered list must be mailed the same day.

(b) At any time before noon on the day before election day, a ballot may be mailed or, upon request, provided in person at the election administrator's office to:

(i) an elector on the inactive list after the elector reactivates the elector's registration as provided in 13-2-222; or

(ii) an individual who registers under the late registration option provided for in 13-2-304.

(c) An elector on the inactive list shall vote at the election administrator's office on election day if the elector reactivates the elector's registration after noon on the day before election day.

(d) An elector who registers pursuant to 13-2-304 on election day or on the day before election day must receive the ballot and vote it at the election administrator's office.

20-20-201. Calling of school election. (1) At least 40 days before any school election, the trustees of a district shall call the school election by resolution, stating the date and purpose of the election, and shall conduct it in accordance with the procedures required by law when:

- (a) an election must be held on the regular school election day;
- (b) in their discretion, the trustees order an election for a purpose authorized by law;
- (c) the county superintendent orders an election in accordance with the law authorizing an order;
- (d) the board of public education orders an election in accordance with the law authorizing an order;
- (e) the county commissioners order an election in accordance with the law authorizing an order;
- (f) the board of trustees of a community college district orders an election in accordance with the law authorizing an order, in which case the community college district shall bear its share of the cost of the election; or
- (g) a school election is required by law under any other circumstances.

(2) The resolution calling any school election must be transmitted to the county election administrator no later than 35 days before the election in order to enable the administrator to close the registration and prepare the lists of registered electors as required by school election laws.

20-20-401. Trustees' election duties -- ballot certification. (1) The trustees are the general supervisors of school elections unless the trustees request and the county election administrator agrees to conduct a school election under 20-20-417.

(2) Not less than 25 days before an election, the clerk of the district shall prepare a certified list of the names of all candidates entitled to be on the ballot and the official wording for each ballot issue. The clerk shall arrange for printing the ballots. Ballots for absentee voting must be printed and available at least 20 days before the election, except as provided in 20-9-426(2) for a bond election not held in conjunction with a school election. Names of candidates on school election ballots need not be rotated.

(3) Before the opening of the polls, the trustees shall cause each polling place to be supplied with the ballots and supplies necessary to conduct the election.

Lisa Kimmet, Deputy

Elections and Government Services Division

Office of Montana Secretary of State Linda McCulloch

406.444.5376

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