

To: GLA Board and the Election Committee

May 31, 2019

Please see below, my commentary on the election survey and cover letter:

The Cover Letter from the 2019 GLA Election Survey:

"Background"

"Late-breaking changes to the candidate lineup in the last two Annual Elections meant that the absentee ballot did not present the final set of candidates eligible to be listed.

"In the November 2018 election, 183 landowners voted; 103 of them submitted absentee ballots. Those absentee ballots were outdated, listing a candidate who was not listed on the final ballot. The 30 landowners who checked that candidate on the list forfeited that vote—it was invalid. Only checkmarks next to candidates eligible to be listed were valid and counted. In-person voters at the meeting used the updated ballot. Those landowners could vote for any person not listed as a write-in candidate.

"**Question 1.** This option would only apply when the candidate lineup changes after the election packet is mailed. The GLA would announce changes on www.glamontana.org and inform landowners who subscribed for email notices. Absentee voters who used an outdated ballot could avoid losing any votes by notifying the GLA before Election Day, asking to cancel their outdated ballot. They could then obtain a revised absentee ballot or vote at the meeting by another method (via proxy or in-person).

"**Question 2.** This option would expand the methods for submitting absentee ballots. Current GLA practice allows absentee ballots to be submitted by mail or fax. The increasing use of electronic communications has led the GLA to expand its use of email. Landowners who signed up for email communications could submit their absentee ballots by fax or email up to the day before the election."

Comments and Questions:

- 1) **From Question 1:** "The GLA would announce changes on www.glamontana.org and inform landowners who subscribed for email notices. Absentee voters who used an outdated ballot could avoid losing any votes by notifying the GLA before Election Day, asking to cancel their outdated ballot. They could then obtain a revised absentee ballot or vote at the meeting by another method (via proxy or in-person)."
 - a) What you deceptively label as an "**outdated ballot**," is actually an *already cast* absentee ballot, which is by definition **a secret ballot**, according to State law, and thus, **is not retrievable**. GLA Attorney Cunningham stated that, "Further, adopting the State of Montana definition of a voted ballot would also prohibit recasting a ballot... However, if you do allow this, there is a risk of such ballots being challenged and/or disputes as to who has the authority to recast the ballot or whether the right ballot was retrieved, etc.

It seems like an administrative headache prone to error." Later in his letter he stated, "I think the voted absentee ballot trumps the proxy," yet you are contradicting our attorney's advice by actually *telling landowners the exact opposite - that the proxy trumps the absentee ballot.*

- b) In addition, not all landowners have the option of checking the GLA website for last minute election information, setting up an unequal playing field. Thus, not all landowners are being treated equally. Only landowners who registered their email addresses with the GLA will be privy to last-minute changes to the candidate line-up.
- 2) Regarding the sentence, "Late-breaking changes to the candidate lineup in the last two Annual Elections meant that the absentee ballot did not present the final set of candidates eligible to be listed":
- a) This is a gross error. According to then election committee co-chair Charlene Murphy, the June 2018 GLA Election had no late-breaking changes to the candidate line-up and no other problems. All of the eligible candidates on the absentee ballots were identical to the candidates listed on the in-person ballots. There were no other additions or withdrawals to the candidate line-up for that specific election.
 - b) Furthermore, the questions formulated by the GLA Board and posed to Attorney Seth Cunningham also repeated this same misinformation. Because of this misinformation, the answers from the attorney may have been inappropriate and inaccurate.
 - c) By completing the mailed absentee ballots before the GLA Election, constituents thereby cast their vote, which, by State law, cannot be revoked. As evidence, on March 28, 2019, Attorney Cunningham also stated that, "I checked with the Montana Secretary of State's office on whether voters who voted for candidates later withdrawn or deemed ineligible are handled. They said those voters cannot get a new ballot."
- 3) Regarding the numbers "**183** landowners voted; **103** of them submitted absentee ballots," **your cover letter presents the total numbers for SG and NG, while failing to specify that it was ONLY the North Glastonbury absentee ballots that had a name discrepancy.** Later, you state that, "The 30 landowners who checked that candidate on the list forfeited that vote—it was invalid," which also fails to specify that these 30 votes applied to *NG* constituents *only*.
- a) Previous legal advice clearly stated that, once a candidate withdraws, it is the sole responsibility of the candidate to notify their constituents—not the GLA Board's responsibility. Why should the GLA Board take on the extra responsibility, when it is within the purview of the candidate who withdraws by his or her own volition?
 - b) Subsequently, withdrawn candidate Ron Price stated at the two following board meetings and to several individuals, that **he did not even know that he was a write-in candidate**, despite GLA Board President Dennis Riley announcing that Price was write-in candidate at the Annual Meeting.

- c) The updated, in-person ballot available at the November 2018 GLA Election had **Price's name crossed out with permanent black marker**. This is ballot tampering. Why didn't the GLA print new in-person ballots for the few used during the Annual Meeting?
 - d) The last sentence, "**Those landowners could vote for any person not listed as a write-in candidate,**" is *also very misleading* because the names of write-in candidates are never listed on in-person ballots. A write-in candidate is just that. On the other hand, some may misinterpret your aforementioned sentence to mean that landowners cannot vote for write-in candidates.
- 2) **From Question 2:** "Current GLA practice allows absentee ballots to be submitted by mail or fax."
- a) The above statement is also incorrect and skews the reader's perception of available choices for absentee ballot delivery. A sizeable number of absentee ballots are, in fact, hand-delivered to Emigrant Hall on GLA Election Day. Individuals routinely deliver ballots for themselves, neighbors, and friends. In your survey sent to all constituents, you omit a landowner's choice to walk-in and hand-deliver their absentee ballot(s), *which deceptively promotes email voting*.
- 3) Lastly, your survey states, "Landowners who signed up for email communications could submit their absentee ballots by fax or email up to the day before the election."
- a) **Faxed and email votes are *not* confidential.** Will the entire 12 directors and the administrative assistant see how landowners vote by email? If so, landowners will not vote their conscience, which could further skew the results of the GLA Elections. For the last two years, the Election Committee has worked arduously to establish and ensure voter confidentiality, finally gaining landowner's trust in voting for GLA Annual Elections (after 18 years of voting mistrust), trust that is now being compromised by the very proposals in your latest election survey.

The controversial November 2018 GLA Election, riddled with questionable practices, eroded landowners' trust in the GLA. As our elected representatives for North and South Glastonbury, please ensure that this election and all future elections are legal, fair, and just, so that this already weakened trust is not completely extinguished.

Respectfully submitted,

Claudette Dirkers, NG Lot 29-B