

4. After the certification [June 18, 2024], I conducted a more thorough audit of the numbers of all precincts after an interested citizen had questioned what appeared to be a discrepancy.

5. After the audit, I determined that the number of accepted absentee ballots were lower than the number of actual absentee ballots counted. The number of actual ballots counted exceeded the number of absentee ballots accepted by approximately 1,000 votes.

6. I have calculated the numbers several times, and have determined that overall, there is error in the results for every precinct.

7. Since the number of votes counted exceed the number of votes that the Clerk and Recorder accepted, there was an error in the procedures utilized by the Clerk and Recorder's Office. I can only speculate which procedures may have failed, but believe that a number of ballots may have been counted twice.

8. It is my belief that some of the races with multiple candidates may be affected by a recount due to the result being so close. A candidate may have been credited with votes resulting from a double-counted ballot, which in turn would skew the results.

9. I have run an internal check of the software used in the vote-counting machine, and it appears to be in order. I have no reason to believe this was a technological or mechanical error, but human error.

Based upon the representations made by the Clerk and Recorder the Court finds there is probable to believe that the votes cast in the 2024 Primary Election held in Butte-Silver County were not correctly counted. Based upon the assertions in the Petition and pursuant to § 13-16-301(4), MCA, the Court concludes that it is appropriate and warranted to unseal the ballots for the purpose of recounting all ballots and that the ballots should be recounted as provided in this Order. The Court finds that the integrity of an election is of paramount importance to the Court and the public justifying the necessity of a recount.

IT IS HEREBY ORDERED:

1. The ballots from the 2024 Butte-Silver Bow Primary Election shall be **UNSEALED** for the purposes of a recount of all ballots.

2. Pursuant to § 13-16-10, MCA, a county recount board shall be appointed by the presiding

officer of the Butte-Silver Bow Council of Commissioners consisting of at least three (3) Commissioners from the Council who shall convene no later than Monday, August 19, 2024.

3. A member of the county recount board shall be disqualified for selection if that member is a candidate for office or nomination for which votes are to be recounted.

4. The election administrator shall be secretary of the county recount board.

5. The Butte-Silver Bow Clerk and Recorder shall have the authority to hire additional clerks/election judges as is necessary to carry out the recount.

6. The ballots shall be unsealed and all be recounted no later than August 21, 2024.

7. Due to the extremely limited amount of time prior to the ballots needing to be certified for the 2024 General Election, the county recount board together with Butte-Silver Bow Clerk and Recorder are authorized to conduct the recount via a vote-counting machine.

8. The recount shall be public. Any candidate involved in the recount, a candidate's representative, and representatives of the news media may appear personally to witness the entire recount process.

9. The cost for the recount shall be the responsibility of Butte-Silver Bow.

10. If the recount shows the votes for any candidate are more or less than the number shown upon official returns, the secretary of the county recount board shall prepare a corrected report that states the number of votes ascertained by the recount, who shall then enter the results of the election as determined by the recount in the board records.

11. Each ballot shall again be sealed in the same package or envelope in the presence of the election administrator and the county recount board and must be delivered to the election administrator for custody.

12. All other materials used in the recount that are required to be sealed must be resealed in

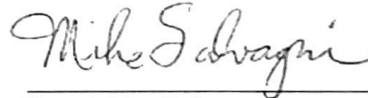
the same manner and delivered to the election administrator for custody.

13. Immediately after the recount, the county recount board shall certify the result as required by § 13-16-418, MCA.

14. **The Clerk and Recorder shall immediately give notice of this Order to the Butte-Silver Bow Council of Commissioners, to all candidates involved in the 2024 Primary Election for Butte-Silver County either directly and/or through their campaign offices, and to all local media covering the Butte-Silver Bow area.**

15. **The Clerk of the District Court shall immediately furnish a copy of this Order to Sean Peterson, Clerk and Recorder Linda Sajor-Joyce, the Montana Secretary of State and Butte-Silver Bow Council of Commissioners.**

Dated August 16, 2024.



Hon. Mike Salvagni
Presiding Judge

c: Sean Peterson, Deputy County Attorney
Linda Sajor-Joyce, Butte-Silver Bow Clerk and Recorder
Christi Jacobsen, Montana Secretary of State
Butte-Silver Bow Council of Commissioners