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Beth Parks
CLERK

utte-Silver Bow County District Cou STATE OF MONTANA

By: Beth Parks
DV-47-2024-0000232-OC
Krueger, Kurt

1.00

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Attorney for Petitioner

## MONTANA SECOND JUDICIAL DISTRICT, SILVER BOW COUNTY

IN RE THE MATTER OF THE 2024 BUTTE-SILVER BOW PRIMARY ELECTION,

DEPUTY COUNTY ATTORNEY SEAN PETERSON,

DV-47-2024-0000232-OC

Petitioner,

Kurt Krueger Judge, Dept. 1

## PETITION TO UNSEAL BALLOTS OF THE 2024 BUTTE-SILVER BOW PRIMARY ELECTION FOR THE PURPOSES OF A RECOUNT

COMES NOW, SEAN PETERSON, Deputy County Attorney, and Petitions this Court to unseal the ballots from the 2024 primary election held in Butte-Silver Bow on June 4, 2024 for the purposes of a recount. Linda Sajor-Joyce, Butte-Silver Bow Clerk and Recorder has represented to the County Attorney's Office that upon an internal audit of the election results, it appears as though in reference to the absentee ballots, there exists a discrepancy between the actual votes counted and the number of ballots accepted. This creates a presumption of incorrectness from failure to comply with provisions of Section 13-15-206 *Mont. Code Annot.* (2023) As such, in the interest of election integrity, the State is requesting those ballots be re-counted. Ms. Sajor-Joyce's affidavit accompanies this filing as Exhibit A.

While statutory authority doesn't appear to encompass the current scenario, nonetheless,

Petitioner requests that the re-count follow the requirements of Section 13-16-101 Mont. Code

Annot. (2023) in regard to forming a board, and hiring additional clerks if necessary. Pursuant to

statute, after finding probable cause, the Court specifies the parameters of when the board meets and

how the ballots are re-counted. Section 13-16-301(4) Mont. Code Annot. (2023). Petitioner

represents to the Court that time is of the essence as the ballots for the 2024 General Election should

certified and finalized for printing by August 22, 2024. While Section 13-16-412 M.C.A. requires a

manual recount of paper ballots, Petitioner requests, for good cause, that the automatic vote-

counting machines be utilized so that the recount can be completed in time for the printing of the

ballots for the 2024 general election. Section 13-16-412 Mont. Code Annot. (2023).

Petitioner asserts that a recount could alter the results of the 2024 Butte-Silver Bow Primary

Election, and as such, respectfully requests a recount of all ballots from all precincts to protect the

integrity of the election.

DATED this \_\_\_\_\_ day of August, 2024.

SEAN PETERSON

DEPUTY COUNTY ATTORNEY

## MONTANA SECOND JUDICIAL DISTRICT, SILVER BOW COUNTY

IN RE THE MATTER OF THE 2024 BUTTE-SILVER BOW PRIMARY ELECTION,

DEPUTY COUNTY ATTORNEY SEAN PETERSON,

No. DV-24-

Petitioner,

## AFFIDAVIT OF BUTTE-SILVER BOW CLERK AND RECORDER LINDA SAJOR-JOYCE

STATE OF MONTANA ) :ss.
County of Silver Bow )

- 1. That I am Linda Sajor-Joyce, current Butte-Silver Bow elected Clerk and Recorder.
- 2. That I was the election administrator for the 2024 Butte-Silver Bow Primary Election.
- 3. That the election was certified by the County of Commissioners and other elected officials on <u>Jucy 15 Zoz4</u>. At the certification, I believed the numbers were accurate within the margin of error.
- 4. After the certification, I conducted a more thorough audit of the numbers from 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 procedure 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 results 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.

DATED this 15 day of August, 2024.

LINDA SAJOR-JOYCE

BUTTE-SILVER BOW CLERK AND RECORDER