

From: [Quentin.Rhoades](#)
To: [Bradley Seaman](#)
Cc: [Brian West](#); [Nathan Coyan](#); [Nancy Knilans](#); [Lyn Hellegaard](#); tschida4mthouse@outlook.com; [Robert.Erickson](#)
Subject: RE: Request for Information re Vote Counting and Ballot Resolution
Date: Tuesday, December 22, 2020 7:01:00 AM
Attachments: [image001.png](#)
[image004.png](#)

Hello Mr. Seaman,

Thank for the update. We'll follow your advice and reach out directly to Elections Systems & Software. Do you have any contact information for Elections Systems & Software you can share with us? Also, as to the inspection of the ballots that were subject to the resolution process, it would help if we know how many ballots required resolution. Is this publicly available information? Or would that too require a court order?

Finally, can you offer us the names of the Republican Party and the Democratic Party observers who were present for the resolution process? Were video images of these processes captured on media? If so, is the media available? And our request for information on the names of the people who served on the resolution committees remains pending. You mentioned 5 teams. Is the identity of the members of those teams, who were resolving and counting questioned ballots, not publicly available information?

Thank you for your continuing effort to assist my client in his research. Mr. Tschida and everyone on his team appreciates it immensely.

Quentin M. Rhoades, Esq.

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From: Bradley Seaman <bseaman@missoulacounty.us>
Sent: Monday, December 21, 2020 4:19 PM
To: Quentin.Rhoades <qmr@montanalawyer.com>
Cc: Brian West <bwest@missoulacounty.us>; Nathan Coyan <ncoyan@missoulacounty.us>; Nancy Knilans <nancy@montanalawyer.com>; Lyn Hellegaard <lhellegaard@msn.com>;

tschida4mthouse@outlook.com; Robert.Erickson <erickson@montanalawyer.com>

Subject: Re: Request for Information re Vote Counting and Ballot Resolution

Hello Mr. Rhoades,

As per the email sent on 12/11, I have been able to export digital copies of the machine audit logs and will be able to share these via SharePoint for your review. We are also requesting emails pertaining to the request as well.

We discussed the coding with your client during the call on 11/16. When we contacted the company, Elections Systems & Software, they stated that proprietary coding would not be readable because it is encrypted. We would not be able to produce a readable file for your review and would direct you to reach out to ES&S if you would like to pursue this request additionally.

According to Montana State Laws (13-1-303, 13-15-108, 13-15-205, 13-15-301) and our discussions with the SOS Office, apart from a recount or the post-election audit, sealed boxes containing ballots can only be opened under a court order. However, it is worth noting that Representative Tschida's understanding of the resolution process is incorrect. In Missoula County, this process takes place in the counting center, we scheduled 5 teams (one per machine) but also requested assistance on this process from other trained election judges who were working in the counting center. These processes are open to public observation and we had observers present from both the Republican and Democratic Parties present for the entirety of the ballot count. This was also presented to the public via a live stream on the election's website.

Thank you for working with us on this records request. I will be out of the office later this week through the end of the year but look forward to working with you in January.

Bradley Seaman

Elections Administrator

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From: Quentin.Rhoades <qmr@montanalawyer.com>
Sent: Friday, December 18, 2020 9:11 AM
To: Bradley Seaman <bseaman@missoulacounty.us>
Cc: Brian West <bwest@missoulacounty.us>; Nathan Coyan <ncoyan@missoulacounty.us>; Nancy Knilans <nancy@montanalawyer.com>; Lyn Hellegaard <lhellegaard@msn.com>; tschida4mthouse@outlook.com <tschida4mthouse@outlook.com>; Robert.Erickson <erickson@montanalawyer.com>
Subject: RE: Request for Information re Vote Counting and Ballot Resolution

Hello Bradley,

Thank you again for your help with our research efforts. Earlier you indicated that you had confirmed that you may be able to obtain a digital copy of the audit logs for the voting machines and corresponding emails. You cautioned, however, that “the coding is not available.” (See your email to me of 11/16/20.) With respect to this issue, first, were you able to obtain the digital copy of the audit logs? If so, I assume you will be able to share those with me via a cloud-based application or, at the very least on a USB drive from which we can copy the files and then return to you. Is that correct? Otherwise, will you have the paper logs available?

As for the coding that you state “is not available,” can you please elaborate on why that would be the case? Is it proprietary? If so, who controls the intellectual property? We need to know who the defendant would be if we need to pursue a civil action to obtain what we believe to be public information. If it is not proprietary information, is there some other reason it is not available upon request of a Montana citizen?

Finally, we have the issue of the questioned ballot research our client would like to perform. Recall that our original public information request letter, dated 10/30/20, included the following passage:

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 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.

We followed up on 11/02/20 with the following:

Mr. Tschida understands that any ballots of questioned voter intent are resolved by Resolution Committees in a locked room that is not open to public observation. As he understands it, there are seven, three-person committees who serve in this capacity. Each committee is supposed to be comprised of one Democrat, one Republican, and one person unaligned. Mr. Tschida requests access to records from the Resolution Committees for the November 2020 general election, including, without limitation, (1) all records including written, email, audio, or text that identify the committee members by name and party affiliation; and (2) email messages between Resolution Committee members and election office officials, with one another and with third parties, regarding their service, process, or findings on the Resolution Committees. Mr. Tschida also requests access to, for inspection and photo capture, all questioned ballots resolved by the Resolution Committees.

As we understand it, your position is that none of the information requested with regard to altered or questioned ballots is available for our research except upon court order. I ask that you please confirm this understanding. I need to be clear for two reasons. First, I don't want to waste anyone's time by approaching the court with a request for something that you will voluntarily make available. Second, if I do approach the court, I want to be clear in telling the judge what your position is with respect to these requests.

Thank you for your kind attention. I would appreciate it if you let me know when you will be able to offer us a substantive response to this email letter. I realize this is the holidays and COVID had slowed many things down. But, given the pace at which civil litigation moves, and given that the next election is only a few short months away, we ask that you give priority to your response to us. I am sure we can all agree on this: free and fair elections are fundamental to the American way of life.



Quentin M. Rhoades, Esq.

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