



## MONTANA SECRETARY OF STATE'S OFFICE



January 14, 2025

Legislative Finance Committee  
State Capitol Building  
Helena MT 59620

RE: PUBLIC INFORMATION REQUEST QUARTERLY REPORT (October 2024 – December 2024)

Dear Legislative Finance Committee Members,

Under 5-12-209, MCA (as shown below), quarterly, agencies shall submit information required by the section, “to document the impacts and process associated with compliance with information requests made pursuant to Article II, section 9, of the Montana constitution and Title 2, chapter 6...”

As required, the Office of the Secretary of State submits the information outlined in the statute; however, it is worth noting that the “impacts” of records requests on an agency of our size are significant and inadequately represented in the required reporting structure. For example, please note that it is our understanding that the “hours to fulfill the request” mean only those directly incidental to a request that were charged to the requestor, not staff time tracking, reviewing, communicating, meeting, general research, etc.

### Montana Code Annotated 2023

TITLE 5. LEGISLATIVE BRANCH  
CHAPTER 12. LEGISLATIVE FINANCE AND DATA ANALYTICS ACT  
Part 2. Legislative Finance Committee

#### Reporting

Public Reporting Tool

**5-12-209. Reporting.** (1) To document the impacts and process associated with compliance with information requests made pursuant to Article II, section 9, of the Montana constitution and Title 2, chapter 6, each quarter, each executive branch agency, the legislative branch, and the judicial branch shall submit the information required by this section for the prior quarter to the legislative finance committee. The executive branch agencies subject to this section include the agencies headed by officers listed in Article VI, section 1, of the Montana constitution and the departments created pursuant to Article VI, section 7, of the Montana constitution.

(2) The report must contain the following information:

- (a) the number of requests for information submitted to each entity in the preceding quarter;
- (b) the identity of each requester;
- (c) what information was requested;
- (d) the date of the request; and
- (e) the status of the request, whether completed or in progress.

(3) If the entity has completed the request, the report must also provide the following information:

- (a) the date on which compliance with the request occurred;
- (b) the number of hours to fulfill the request; and
- (c) costs imposed on the requester to fulfill the request.

(4) For any request not completed in a quarter and reported pursuant to this section, the request must be reported on subsequent reports until the request has been completed.

(5) This section does not apply to requests that:

- (a) were not submitted according to a public information request process or protocol established by an agency;
- (b) pertain only to a specific person or property for applications, vital records, licenses, permits, registrations, and related supporting documents; or
- (c) were for information accessible on a state website or other publication available at the time the request was made.

History: En. Sec. 1, Ch. 514, L. 2023.

During the reporting period, the Secretary of State's Office received or completed 18 requests as detailed below. (The status of the requests is as of 12/31/24).

7/21/24 – Colton Little

- “1. All emails and correspondence between the Montana Secretary of State's Office and county elections officials regarding policies and procedures for counting petition signatures and handling inactive voters. 2. Official policies or guidelines issued by the Secretary of State's Office regarding the verification and counting of petition signatures, including any changes or updates to policies on inactive voters. 3. Training documents or materials provided to county election officials on handling petition signatures and inactive voter status. 4. Lists or databases of voters classified as inactive, including the criteria or protocols used to designate voters as inactive. 5. Any legal opinions, memos, or advisories issued by the Secretary of State's Office or received from legal counsel regarding the counting of signatures and handling of inactive voters.”
- Completed on 10/1/24 (no agreement to pay)
- Number of Hours/Cost – n/a

8/26/24 – Nancy Silverman

- “I would like copies of the calendars for Christi Jacobsen and Angela Nunn, her Chief Deputy, from 1/1/23 to the present.”
- Completed 11/13/24
- Number of Hours/Cost – .5 hrs/\$40.42

8/29/24 – Chris Kortlander

- “2024 primary election precinct report for Big Horn County.”
- Completed 10/10/24
- Number of Hours/Cost – n/a

9/16/24 – Mikaela Koski, Upper Seven Law Firm, on behalf of MontPIRG and Forward Montana Foundation

- “We request that the Secretary of State's Office produce all invoices and billing statements received or sent by the Secretary of State's Office from Consovoy McCarthy PLLC and all contracts with or referencing Consovoy McCarthy PLLC. Attorneys' billing statements are not privileged. *See Tacke v. Energy West, Inc.*, 2010 MT 39, ¶¶ 36–37, 355 Mont. 243, 227 P.3d 601. If your office identifies any information that it believes is subject to attorney-client privilege, please include redacted documents.”
- Completed 10/2/24
- Number of Hours/Cost – n/a

9/25/24 – Susan Greenhalgh – Free Speech for People

- “Copies of all communication between the Secretary of State's office and the vendor(s) providing or servicing the Electronic Absentee System (EAS) from September 18, 2024 to date.”
- Completed 11/20/24
- Number of Hours/Cost – n/a

9/26/24 – James Murnion (Attorney)

- “All written policies, procedures, standard operating procedures, workflows, guidance manuals, employee manuals, checklists, or any other document by whatever title that governs the

process used to create, manage, and account for the Montana 2024 general election electronic absentee ballots. 2. All Montana state employee and/or Montana elected official, including your own, correspondence, including letters, voicemails, recorded voice calls or meetings, emails, skype messages, teams message, and messages sent on any other platform, whether to an outside vendor/party, internal, or otherwise, regarding the creation and management of the Montana 2024 general election electronic absentee ballots. 3. All draft versions of the Montana 2024 general election electronic absentee ballots. 4. The final version of the Montana 2024 general election electronic absentee ballot in its native file format with all metadata intact.”

- In Progress
- Number of Hours/Cost – n/a

10/4/24 – Steven David of Aver

- “1. Requester is seeking to inspect and get copies of the Laws which include the following documents: The Original Bill, Endorsements, Votes from each house, signature by Governor, Assignment of Chapter and Year by Secretary of State for each of the following:
  - A. Chapter 1 of the Laws of 1909, Relating to the Revised Code of Montana of 1907
  - B. Chapter 109 of the Laws of 1921, Relating to the Revised Code of Montana of 1921
  - C. Chapter 89 of the Laws of 1933, Relating to the Revised Code of Montana of 1935
  - D. Chapter 13 of the Laws of 1935, Relating to the Revised Code of Montana of 1935
  - E. Chapter 184 of the Laws of 1945, Relating to the Revised Code of Montana of 1947
  - F. Chapter 50 of the Laws of 1947, Relating to the Revised Code of Montana of 1947
  - G. Chapter 266 of the Laws of 194 7, Relating to the Revised Code of Montana of 19472. Requester is seeking to inspect and get copies of the Laws which include the following documents: The Original Bill, Endorsements, Votes from each house, signature by Governor, Assignment of Chapter and Year by Secretary of State for each of the following:”
  - *(171 additional chapters listed dating from 1907 to 2023)*
- Completed on 11/22/24
- Number of Hours/Cost - .25 hrs/Cost = n/a

10/17/24 – Stephanie K. Chase, Energy & Policy Institute

- “I am writing to request the following records pursuant to the Montana Public Records Law: the calendar for Montana Secretary of State Christi Jacobsen from September 1, 2023 until present.”
- Completed on 12/26/24 (no agreement to pay)
- Number of Hours/Cost - n/a

10/21/24 – Owen Wang

- “Requesting information on ballots mailed for overseas, military, and any others sent out to voters for 11/05/2024 General Election. Fields being requested: + Voter ID + Registration Date + DoB/Age + First Name + Middle Name + Last Name + Name Suffix + Registration Status + Registration Status Reason + Address + City + State + Phone + Email Address + Party Affiliation + Absentee Status + Request Type (Absentee, Mail-In, Early, Overseas etc.)”
- Completed on 11/22/24
- Number of Hours/Cost - .25 hrs/Cost = n/a

11/8/24 – Peter Fontana

- “I am requesting an opportunity to inspect and obtain copies of public information described below: 1. The total number of registered voters, by precinct, in House Districts 19,20,21,22,23,24,25 as of November 5, 2024. 2. The total number of inactive voters, by precinct, in House Districts 19,20,21,22,23,24,25 as of November 5, 2024. We are respectfully requesting this information before the canvas so we can properly analyze the data.”
- Completed 11/26/24
- Number of Hours/Cost – n/a

11/8/24 – Andrew Jackson

- “Respectfully requesting a breakdown of rejected ballots in the 2016, 2020, and 2024 election. Please include if possible reason for rejection and political party.”
- In Progress
- Number of Hours/Cost – n/a

11/18/24 – Janice Adalla

- “Specifically, I am seeking official summary or cumulative results for the November 5, 2024 Presidential Election, including detailed counts of: Unqualified write-in votes (also known as unassigned write-ins or rejected write-ins); Qualified write-in votes; Undervotes; Overvotes”
- Completed 11/25/24
- Number of Hours/Cost – .25 hrs/Cost=n/a

11/19/24 – Cameron Myers

- “(1)All letters of acceptance submitted by those described in 40 USC §3112(b) for any and all lands within the external borders of the State of Montana that have been ceded to the Federal government, or any agency, department etc. thereof by the legislature of the State of Montana. (2) If no land has actually been ceded to the Federal government by the State of Montana, please so state in your reply. In that case, please state what agreement has been entered into with the Federal government giving the license to use said lands currently being used for forts, magazines, arsenals, dock yards and other needful buildings. I have in mind military, naval, air force facilities, Federal buildings, etc.”
- In Progress
- Number of Hours/Cost – n/a

11/25/24 – Justine Dylan Jamias

- “Specifically, I am seeking official summary or cumulative results for the November 5, 2024 Presidential Election, including detailed counts of: Unqualified write-in votes (also known as unassigned write-ins or rejected write-ins); Qualified write-in votes; Undervotes; Overvotes”
- Completed 11/26/24
- Number of Hours/Cost – .25 hrs/Cost - n/a

11/25/24 – Hesham Elhoseni

- “Specifically, I am seeking official summary or cumulative results for the November 5, 2024 Presidential Election, including detailed counts of: Unqualified write-in votes (also known as unassigned write-ins or rejected write-ins); Qualified write-in votes; Undervotes; Overvotes”
- Completed 11/26/24
- Number of Hours/Cost – .25 hrs/Cost - n/a

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11/25/24 – Anna Jean Altamera

- “Specifically, I am seeking official summary or cumulative results for the November 5, 2024 Presidential Election, including detailed counts of: Unqualified write-in votes (also known as unassigned write-ins or rejected write-ins); Qualified write-in votes; Undervotes; Overvotes”
- Completed 11/26/24
- Number of Hours/Cost – .25 hrs/Cost - n/a

11/26/24 – Daryl Magpantay

- “Specifically, I am seeking official summary or cumulative results for the November 5, 2024 Presidential Election, including detailed counts of: Unqualified write-in votes (also known as unassigned write-ins or rejected write-ins); Qualified write-in votes; Undervotes; Overvotes”
- Completed 11/26/24
- Number of Hours/Cost – n/a

12/20/24 – Steven David of Aver

- “1. Requester is seeking to inspect and get copies of the Laws which include the following documents: The Original Bill, Endorsements, Votes from each house, signature by Governor, Assignment of Chapter and Year by Secretary of State for each of the following:
  - (171 chapters listed dating from 1917 to 2023)
  - Note: There are 12 crossover chapters compared to 10/4/24 request.
- In progress
- Number of Hours/Cost – n/a

Sincerely,

ANGELA NUNN  
Chief Deputy