

From: [Bradley Seaman](#)
To: [Quentin.Rhoades](#)
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: Wednesday, January 27, 2021 8:25:44 AM
Attachments: [image001.png](#)
[RE Request for Information re Vote Counting and Ballot Resolution.msg](#)

Hello Quinten,

1. I had just discussed the emails with Brian recently. I believe that request is in progress with our IT. He is CC'd on this email and can follow up.
2. All voter in this election received a mail ballot. There was not a poll book for voters who voted in person, instead they were issued an absentee ballot and their signature was verified following the same process as all other voters.
3. The signatures did not have the administrative strike thru to reflect that the signature had been verified. In our previous update, we had stated "If a copy of an envelope is requested, elections staff will photocopy the envelope for the requestor and omit the signature area of the envelope. Photocopies will be charged at the standard rate of \$.50 for the 1st and \$.25 for each subsequent page. The requestor may also provide a photocopy machine and the elections staff will be able to assist with any copies." We just recently sent you an updated invoice reflecting the refund of the amount not used. We have not yet received a check from the auditors office to send the refund back and, if necessary, we could schedule staff to bring those back from the warehouse and photocopy – omitting the signature – and would be able to update the billing to reflect those additional charges.

With this information in mind, please let me know if you would like us to proceed with photocopying these envelopes.

Thank you,
Bradley

From: Quentin.Rhoades <qmr@montanalawyer.com>
Sent: Tuesday, January 26, 2021 12:03 PM
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; Robert.Erickson <erickson@montanalawyer.com>
Subject: RE: Request for Information re Vote Counting and Ballot Resolution
Importance: High

Hello Bradley,

You've been a big help, so I hate to be a bother. But I find I must ask some additional questions to

trouble you with.

1. Has Bradley tracked down the requested emails yet? (See below.) Please advise.
2. We counted 67,899 envelopes. Can we review and perhaps cope the signature pages of the people who voted in person, if any?
3. I understand that a number of envelopes had issues with their signatures that caused them to be set aside. May we make copies of these?

Again, my thanks for your continued assistance and transparency. Your conduct has really been most courteous and professional, which observation I have had several occasions to happily share with others.

Quentin M. Rhoades, Esq.

406.721.9700 montanalawyer.com

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From: Quentin.Rhoades

Sent: Wednesday, January 6, 2021 8:17 PM

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; Robert.Erickson <erickson@montanalawyer.com>

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

Hello Bradley,

Thank you again for all the help and information. I'm getting ready for a trial, so I may have missed them. But as it stands I don't believe I received the emails yet. Please double check with Brian. I apologize in advance if I just overlooked them somehow.

Thanks again,

~ Quentin Rhoades

Dictated but not read. Please forgive Siri for her scrivener's errors.

On Jan 4, 2021, at 2:57 PM, Bradley Seaman <bseaman@missoulacounty.us> wrote:

Hello Everyone,

I wanted to follow up with you. We completed the record review of affirmation envelopes earlier today. Lyn has copies of the tally sheets. We will update the billing and be sending you back a check shortly for any charges which were not needed.

Here are links to the audit logs from the tabulators and a link to the live stream from the Counting Center:

Audit Files - [_](#)

[<image001.png>](#)

[Machine Audit Logs](#)

Counting Center Live Stream - <https://youtu.be/BbsjutGtDj8>

I believe that Brian should have gotten you the requested emails, if there is anything else you need from us, please don't hesitate to reach out to me.

Thank you,
Bradley Seaman

From: Quentin.Rhoades <qmr@montanalawyer.com>

Sent: Tuesday, December 22, 2020 12:40 PM

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; Robert.Erickson <erickson@montanalawyer.com>

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

Thank you for the additional information. I'm glad you are getting some time off for the holidays and I don't think it's material that you have this new information on 1/4. Happy holidays and see you next year! Let's hope and pray 2021 is less "interesting"!

~ Quentin Rhoades

Dictated but not read. Please forgive Siri for her scrivener's errors.

On Dec 22, 2020, at 12:08 PM, Bradley Seaman <bseaman@missoulacounty.us> wrote:

The contact number for ES&S is 1-877-377-8683.

We do have a manual accounting of all ballots. I will compile the number of resolution ballots for you and follow up as soon as possible. Resolution ballots are sorted for review for multiple reasons. They could be for an overvote, blank ballot, or for the ballot not being machine readable.

I will have to work with our IT department to see if the live stream was recorded or just broadcast. If it has been recorded and is available we will provide it with other digital records.

We do have an observer check in sheet which is stored with other documents from the election. We could look into scheduling staff to retrieve these items from retention. We would include this in the updated billing if you were interested in pursuing this further as well. I would recommend reaching out to the state party and local central committees for detailed information about those who were scheduled to observe. I know that I worked with Derek Ostreicher and John Flores from the Republican party on a lot of scheduling. I cannot remember the name of the person from the Democratic party, but the state or central committee may be able to help direct you there as well.

The list of resolution committee members was sent on 12/1.

Please let me know if you need anything else. I will be out of the office shortly, but will do my best to track this conversation before the upcoming review of affirmation envelopes on 1/4.

Thank you again,
Bradley

From: Quentin.Rhoades <qmr@montanalawyer.com>
Sent: Tuesday, December 22, 2020 7:01 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 <hellegaard@msn.com>; tschida4mthouse@outlook.com; Robert.Erickson <erickson@montanalawyer.com>
Subject: RE: Request for Information re Vote Counting and Ballot Resolution

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.

<image004.jpg>

Quentin M. Rhoades, Esq.

406.721.9700 montanalawyer.com

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From: Bradley Seaman <bseaman@missoulacounty.us>

Sent: Monday, December 21, 2020 4:19 PM

To: Quentin.Rhoades <gmr@montanalawyer.com>

Cc: Brian West <bwest@missoulacounty.us>; Nathan Coyan

<ncoyan@missoulacounty.us>; Nancy Knilans

<nancy@montanalawyer.com>; Lyn Hellegaard <hellegaard@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

[\(406\) 529-8980](tel:(406)529-8980) Main Line

[\(406\) 258-3241](tel:(406)258-3241) Direct Line

[\(406\) 258-3913](tel:(406)258-3913) Fax

bseaman@missoulacounty.us

www.MissoulaVotes.com

<image005.png>

From: Quentin.Rhoades <gmr@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 <hellegaard@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.

<image006.jpg>

Quentin M. Rhoades, Esq.

406.721.9700 montanalawyer.com

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