

November 29, 2023

The Lincoln County Board of Commissioners met for a regular session on November 15, 2023, in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Teske, Commissioner Hammons, Commissioner Letcher, Administrative Assistant Jennifer Brown and Clerk and Recorder Corrina Brown.

Meeting allows for Zoom participation. Present online were Rebecca Nelson, Tom Lane, Ray Stout and Darren Short.

Commissioner Letcher opened the meeting with the **Pledge of Allegiance and Prayer**.

10:30 AM Administrative Issues/Old Business: Approve Minutes / Resolution 2023-40 Budget Amendment / Troy Control Station Emergency Procurement – Brent Faulkner / Approve Election Canvas Results: Present were DL Fitzpatrick, Darwin Pluid, Scott Shindledecker, Melanie Howell and Wendy Drake.

- Minutes of November 15, 2023, regular meeting for approval: **Motion** to approve the November 15, 2023 minutes by Commissioner Teske. Second by Commissioner Hammons. No comments. Motion carried.
- Wendy Drake Finance Director introduced a budget amendment to close the last fiscal year affecting the budget but not cash. Commissioner Teske read Resolution 2023-40 Budget Amendment. Wendy stated the last two ARPA entries are to switch the fund numbers that were broken out into multiple funds. **Motion** by Commissioner Hammons to approve Resolution 2023-40 budget amendment. Second by Commissioner Teske. No public comments. Motion carried.
- Troy Control Station Emergency Procurement - cancelled.
- Commissioner Teske read the minutes of November 16, 2023, Municipal General and Special Election Official Canvass. Commissioner Teske requested the minutes be amended to include the presence of the Clerk and Recorder Corrina Brown for the record. **Motion** to approve the November 16, 2023 minutes for the official canvas as amended by Commissioner Teske. Second by Commissioner Hammons. No comments. Motion carried.

10:45 AM Public Comment Time: Present was Scott Shindledecker.

No public comment. Break until 1:30 PM.

01:30 PM Planning – Salminen Family Transfer (in a subdivision) / Johnson Family Transfer (in a subdivision): Present were none.

Jesse Haag Planning Director advised of a momentous occasion: the initial two family transfer exemption requests within a platted subdivision, now permitted by statute. Jesse reviewed the Johnson Family transfer request in accordance with the new guidelines, involving a 9.25-acre section of their property, Lot 1 of Tarlton subdivision. Jesse stated Planning Department recommends approving this request subject to nine conditions listed. **Motion** by Commissioner Teske to approve the Johnson Family transfer in Tarlton subdivision per planning department recommendation with the nine conditions. Second by Commissioner Hammons. No comment. Motion carried.

Jesse presented the Salminen Family transfer request of an 8-acre portion of their property, lot 2 of Ekholt 2 subdivision. Jesse stated Planning Department does recommend approval of the request subject to eleven conditions. There was discussion of the acreage involved. **Motion** by Commissioner Teske to approve the Salminen Family transfer in Ekholt 2 subdivision with the eleven conditions per Planning Department recommendation. Second by Commissioner Hammons. No comment. Motion carried.

Jesse reported that Island Lake dock owners have requested more time to remove the docks, citing weather conditions. Jesse stated he has consulting with Fish, Wildlife & Parks regarding loon nesting and suggests the docks be removed by the end of April. Commissioner Teske concurred, expecting the thawing conditions by that time. Jesse had no knowledge of any appeal being filed in court. Commissioner Letcher supported the letter having an end-of-April timeline.

02:00 PM Election Debrief: Present were Election Administrator Melanie Howell, Election Assistant/Deputy Clerk Sierra Gustin and Scott Shindledecker.

Commissioner Teske received inquiries from the community regarding the election process and given the new staff in their maiden election agreed to an after-action review to address concerns and ensure smoother proceedings in upcoming elections. Commissioner Teske commented on going through his mail ballot and finding clear instructions, yet the return ballot section lacked mention of the Sheriff's Office and Troy Dispatch ballot drop sites. Melanie acknowledged this issue as being on their radar to rectify. Commissioner Teske mentioned confusion regarding the marijuana tax ballot, as it was labeled "Municipal" instead of "Special" election. Melanie advised this ballot heading resulted from miscommunication between herself and the Secretary of States Office where they were talking about one ballot, and she was referring to the other. Commissioner Teske referenced an email from a community member questioning the absence of a write-in candidate line in the municipal election. Melanie stated she adhered to instructions and deadlines, as no one had declared as a write-in candidate. Commissioner Teske highlighted recent changes by the state regarding the declaration process for write-in candidates, emphasizing the elimination of time spent evaluating invalid write-ins. Commissioner Teske noted an issue where not all ballots were stamped as official, which was rectified through engagement with the County Attorney. Melanie advised she was unaware of this stamp and upon learning of this, reached out to the County Attorney getting this squared away. Commissioner Teske questioned whether all election judges were sworn in. Melanie advised all election judges were sworn in and she has a record of everyone who's had the training. There were only a couple of people who wanted updated training. Commissioner Teske suggested

making this a signed written document in the future. Commissioner Teske read comment that election judges should have been used instead of county staff while stating he understood there may have been difficulties in acquiring judges. Melanie clarified this is per code, she is required to equally reach out to all parties for recruitment; however, if an equal split cannot be achieved, she can proceed accordingly. She explained her strategy of seeking judges based on proximity, starting with individuals residing nearest to the location and extending outward until all positions are filled. Commissioner Teske raised concerns about staffing elections with courthouse personnel. Melanie explained her deliberate placement of one county staff member equipped with a secured computer at each polling location to facilitate real-time voter information. Melanie advised of using staff for envelope stuffing due to the shortage of available judges. Commissioner Teske inquired about individuals trained in operating the tabulator. Melanie identified herself and Sierra as the trained personnel. He suggested considering Brett McCully, no longer employed by the county, as a potential resource, emphasizing the preference to fill such positions with citizens. Commissioner Teske mentioned the absence of a "Vote Here" sign at the Troy polling place. Melanie assured that sandwich boards have been located in a storage room and will be distributed to polling locations in the future. Commissioner Teske relayed the Troy municipal ballots had computer printed stubs attached to them. Melanie explained this was true of all three polling locations, due to a miscommunication between her and the SOS office, they were referring to the special mail out election not needing stubs and she was talking about the municipals when the decision was made to not print stubs. Melanie indicated there were three other counties with the same issue who were all instructed to proceed in this same way. Commissioner Teske read a question regarding ballots being separated into stacks of twenty-five and two judges comparing counts after each stack, however, after each count we had no way to go back and make a correction. Melanie advised of three people per table, one reading the vote and two tallying and after each set of twenty-five ballots they had to be in agreement or start counting the set over again until they reached agreement. Commissioner Teske noted they just have to back up twenty-five to recount. Commissioner Teske advised of a comment about the age of election judges, suggesting emphasizing the option for them to work half-days during elections. Melanie acknowledged some people can't work a full day but stressed for the continuity, security and integrity of the election, we encourage judges to work the entire election day. Commissioner Teske suggested stressing this point during election judge training. Commissioner Teske read a suggestion to use a separate set of election judges to hand count ballots in the precinct and questioned if this is something done or just something they'd like to see done. Melanie clarified that they do not practice this and referred to an ARM regarding this process. Commissioner Teske agreed this has been discussed before. Commissioner Teske read a note to ensure that every election judge has an updated copy of Montana Title 13 Election Laws. Melanie stated she has placed an order anticipating receipt at the end of February and noted there are still some available from the last print. Commission Letcher advised the book was available at the polling locations. Commissioner Teske brought up a question of why the mail-in-ballots were being date stamped after the envelopes were scanned in to validate the signatures. Melanie advised a lot of things are scanned in and things are date stamped but not ballots. Sierra advised she date stamps envelopes arriving after Election Day. Commissioner Letcher highlighted concerns regarding addresses where voters neglect to update their address resulting in not receiving their mail ballots. Melanie emphasized that updating addresses with the USPS does not automatically update them for elections, and ballots are not forwarded. Commissioner Teske commented on the importance of matching addresses between E911 and Elect MT databases, emphasizing the responsibility of voters to accept address changes and update their voter registration cards accordingly. Commissioner Letcher noted the confusion among people regarding the nature of the special election for municipalities and Eureka school bond, specifying that late voting was only possible at the Election Center and not at polling places. Commissioner Teske commented this was a complex election as there was a school election, a special election and a municipal and stressed the need for voters to understand these distinctions. Melanie highlighted the challenge of managing six different ballot styles and ensuring they reach the right addresses, having anticipated confusion among voters. Commissioner Letcher considered the overall turnout rate impressive and deemed it a success despite the complexities. Commissioner Hammons shared receiving a compliment via email about the Troy election site, which he passed on. Commissioner Hammons raised concerns about changes in handling US Mail deliveries. Melanie advised future election mail will be directed to 418 Mineral Avenue, emphasizing an established procedure for the chain-of-custody of ballots. Commissioner Teske praised the video surveillance at the Troy kiosk. Melanie confirmed communication from dispatch regarding the kiosk. Commissioner Teske recalled previous complaints after polling locations were condensed, highlighting a comment that you can have secure elections or convenient election but not both, agreeing with this sentiment. Commissioner Letcher mentioned individuals wanting to drop off ballots at the North County Annex, despite instructions directing them to the Eureka Sheriff Dispatch lobby kiosk. Commissioner Teske advised of a request from Libby Mayor to hold the municipal election at the Ponderosa Room and feels changing locations would be confusing for people, suggesting the county maintain the same polling sites as long as possible. Melanie shared positive feedback about using the Memorial Center in Libby, particularly the availability of parking. Melanie sought feedback from those involved in the election process. She reported the lack of sandwich boards on the streets in front of polling locations was a concern. She received compliments on keeping the election site bags up to date with current information including emergency plans. She noted the set up and take down was proficient and well organized. She received compliments regarding all three polling place managers. She noted confusion of individuals wanting to vote in person for the special election and poll site staff did a good job explaining the poll vote was for municipal residents only. Commissioner Letcher mentioned instances where individuals forgot they had already cast a mail ballot, which he resolved using the site computer. Melanie had a suggestion regarding tally sheets and advised the tabulator will be used for the next election due to volume. Melanie read correspondence where the weekly emails were informative and helped Judges know their roles and responsibilities. Melanie noted the website is updated with current information continually encouraging everyone to utilize it. Commissioner Teske expressed appreciation for the election team's hard work and thanked Sierra and Melanie for their flexibility in assisting with duties in the Clerk and Recorder office.

02:32 PM **Adjourned**

LINCOLN COUNTY BOARD OF COMMISSIONERS

Josh Letcher, Chairman

ATTEST: _____
Corrina Brown, Clerk of the Board