

SEAN PETERSON
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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 be 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 15 day of August, 2024.



SEAN PETERSON
DEPUTY COUNTY ATTORNEY

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