

October 30, 2020

Via email and hand-delivery

Bradley Seaman
Missoula County Elections Administrator
140 North Russell Street
Missoula, Montana 59801

RE: BALLOT INFORMATION REQUEST

Greetings:

We represent Brad Tschida. Mr. Tschida is seeking public information pursuant to Mont. Code Ann. § 2-6-1006. The statute provides that “a person¹ may request public information from a public agency.” On this authority, Mr. Tschida requests the following:

Altered Ballot Information

Enclosed you will find an affidavit signed by Missoula County Elector Stephanie Dwyer. It indicates that your office is advising people to turn in altered ballots if, after marking their ballots, they make errors or change their minds about their voting choices. Under this procedure, voters who make such changes are not told to obtain a new ballot, but to alter their ballot.

The concern is that if you count altered ballots, it may be impossible to discern if the ballots were altered by the voter or by someone other than the voter. If the altered ballots follow the overall voting pattern for the County, the concern may be a minor one. If, however, they break disproportionately for one party or the other, the concern that the altered ballots were altered by someone other than the voter would be grave indeed. As you may know, elections in Missoula have a history of breaking very late, often in the

¹ See, MONT. CODE ANN. § 1-1-201 defines a person as “a corporation or other entity as well as a natural person.”

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wee hours of the day after election day, and this circumstance may shed some light on that history in our County.

Mr. Tschida, therefore, requests that you retain each ballot that you count that has been altered in the way described in the Dwyer affidavit. Mr. Tschida requests that he or his agent be allowed to inspect them, to count them, and to capture photographic images of them.

Signed Ballot Envelopes

Mr. Tschida also requests access to all signed ballot envelopes for Missoula County for inspection, counting, and photographing. The concern here is that the number of signed ballot envelopes needs to match the number of ballots counted to guarantee no fraudulent ballots are inserted into the process and counted as real votes.

We ask that information requested herein be supplied to us on November 4, 2020, so they can be inspected during regular business hours on November 4, 5, and 6, 2020.

This letter is being sent via email from gmr@montanalawyer.com, and via hand delivery, and is being copied on local and other news outlets as well as the Missoula County Attorney and the Montana Attorney General.

We thank you in advance for your anticipated cooperation.

Sincerely yours,
RHOADES SIEFERT & ERICKSON PLLC



Quentin M. Rhoades

cc: Client