

Montana Election Observation Initiative Issues Preliminary Findings on Missoula County's Primary Election

June 10, 2024

In a preliminary statement released today, the Montana Election Observation Initiative (MEOI) announced the successful conclusion of a pilot program to observe Missoula County's June 4, 2024, primary election process.

MEOI's nonpartisan election observers monitored the testing of voting equipment, ballot processing, tabulation, and in-person voting on election day in Missoula County using structured forms to gather standardized information. The report covers observations from 19 out of 21 voting locations in the county gathered by 22 MEOI observers.

The program's objective was to test observation methodologies and approaches ahead of the November 2024 general election.

MEOI's findings reflect a well-administered election process. Although observers noted some minor procedural violations, these incidents did not reflect any systemic problems, undermine the overall credibility of the election process, or affect the election outcome.

"MEOI wishes to congratulate Missoula County voters and election officials on what they assessed as a calm, orderly, and efficient election that adhered to the established legal framework for elections in the state of Montana," said MEOI Co-Chair Jeff Mangan, former state commissioner of political practices.

Ahead of November's general elections, MEOI recommends that Missoula County election officials review voting location layout to ensure that voters can easily identify information about the process that is required to be publicly posted, and to address potential concerns with secrecy of the ballot in two locations. MEOI also recommends that election officials revisit training procedures for election judges (poll workers) on how to process voters who wish to register to vote or update their registration on election day to ensure that consistent and appropriate guidance is provided to all voters.

MEOI plans to expand on its pilot effort and will recruit, train, and mobilize observers across Montana for November's general election. MEOI observers will provide nonpartisan oversight of the conduct of the election and will issue a comprehensive assessment about the quality of the election process.

"MEOI thanks election officials in Missoula County for the efforts they made to provide a transparent environment that was welcoming to voters and observers at all stages of their process," said MEOI Co-Chair Geraldine Custer, a former state representative. "Transparency is critical for voter confidence and will be especially important this presidential election year."

MEOI election observation around the June 4 primary is ongoing, including observation of the tabulation of provisional ballots on June 10, the post-election audit on June 12, and the certification

of results on June 18. MEOI will issue a second statement, summarizing key findings from all election processes observed, after the certification of results.

For any media enquiries or to request an interview with Jeff Mangan or Geraldine Custer, please contact: montana@cartercenter.org

Montana Election Observation Initiative (MEOI)

Preliminary Statement of Findings from In-Person Voting during June 4, 2024, Primary Election

The Montana Election Observation Initiative (MEOI) carried out a successful nonpartisan election observation effort for Missoula County's June 4, 2024, primary election. This effort was organized as a pilot program designed to test observation methodologies and approaches ahead of Montana's November general election.

MEOI seeks to provide all Montanans trusted and independent oversight of state elections. With funding and support from The Carter Center, MEOI is led by a cross-partisan advisory board of Montanans with previous experience in state government and election administration. It is co-chaired by former Commissioner of Political Practices Jeff Mangan and former State Representative Geraldine Custer.

Nonpartisan election observers serve as representatives of the public interest during elections. Unlike political party observers, who monitor elections on behalf of their parties or candidates, nonpartisan observers are concerned with the overall quality of the election process and not with any particular outcome. Nonpartisan observation is grounded in a belief that elections are by and for the people. The people should be able to understand if elections are conducted in accordance with established laws and best practice as well as whether electoral outcomes can be trusted. Nonpartisan observers serve as an important source of trusted and credible information. Through systematic and fact-based reporting, nonpartisan observers seek to dispel rumors around elections and can offer data-driven recommendations for reform where needed.

This preliminary statement focuses on MEOI's findings from observation of in-person voting in Missoula County on June 4, 2024, and reflects observation data from each of the 22 observers who participated, covering 19 voting locations.¹ MEOI also observed logic and accuracy testing of election equipment on May 28, ballot pre-processing on May 30, and ballot tabulation from June 3-5. MEOI observers completed detailed observation forms designed to assess the quality of critical aspects of the election process during each of these stages.

MEOI is continuing to observe the election process and plans to deploy nonpartisan observers to observe and report on the following: the June 10 tabulation of provisional ballots; the June 12 Missoula County post-election audit; and the June 18 certification of results. After the certification on June 18, MEOI will issue a comprehensive report on its complete observation findings, including findings from logic and accuracy testing, ballot pre-processing, and ballot tabulation.

During November's general election, MEOI plans to expand its observation effort and will be present in additional counties across the state.

¹ MEOI observers were not present in the Swan Valley School voting location.

Key Findings and Observations of In-Person Voting on Election Day

MEOI observers reported that in-person voting on June 4 was generally well-conducted. Observers noted some minor procedural irregularities – but nothing undermining the overall integrity of the election process. Polls opened on time, and voting was orderly and efficient. The election environment was free of harassment, intimidation, attempted interference, and manipulation. MEOI observers reported that established electoral procedures were by and large respected.

Because elections are run by humans, a completely error-free process is not attainable. MEOI observers found that the incidents and errors that they documented on election day, outlined below, do not reflect any significant systematic shortcomings with the implementation of Missoula County's election procedures. Furthermore, they don't affect the overall credibility of the voting process on June 4. Missoula County voters can take great pride in a peaceful and well-administered election day.

MEOI observers noted that election judges in some voting locations provided inconsistent guidance to previously unregistered voters who wished to register to vote and cast a ballot in a voting location on election day. In some places, voters were told they could complete a voter registration form in the voting location and vote provisionally. In others, they were told that they would need to register at the County Elections Office.

For future elections, MEOI recommends that Missoula County election officials place greater emphasis in their poll worker / election judge training on questions about how to process voters wishing either to register to vote for the first time on election day or to update their voter registration on election day. County election officials should ensure that election judges are able to provide appropriate and consistent guidance to both categories of voters.

More detailed findings about each stage of the election process are below:

Opening of Polls

MEOI observers reported that voting locations opened in a timely manner, with 16 of 19 voting locations observed opening promptly at 7:00 a.m. MDT, while the additional three voting locations observed opened between 7:01 a.m. and 7:15 a.m. MDT. Voting locations had between five and 29 election judges present to work the polls at the time of opening.

Voting Location Set-Up and Essential Materials

Voting locations were largely set up in accordance with established practice and Montana state code, although observers in a significant number of voting locations were not able to identify all the signs and materials that were to be publicly posted in each polling place. While the signs and materials may have been posted in locations that were not readily visible to observers, this finding nevertheless suggests that improvements could be made to voting location layout before November 2024 to ensure that voters can easily access important information about how to cast a valid vote, how to vote provisionally, how to request a replacement for a spoiled ballot, the types of conduct and actions which may be subject to criminal prosecution, etc. In those voting locations

where observers specifically reported potential issues with preserving secrecy of the ballot, layout of the location should also be reviewed as a high priority.

Observers reported that none of the voting locations observed were missing essential materials needed for voting. In all 19 voting locations observed, MEOI observers reported that the voting locations had sufficient staff and election equipment to ensure an orderly and efficient voting process throughout the day. No voting location ran out of essential materials during the day, although the observer at Hellgate Elementary School reported that the station briefly ran out of timesheets, which were quickly replenished.

Every voting location had at least one voter check-in station and between one and 26 voting stations. All but two observers reported that voting stations were arranged in a manner that ensured secrecy of the ballot. At the Missoula Public Library, the observer reported that they were at times able to see voters' ballots from outside of the voting area due to the nature of the table used for voting. At the Lifelong Learning Center, the observer reported that no privacy screens were used, and that voters were marking ballots in close quarters so that it could have been possible for a voter in one voting station to look over and see how a voter at the next station was marking their ballot.

Each of the 19 voting locations observed had at least one accessible ExpressVote voting machine. In all but one voting location observed (Missoula County Public School Administration Building), the ExpressVote machine was turned on at the time the voting location opened. In all voting locations observed, an election judge ran several test ballots through the ExpressVote machine to confirm that it was working properly before voting began.

In many of the voting locations observed, observers reported that they could not identify one or more of the signs or other materials that were supposed to be publicly posted in voting locations according to Montana's state election code. These included: posted instructions on how to cast a valid vote, posted instructions on how to request a replacement for a spoiled ballot, posted instructions on how to request a provisional ballot, a sample ballot, a warning notice specifying conduct or actions that may be subject to criminal prosecution and a list of absentee voters from the register who should have already received a ballot by mail. In only two voting locations (Petty Creek Fire Station and Seeley Lake Elementary School) were observers able to see all the posted signs and materials that they were asked to identify.

Voting Procedures

MEOI observers reported that voting was calm, orderly, and free of disruptions. Election judges generally followed established procedures, although some human errors were observed. Observers reported that there were no instances of violence or intimidation at the polls, no incidents where election judges were subject to coercion or influence, and no instances of attempted interference or manipulation of the voting process in any of the voting locations observed. No MEOI observers reported witnessing or hearing of voters leaving the line to vote at any point throughout the day, e.g., because lines were too long.

The most significant issue that MEOI observers reported related to inconsistent instructions from election judges to previously unregistered voters who wished to register to vote and cast a ballot in the voting location the same day. In some voting locations, previously unregistered voters were told that they could only complete their registration at the Missoula County Elections Office. In other voting locations, previously unregistered voters were allowed to complete a voter registration form in the voting location and cast a provisional ballot. In at least one voting location, MEOI observers reported that election judges provided one instruction at the beginning of the day and a different instruction towards the end of the day. MEOI recommends that the county place greater emphasis in future trainings for county election judges on the process for same day registration for previously unregistered voters (as opposed to voters who are already registered but wish to update their registration on election day) to ensure consistent guidance about both processes is given to all.

MEOI observers in all 19 voting locations observed reported that election judges consistently required all voters to provide photo identification or another government document showing the voter's name and address. In 18 of 19 locations observed, observers reported that voters were consistently required to sign the precinct register or electronic poll pad before voting. At Target Range School, the MEOI observer reported that one to five voters voted during the day without first signing the precinct register or electronic poll pad.

Most observers reported they consistently heard election judges read aloud each voter's name after the voter signed the precinct register. Observers at Missoula County Public Administration School Building and Missoula Public Library reported that they did not hear any voter names read aloud throughout the day. At Lolo Elementary School, Lowell Elementary School, Spring Meadows Fire Station, and Target Range School, MEOI observers reported that election officials were not consistently reading voter names aloud throughout the day. Although this is technically inconsistent with established state procedures, it does not impact the credibility of the election process.

MEOI observers in 16 out of the 19 voting locations observed reported that election judges consistently verified that ballots were stamped with the words "official ballot" before they were handed to the voter. At Spring Meadows Fire Station, the observer reported that election judges forgot to carry out this step in the process at the beginning of the day but corrected their process later. At Missoula Public Library, an election judge neglected this process on one occasion but realized the mistake and was able to intercept the voter and stamp the ballot before it was cast. The observer at Emma Dickinson Lifelong Learning Center also reported inconsistent application of this process.

MEOI observers in 18 out of 19 voting locations reported that all election equipment functioned correctly throughout the day. The observer at Grey Wolf Peak Casino reported that a computer using a satellite connection briefly went down, but election officials were able to bring it back online.

All voters who requested a replacement for a spoiled ballot in voting locations observed by MEOI were provided with one. MEOI observers reported that, where they observed, election judges clearly

marked spoiled ballots and retained them separately from voted ballots. However, observer reports suggest that the process for retaining spoiled ballots may have varied across voting locations. In Lolo Elementary School, the observer reported that election judges placed spoiled ballots in the stub container, while the observer at Frenchtown Fire Station reported that spoiled ballots were placed in the unused ballot container. While this difference has no impact on the credibility of the overall election process, county election officials may wish to provide explicit guidance on the retention of spoiled ballots for future elections to facilitate any potential post-election audits or reviews of election materials.

Several MEOI observers reported that voters expressed concerns related to the redistricting process, noting that precinct maps provided by the county at each voting location were difficult to read or confusing. However, observers in all 19 locations observed reported that all voters who were in the wrong location were ultimately provided with correct information about where to vote.

No challenges were issued at any time during the day regarding the eligibility of any of the voters who presented themselves to vote.

Only one MEOI observer reported that a voter with disability wished to have an assistant accompany them into the voting station to help them vote. Election officials at the location followed the process outlined in the state code and required the voter to take an oath and provide a declaration of disability to one of the election judges before the assistant could accompany them. Similarly, only one MEOI observer reported that a voter with disability requested to have a ballot brought to them outside of the voting location. Election officials at the location followed the process outlined in the state code and a team of at least two election judges accompanied the ballot at all times while it was outside of the voting location. No voters requested language assistance to vote.

Although Montana state election code requires ballots to be deposited into a ballot box by an election judge or a voting system² (tabulator), MEOI observers in several voting locations reported that voters were allowed to place their own ballots in the ballot box. As a matter of practice, allowing voters to place their own ballots into the ballot box may bolster voter confidence in elections and may give voters greater assurance that their ballots will be counted. Although this is technically an infraction of state law, it is one that may in fact have a positive impact on the election process and may suggest a need to review the relevant provision of the state code.

In some voting locations, observers reported minor disruptions related to violations of the state prohibition against electioneering or to voter complaints. For example:

- A MEOI observer reported that a voter at Lolo Elementary School became upset after election judges informed the voter that they were not legally allowed to prohibit a canvasser from canvassing.

² https://leg.mt.gov/bills/mca/title_0130/chapter_0130/part_0010/section_0170/0130-0130-0010-0170.html

- A voter at Emma Dickinson Lifelong Learning Center with concerns about frequent redistricting as well as the lack of voter privacy screens behaved in a way that the MEOI observer judged to have briefly disrupted the voting process.
- At Bonner School, a petitioner had to be reminded that they could only approach voters after they had voted.
- At Spring Meadows Fire Station, a voter wishing to wear a candidate hat into the polls became upset when election judges correctly informed them that this was a violation of state laws and asked them to remove the hat. Ultimately, the voter left the voting location without voting.
- At several voting locations, voters arrived throughout the day to express concerns about the election or to share complaints about absentee voting.

MEOI observers assessed that these incidents constituted minor disturbances and did not in any way undermine the overall credibility of the process.

In addition, MEOI observers reported several minor incidents related to the conduct of the election:

- At C.S. Porter Middle School, the MEOI observer reported that an election judge discussed political strategy around how to vote in a primary with some of the voters, although they did this after the voters had already cast their ballots.
- At James Todd Center / UM Campus / UC Center, the MEOI observer reported that an election judge accidentally added stubs to the ballot box. The error affected approximately 50 ballots. However, the situation was remedied, and the stubs were separated back out once the error was identified.
- At Hellgate Elementary, MEOI observers reported a small number of voters in precincts 99B and 99B2S who could be found in the voter register online but not on the precinct register for the voting location. The MEOI observer at Emma Dickinson Lifelong Learning Center reported a similar error affecting one voter in that location.
- At Hellgate Elementary, the MEOI observer reported that election judges knew before closing that their totals would be off by 2 votes during ballot reconciliation due to a previous error where an election judge wrote down the wrong number of total ballots for the location.
- At Lolo Elementary School, the MEOI observer reported that one voter took their spouse into the voter station (booth) with them and was not asked by election judges to provide a reason for needing an assistant.

The MEOI team recognizes that some procedural problems can be expected as a normal part of an election process managed by humans and subject to human error. None of the incidents identified above were assessed by MEOI as having had a discernable effect on the overall integrity of the election process. Errors that were identified were remedied and none involved a significant number of voters. Given the discrete nature of the incidents, none seem to reflect systematic shortcomings with the implementation of county election procedures.

None of Montana's registered political parties (Democratic, Green, Libertarian, No Labels, and Republican) sent political party observers or poll watchers to the voting locations where MEOI observed. The only other individuals observing who were seen by MEOI observers were a member of the media at Target Range School and a local voter at the Former Cold Springs School / Missoula Early Learning Center, who was monitoring the process on their own initiative. This represents a potential missed opportunity for political parties and candidates.

Close of Polls

Observers in all 19 voting locations observed reported that an election judge provided a formal verbal announcement about the close of polls. Observers reported that none of the 19 voting locations had a line at 8:00 p.m. MDT when polls closed and that no individuals were allowed to vote after 8:00 p.m. MDT when the voting locations closed.

Ballot counting took place at the Missoula County Election Center and will be covered in a separate statement.

All observers reported that as a result of their observation experience they feel they have a better understanding of the election process in Missoula County.

Conclusion

Missoula County voters can take pride in a well-administered in-person voting process on June 4. Although organized as a pilot program to pre-test observation methodologies, forms and approaches, MEOI was successfully able to observe the election day proceedings in Missoula County and to compile structured reporting that reflects the voting process in nearly all voting locations open in the county.³ To further the public interest in understanding and evaluating the quality of election processes, MEOI is releasing this public statement on its key findings. MEOI thanks Missoula County election officials and judges for providing a transparent and welcoming environment throughout the election process, conducive to the mobilization of nonpartisan election observers.

About the Montana Election Observation Initiative

The Montana Election Observation Initiative (MEOI) is a nonpartisan effort designed to increase trust and transparency in elections. It is led by a cross-partisan advisory board of Montanans, co-chaired by former Commissioner of Political Practice Jeff Mangan and former State Representative Geraldine Custer, with experience in state election administration and government. It is supported and funded by The Carter Center, a not-for-profit institution founded by former U.S. President Jimmy Carter and former First Lady Rosalynn Carter.

For more information please see: <https://www.cartercenter.org/news/pr/2024/montana-election-observation-initiative.html>

³ MEOI observers were not present in the Swan Valley School voting location. The sole MEOI observer at the Missoula County Elections Office observed tabulation proceedings throughout the day.

Any media enquiries can be directed to montana@cartercenter.org.