



LINCOLN COUNTY MONTANA

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STATE OF MONTANA LINCOLN COUNTY
RECORDED: 07/22/2026 11:53 KOI: RESOLUTION
CORRINA BROWN CLERK AND RECORDER
FEE: \$0.00 BY: Jessica Jensen, Deputy
FOR: LINCOLN COUNTY BOARD OF COMMISSIONERS 512 CALIFORNIA AVE,

RESOLUTION 2026-19

A Resolution Appointing the County Administrator as Acting Lincoln County Election Administrator and Providing for the Continuity of Election Administration

THE BOARD OF COUNTY COMMISSIONERS FOR LINCOLN COUNTY, MONTANA FINDS:

WHEREAS, Montana Code Annotated 13-1-301(1)(a) provides that the county clerk and recorder of each county is the election administrator unless the governing body of the county appoints an election administrator; and,

WHEREAS, Montana Code Annotated 13-1-301(1)(b) provides that an election administrator appointed by the governing body of the county shall report directly to the governing body of the county; and,

WHEREAS, by Resolution No. 957, adopted February 24, 2016, the Board of County Commissioners of Lincoln County appointed an Election Administrator, and the duties of that office have since been discharged by an appointed Election Administrator; and,

WHEREAS, the duties of the office of Election Administrator are not presently being discharged by the appointed Election Administrator, and the administration of elections is a mandatory and continuous function of county government that is not suspended during any period in which the appointed Election Administrator does not discharge the duties of the office; and,

WHEREAS, the conduct of elections is governed by Title 13, Montana Code Annotated, which imposes upon the election administrator a continuous sequence of statutory deadlines and certifications that arise without regard to the availability of any particular officeholder; and,

WHEREAS, Montana Code Annotated 13-1-301(3) provides that a deputy election administrator is appointed by the election administrator, and Montana law does not provide for the succession of a deputy election administrator to the office of election administrator, such that express action by this Board is necessary to establish an unambiguous line of authority and responsibility for the continuous administration of elections; and,

WHEREAS, the County Administrator is appointed by and accountable to the Board of County Commissioners and is charged with the coordination and continuity of county administrative operations, and the Board finds the office of County Administrator to be a suitable office in which to vest the duties of Election Administrator during any period in which the appointed Election Administrator does not discharge those duties; and,



LINCOLN COUNTY MONTANA

WHEREAS, the Board finds that the periodic reporting of the operations of the election office to the Board, and the application of the county's general administrative policies to the election office, are necessary to the Board's stewardship of county resources and to public confidence in the administration of elections, and that neither diminishes the independent authority committed by Title 13, Montana Code Annotated, to the election administrator; and,

WHEREAS, this action is taken pursuant to the authority of the governing body under Montana Code Annotated 13-1-301 and is intended to preserve, and not to prejudice, the Board's discretion to appoint a different Election Administrator at any time or to rescind this resolution, in which event the Clerk and Recorder is the election administrator by operation of Montana Code Annotated 13-1-301(1)(a).

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Lincoln County hereby appoints the individual from time to time holding the office of County Administrator of Lincoln County as Acting Election Administrator for Lincoln County, effective upon adoption of this resolution and continuing during any period in which the appointed Election Administrator does not discharge the duties of that office, until terminated as provided in this resolution.

BE IT FURTHER RESOLVED, that this appointment attaches to the office of County Administrator and not to any individual in that individual's personal capacity, and that the person from time to time holding the office of County Administrator shall serve as Acting Election Administrator for so long as the conditions of this resolution are satisfied.

BE IT FURTHER RESOLVED, that the Acting Election Administrator is the election administrator of Lincoln County for all purposes of Title 13, Montana Code Annotated and is vested with the full authority and charged with the full duties of that office.

BE IT FURTHER RESOLVED, that the Acting Election Administrator shall report directly to the Board of County Commissioners as required by Montana Code Annotated 13-1-301(1)(b).

BE IT FURTHER RESOLVED, that the Acting Election Administrator is responsible for the administration of all procedures relating to registration of electors and conduct of elections, shall keep all county records relating to elector registration and elections, and is the primary point of contact for the county with respect to the statewide voter registration list and implementation of other provisions of applicable federal law governing elections.

BE IT FURTHER RESOLVED, that the Acting Election Administrator shall file, code, and cross-index all reports and statements filed as prescribed by the Commissioner of Political Practices.

BE IT FURTHER RESOLVED, that the Acting Election Administrator may appoint a deputy election administrator as provided in Montana Code Annotated 13-1-301(3), and may assign ministerial duties to the deputy election administrator and to other staff of the election office, provided that responsibility for the discharge of the statutory duties of the office remains with the Acting Election Administrator, and that no assignment of duties under this paragraph constitutes an appointment of an election administrator under Montana Code Annotated 13-1-301(1)(a).



LINCOLN COUNTY MONTANA

BE IT FURTHER RESOLVED, that an Election Administrator appointed or serving under this resolution shall submit to the Board a written report of the operations of the election office not less than once each calendar quarter, and not less than once each calendar month during a year in which a federal, state, or county election is held, addressing the administration of the office, budget execution, staffing and training, records retention and security, voting system maintenance and testing, and the status of compliance with the statutory deadlines applicable to any pending election; and shall appear before the Board upon the request of the Board. Reports and appearances required by this paragraph are made directly to the Board in satisfaction of, and not in derogation of, Montana Code Annotated 13-1-301(1)(b).

BE IT FURTHER RESOLVED, that the election office is subject to the general administrative policies of Lincoln County, including those governing personnel administration, purchasing, budgeting, records management, and information security, except to the extent that Title 13, Montana Code Annotated, or other applicable law provides otherwise; and that nothing in this paragraph authorizes any officer or employee of Lincoln County to direct, alter, or override any determination, certification, or exercise of judgment committed by law to the Election Administrator.

BE IT FURTHER RESOLVED, that in the event the office of County Administrator is vacant, or the County Administrator is unable to perform the duties of Election Administrator as determined by the Board of County Commissioners, the individual from time to time holding the office of Clerk and Recorder of Lincoln County shall serve as Acting Election Administrator during the continuance of that vacancy or inability, subject to the same terms and conditions as apply to the County Administrator under this resolution, so that the duties of the office are at all times vested in an identified officer of the county.

BE IT FURTHER RESOLVED, that the appointment of an Acting Election Administrator under this resolution is in aid of the continuity of a mandatory function during a period in which the appointed Election Administrator does not discharge the duties of that office, and shall terminate upon the resumption of those duties by the appointed Election Administrator as determined by the Board of County Commissioners, upon the appointment by the Board of another Election Administrator, or upon rescission of this resolution.

BE IT FURTHER RESOLVED, that all prior resolutions of this Board, and all portions thereof, in conflict with this resolution are superseded to the extent of the conflict, and that this resolution shall remain in effect until amended, superseded, or rescinded by the Board.



LINCOLN COUNTY MONTANA

THE BOARD FURTHER RESOLVES:

1. If a provision of this resolution conflicts with a prior resolution, the provisions of this resolution will control.
2. The provisions of this resolution are severable. If any part is held invalid, the remainder remains in effect.
3. Under Montana Code Annotated § 7-5-123, resolutions are immediately effective unless a delayed date is specified.
4. This resolution must be entered into the minutes and signed by the presiding officer pursuant to § 7-5-121, MCA.

END OF RESOLUTION

Approved as to Form:

A handwritten signature in blue ink, appearing to read "Marcia Boris", written over a horizontal line.

Marcia Boris, County Attorney

Date presented to the Board July 22, 2026
Adopted this 22nd day of July, 2026.

Approved ☒ Disapproved [] Amended []

LINCOLN COUNTY BOARD OF COMMISSIONERS

A handwritten signature in black ink, appearing to read "Brent Teske", written over a horizontal line.

Brent Teske, Chair

ATTEST:

A handwritten signature in blue ink, appearing to read "Corrina Brown", written over a horizontal line.

Corrina Brown, Clerk of the Board