

Hello Mr. Chairman and Committee,

My name is Marla Davis, full disclosure, I am the Chair of Gallatin County Republican Central Committee, and Region 3 Chair for the MTGOP. However, I am not speaking on behalf of the MTGOP today.

I am here to bring forth concerns regarding the Uniformed and Overseas Citizens Absentee Voting Act or UOCAVA processes and security.

Previously, the vast majority of UOCAVA voters were military. However, there were several expansions of the program over the years. In 2009, the MOVE ACT solidified and expanded voting access for both uniformed service members and overseas citizens by mandating clearer and more reliable procedures. Despite these expansions, UOCAVA does not cover certain overseas citizens, such as those who were born and raised abroad and have never established residency in a U.S. state. Some states have passed their own laws to enfranchise this group, but it is not a requirement under federal law. Montana is one of those states. Certain criteria must be met that include: You are a U.S. citizen who has never resided in the U.S., You must have a parent who was last eligible to vote in MT, You have not registered or voted in any other state, and if both your parents are U.S. citizens and were last eligible to vote in different states, you may choose either parent's state as your voting residence. This residence may remain valid even if the voter, or parents, no longer owns property or has ties to the state, if the voter's intent to return is uncertain, or if the voter's previous address is no longer a recognized residential address.

In Montana, the company that provides the EAS system is Votem, who bought the system and contracts from Konnech in 2016. Konnech's CEO, Eugene Yu, was arrested and brought up on charges in Los Angeles County, in connection with election worker data stored on servers in China. These charges were later dropped but they reiterate the concerns and potential vulnerabilities of the use of software used to vote online.

In the election cycle of 2024, 2 election workers brought forth official statements in Gallatin County regarding the UOCAVA votes. They were tasked with being part of a team who translated the voting choices of the voter onto a ballot for use in the tabulators. The concerns they noted were that although they believed the precincts they were working on were democrat leaning districts, the proportion of votes coming in for Presidential Candidate Harris were approximately 90%. Considering that these are also military voters, that percentage seemed off and was noted by others, of other party affiliations, that these election workers were with. One of the election workers stated separately, that at least one other worker who was working on different precincts, noted a similar finding that seemed peculiar as these percentages were higher than the precinct was breaking otherwise.

Now this is not to say that any election administrator or worker is being accused of wrongdoing. Not at all, this is pointing out concerns and potential vulnerabilities of security of the system. A race to use as an example of how this could negatively impact an election is HD 57. This race was separated by 22 votes leading into a recount which resulted in a win by only 17 votes. The SOS data's discrepancy report shows that there were 66 more ballots counted

than voters who voted. In the Gallatin precinct for this HD, it shows 35 UOCAVA votes, 0 for Park County. This, in theory, could have been enough to affect the outcome of this race.

I ask that you take the time to address the UOCAVA MT guidelines and laws and to address chain of custody of the ballot especially through the software and over the internet as it relates to security and potential fraud issues.

Thank You.

A handwritten signature in cursive script that reads "Marla Davis". The signature is written in black ink and is positioned below the typed text "Thank You."



Potential Election Law Violation Reporting Form

This form is available for Montana Citizens to report suspicious election activity and/or any activity surrounding the collection of signatures for ballot measures.

Fill out this form in its entirety and submit to fairelections@mt.gov. If your complaint involves campaign finance or campaign activity, the complaint should instead be filed with the Commissioner of Political Practices. You may be contacted to provide additional details about the alleged incident.

SECTION 1: PERSON BRINGING COMPLAINT (COMPLAINANT)

Last Name: Davis First Name: Juneau

82 Gemstone Dr. Gallatin Belgrade 59714

Mailing Address County City Zip Code

Phone: 406-980-1230 Email: info@juneaudavis.com

1) Did you report the incident to local law enforcement? Yes No

2) Did you report the incident to the local election administrator? Yes No

SECTION 2: PERSON OR ORGANIZATION AGAINST WHOM COMPLAINT IS BROUGHT (RESPONDANT)

Complete Name: Gallatin County Election Department

311 W. Main Street Room 210 Gallatin Bozeman 59715

Mailing Address County City Zip Code

Phone: 406-582-3060 Email: Gallatin.Elections@gallatin.mt.gov

Please describe what you witnessed (use additional pages if needed)

I worked periodically at the Gallatin County Election Department during the 2024 Primary and General Elections as a Ballot Judge, as well as performing various tasks regarding the ballots.

My Concerns are:

1) The printed pages containing the UOCAVA votes, which I manually transferred to an official paper ballot, did not reflect the national, state or county trends, but instead reflected roughly an 85-90% bias in favor of the democratic nominees, as well as the full support in favor of the initiatives.

2) The large number of voters who didn't receive their absentee ballots in the mail, resulted in very long lines at the election office, with wait times ranging from 3-9 hours which resulted in some voters leaving the courthouse without casting their vote. Others, who voted provisionally, instead of absentee, didn't have their ballots counted until November 12th.

** See Attached email*

Write the following statement in the space provided below:

"I [Insert Name] declare under penalty of perjury that the foregoing is true and correct."

I, Juneau Davis, declare under penalty of perjury that the foregoing is true and correct.

Signature: Juneau Davis Date: 11-14-2024

(Complainant signs pursuant to 1-6-105, MCA, Unsworn Declaration Executed Under Penalty of Perjury)

2024-2



Potential Election Law Violation Reporting Form

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SECTION 1: PERSON BRINGING COMPLAINT (COMPLAINANT)

Last Name: Gaston First Name: Leni

489 Brass Lantern Ct Gallatin Bozen 59715

Mailing Address County City Zip Code

Phone: 406 539 0591 Email: lenigaston@outlook.com

- 1) Did you report the incident to local law enforcement? Yes No
- 2) Did you report the incident to the local election administrator? Yes No

SECTION 2: PERSON OR ORGANIZATION AGAINST WHOM COMPLAINT IS BROUGHT (RESPONDANT)

Complete Name: _____

Mailing Address County City Zip Code

Phone: _____ Email: _____

Please describe what you witnessed (use additional pages if needed)

1. While sorting provisional ballots my partner noticed that some of the ballots did not have official ballot stamped on them. We called Eric Semerad and he asked us if we thought it was a failing or on purpose and we said probably not done on purpose. We then stamped them ourself. I don't know how wide spread this was because we weren't looking for that we were just sorting. When I went back I saw others without the stamp but there were many before that we didn't check or notice for the stamp. Ballots were from West Yellowstone that we noticed.

2. While making new ballots for the military vote, I worked from 1:00 until 5:15 creating a ballot that would work in our machines. During that entire time I could count on one hand any votes for a Republican candidate and no votes against the plastic bag ordinance. It was completely lopsided. This was very strange to me because my husband is a vet and the military vote was conservative. Either the machine were adjusted or the military has been very indoctrinated. Since this only covered a couple precincts, I decided the next day to find other Republicans who had worked on the UOCAUA votes the day before. I only found one man and he told me he also found it strange and it was about 95% percent lopsided

Demo

Write the following statement in the space provided below:

"I [Insert Name] declare under penalty of perjury that the foregoing is true and correct."

I Leni Gaston declare under penalty of perjury that the foregoing is true and correct

Signature: Leni Gaston Date: 11/15/24

(Complainant signs pursuant to 1-6-105, MCA, Unsworn Declaration Executed Under Penalty of Perjury)

2024-2

11/15/2024

Continued from Form Potential Law Violation Reporting Form

95% lopsided for a Democratic vote.

3. The last experience I had was that (while I was working in the Primary resolution office) we encountered some double votes. Our committee of three decided that when we encountered a double vote we would make a new duplicate ballot without that particular race since we had no way of knowing the intent because of a double vote. I left for an hour and when I came back they told me that we were doing it wrong and didn't need to make a new ballot because they could run it through and make a machine adjustment to ignore that race.

4. I also want to point out that regarding the ballots that were not stamped official ballot, I have no idea how many there were because we were only sorting and not looking for that. My Democratic partner just happened to notice it. When I went back to the small pile on my desk I found others. As I said before, Eric did ask us if we felt it was unintentional and I thought it was a mistake because how would they get an extra ballot. Later I found some more, but we continued to stamp them with an Official Stamp. It was a West Yellowstone rural precinct. Wish I had checked other precincts, but they were already gone.



Marla Davis <marla4montana@gmail.com>

Fwd: Irregularities in vote. Gallatin County

5 messages

Leni G <lenigaston@outlook.com>
To: Marla Davis <Marla4Montana@gmail.com>

This is the response I got. I was told to send my Form to SOS Fair Elections
Sent from my iPhone

Begin forwarded message:

From: "Leland, Clay" <Clay.Leland@mt.gov>
Date: November 15, 2024 at 3:37:05 PM MST
To: Leni G <lenigaston@outlook.com>
Cc: SOS Fair Elections <fairelections@mt.gov>, SOS Elections <SOSElections@mt.gov>, CPP Help <cpphelp@mt.gov>
Subject: RE: Irregularities in vote. Gallatin County

Leni:

Thank you for contacting the Secretary of State's Office. Secretary Jacobsen takes election integrity very seriously and appreciates you notifying our office of such concerns.

Please contact the Gallatin County Elections Office with your Complaint. Additionally, if you believe and allege there to be a violation of Montana law (ie. double voting), you may want to submit a complaint to

I have also cc'd the Montana Commissioner of Political Practices on this email in that you submitted this completed reporting form, but such does not appear to involve campaign finance or campaign activity.

Thanks!

Clay Leland



Clay R. Leland | Attorney
Secretary of State, Christi Jacobsen
State Capitol Building

Helena, MT 59601
PHONE 406.444.2035

[website](#) | [email](#) | [map](#)

CONFIDENTIALITY NOTICE:

This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential or privileged material, including attorney-client communications and attorney work product. A

From: Leni G <lenigaston@outlook.com>
Sent: Friday, November 15, 2024 2:04 PM
To: SOS Fair Elections <fairelections@mt.gov>
Subject: [EXTERNAL] Irregularities in vote

Election Official FAQs about the Electronic Absentee System (EAS)

1. Q: What is the Electronic Absentee System?

A: The Electronic Absentee System (**EAS**) is an online application designed to allow voters covered under the Uniformed and Overseas Citizens Absentee Voting Act (**UOCAVA**) to access and mark their absentee ballot electronically. Additionally, qualified voters can register to vote using the Federal Post Card Application (**FPCA**) generated by the **EAS** and seamlessly be provided with a precinct specific ballot that can be marked using the system.

2. Q: Who can use the EAS?

A: Any voter covered under **UOCAVA** and eligible to register as a Montana voter can use the **EAS**. **UOCAVA** electors are most commonly identified as one of the following who are absent from their voting residence:

- Members of the Uniformed Services or Merchant Marine on active duty.
- Spouse or dependents of a member of the Uniformed Services or Merchant Marine on active duty.
- U.S. citizens residing outside the United States who were either last eligible to vote in Montana or would have been last eligible to vote in Montana had the voter then been of voting age and, except for state residency requirements, otherwise satisfy Montana's voter eligibility requirements.

Voters must affirm their qualifications and eligibility under **UOCAVA** and enter or confirm their residential address that can be matched with a Montana ballot type before they can access and mark a ballot.

3. Q: Can someone who is not a registered to vote use the EAS?

A: Yes. The **EAS** allows any person who affirms qualifications and eligibility under **UOCAVA** to register and to access a ballot (provided that person's voting residence address can be matched with a ballot type).

4. Q: Are counties required to use the UOCAVA EAS?

A: Montana counties are required to accept ballots generated by the **EAS**. Counties that have a secure process to provide ballots electronically to **UOCAVA** voters may continue to do so using their own procedures, in addition to accepting ballots generated via the **EAS**.

5. Q: How does a UOCAVA voter access the EAS?

A: A voter can access the **EAS** from <https://sosmt.gov/elections/military-overseas/> or by going directly to www.vote4montana.us, or via FVAP's website at <https://www.fvap.gov/uploads/FVAP/Forms/fpca.pdf>

6. Q: How does the voter get the correct ballot type? What does the ballot look like?

A: The **EAS** has been configured with ballot information for every precinct in Montana. The ballot the voter marks online will look very similar to the actual ballots issued by counties. One difference is that the candidates for each office on the **EAS** ballot will be in alphabetical order, and not rotated. When transcribing the **EAS** ballot onto a regular ballot, counties must take care to ensure the ballot is transcribed accurately.

7. Q: Does a UOCAVA voter receive information about their EAS activity and, if so, what does it contain?

A: **UOCAVA** voters who provide an email address when logging into the system will receive an email with a PIN that allows them to re-access their unsaved ballot within **ten** days. This email also provides the voter with their county election official contact information.

8. Q: May a county update or change the county contact information that displays on the EAS?

A: Yes. Email soselections@mt.gov or call 406-444-9608 with your updated contact information for the **EAS**.

CHRISTI JACOBSEN

MONTANA SECRETARY OF STATE

9. Q: Who may I contact with additional questions or concerns about the EAS?

A: Contact the SOS: (406) 444-9608 or soselections@mt.gov.

Electronic Absentee System (EAS) Procedure and Process Questions

10. Q: What if a county receives a ballot from someone who is not registered in MT Votes?

A: The **EAS** prepares an **FPCA** for every voter. This document serves as a voter registration application and absentee ballot request for a covered voter. The **FPCA**, when received via email, does not have to be signed by the elector. **UOCAVA** voters may use their MT driver's license number or last four of **SSN** in lieu of signature on documents sent via email.

Process the registration as you would for any new voter using the **FPCA**. Be sure to enter the correct Absentee Type (e.g. Military Domestic, Military Overseas, or Civilian Overseas) in MT Votes and assign the absentee date range. Then, you must issue the voter a standard ballot from MT votes to transcribe the **EAS** ballot onto. The ballot must be issued in MT Votes ***within 3 days*** of receiving an **FPCA** and **EAS** ballot.

11. Q: I received an EAS ballot from a registered voter who is not flagged in MT Votes as UOCAVA. The information on the FPCA included with the ballot matches the information on file in MT Votes. What should I do?

A: Identify the voter as having **UOCAVA** status in MT Votes, select the appropriate Absentee Type, and assign the absentee date range. Update the source of registration to **FPCA**.

12. Q: How does a county identify a person as a UOCAVA voter in MT Votes?

A: In MT Votes, a county must identify a covered voter's Absentee Status as '**UOCAVA**' and in the absentee details box, set the voter's 'Absentee Type' to either 'Military Overseas,' 'Military Domestic,' or 'Civilian Overseas.'

13. Q: I received a ballot and coversheet, but I cannot match the voter to a record in MT Votes. The voter did not submit an FPCA. What should I do?

A: If the information provided on the voter's coversheet does not match a voter's record in MT Votes, follow-up with the individual submitting the ballot and request that they submit an **FPCA**.

14. Q: How does a county process a ballot from the EAS received by email, fax, or mail?

A: A county that receives a ballot from the **EAS** by email, fax, or mail must, if applicable, void the ballot previously issued in MT Votes, and then issue a replacement ballot (unless the ballot originally issued has been returned undeliverable, in which case you may use the original ballot to transcribe the **EAS** ballot onto). ***This must be done within 3 days of receipt of an EAS ballot.*** Log the receipt of the ballot received by email or fax on the Electronic Ballot Transcription Log and process the ballot following procedures for ballots received by fax and email found in Administrative Rules at: [Electronic Transmission of Voting Materials](#).

CHRISTI JACOBSEN

MONTANA SECRETARY OF STATE



15. Q: How must a county verify a ballot from the EAS returned by Email, Fax, and Mail?

A: EAS ballots returned by standard ***mail and fax*** should be verified by the signature on the coversheet or return envelope. Voters who submit a ballot via ***email*** affirm their identity on the coversheet by providing a MT driver's license number and/or last four digits of SSN in lieu of signature.

16. Q: We're going to be so busy on Election Day. Are we expected to check emails and faxes all day?

A: An emailed or faxed EAS ballot received after the close of polls on Election Day will still be counted the next day as long as it was sent before the close of polls. This exception only applies to emailed and faxed EAS ballots. Mailed EAS ballots must be received by close of polls on Election Day.

17. Q: Are counties required to track UOCAVA voters in the EAS?

A: Counties are not required to use the EAS to track ballots. However, ***counties are required to track registration and ballot information related to UOCAVA voters for the Federal Survey*** using the log provided by this office. We recommend using MT Votes, your offices procedures, and the EAS ***daily*** to help you track the required information.

18. Q: Should the county send a confirmation to the voter that their ballot has been received by the county?

A: A county that receives a ballot from the EAS may choose to notify the voter that their ballot was received at the county office.

Additionally, UOCAVA voters can track the status of their absentee ballot through the My Voter Page on the Secretary of State's website. ***This is the reason a ballot must be issued within 3 days of receipt of the EAS ballot.***

Park County Discrepancies					
PREC_CODE	Accepted	In-person	Voters	Ballots	Discrepancy
All	9,083	2,632	11,715	11,900	185
57A	748	303	1,051	1,056	5
57B	615	172	787	811	24
57C	648	134	782	796	14
57D	857	355	1,212	1,221	9
57E	664	235	899	913	14

Precinct	Marty Malone - Park	Scott Rosenweig - Park	Marty Malone - Gallatin	Scott Rosenweig - Gallatin	Marty Malone - Both	Scott Rosenweig - Both	Difference
57A	783	242	364	436	1147	678	-469
57B	460	327	263	732	723	1059	336
57C	487	290	267	868	754	1158	404
57D	737	449			737	449	-288
57E	422	459			422	459	37
TOTALS	2889	1767	894	2036	3783	3803	20