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STATE OF MONTANA LINCOLN COUNTY
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FOR:LINCOLN COUNTY BOARD OF COMMISSIONERS 512 CALIFORNIA AVE,

LINCOLN COUNTY MONTANA

RESOLUTION 2026-31

A Resolution of the Lincoln County Board of Commissioners Amending Resolution 2026-29 to Provide for the Retrieval and Custody of Ballots from the Secure Ballot Vaults by Sworn Election Judges During Extraordinary Circumstances

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

WHEREAS, on October 7, 2026, the Board adopted Resolution 2026-29, recorded at Book PF, page 15717, which provides a secure ballot vault service as a convenience to the residents of Lincoln County and designates the Lincoln County Sheriff's Office to administer the service; and

WHEREAS, Section 4(e) of Resolution 2026-29 permits the Board, by action of the Board, to designate another agent or representative of the County to administer the service, and provides that the Election Administrator and the staff of the Election Office may not be designated; and

WHEREAS, the shooting death of Lincoln County Sheriff's Deputy Ryan Terpsma on October 30, 2026, and the law enforcement response and investigation that followed, have placed an unusual and extraordinary burden on the Lincoln County Sheriff's Office; and

WHEREAS, the Board desired to relieve the Sheriff's Office of the responsibility for retrieving, securing, and transporting the contents of the secure ballot vaults so that the Sheriff's Office could devote its full attention to those circumstances, and the Sheriff's Office accepted; and

WHEREAS, the secure ballot vaults were closed to further deposits at 5:00 PM on Monday, November 2, 2026, as provided in Section 4(d) of Resolution 2026-29, and the deposited envelopes have remained in the locked vaults, in attended locations monitored by closed-circuit television; and

WHEREAS, the Election Office has not operated the secure ballot vault service at any time during the federal general election held November 3, 2026; and

WHEREAS, public trust and confidence in the conduct of elections in Lincoln County is of the utmost importance, and the Board finds that retrieval and custody of the deposited envelopes by sworn election judges of opposing political parties best serves that trust and confidence under the present circumstances; and

WHEREAS, election judges are appointed by the Election Administrator, take the oath required by law, and are trained in the custody and handling of ballots; and

WHEREAS, under MCA § 13-1-301, the Election Administrator is responsible for the administration of all procedures relating to the conduct of elections, the Board intends by this Resolution neither to exercise nor to limit that authority, and the Election Administrator has concurred in the provisions of this Resolution concerning the custody of ballots on the night of the election; and

WHEREAS, the deposited envelopes must be retrieved and tendered before the close of the polls on November 3, 2026, and under MCA § 2-3-112 and MCA § 7-5-2122(2), the Board may act in an emergency situation affecting the public health, welfare, or safety without the notice that would otherwise be required.

NOW, THEREFORE, BE IT RESOLVED:

1. Emergency Action. The Board finds that the circumstances recited in this Resolution constitute an emergency situation affecting the public health, welfare, and safety under MCA § 2-3-112, and that prior notice of the meeting at which this Resolution is adopted was not practicable. The Board takes this action in an open meeting and will report it at its next regular meeting.

2. Retrieval by Sworn Election Judges. For the federal general election held November 3, 2026, Section 4(e) of Resolution 2026-29 is amended as follows:

(a) The Board authorizes the Election Administrator to appoint, for each secure ballot vault, two sworn election judges meeting the requirements of Section 3 to retrieve the deposited envelopes and deliver them under Section 4. The judges so appointed are designated by this action of the Board as agents of the County to administer the secure ballot vault service in place of the Sheriff's Office.

(b) Election judges appointed under this section are not staff of the Election Office for purposes of Section 4(e) of Resolution 2026-29. The Election Administrator and the staff of the Election Office will not retrieve, carry, or hold the deposited envelopes.

3. Political Affiliation of Judges. Each pair of election judges appointed under this Resolution will consist of one Republican and one Democrat, as reflected in the records of the Election Office. If that is not practicable, the pair will consist of one Republican or one Democrat and one judge who is independent, unaffiliated, or undisclosed, or who is affiliated with another political party. If neither is practicable, the Election Administrator will appoint two sworn election judges and will record in the custody log the reason the preceding requirements could not be met.

4. Retrieval and Custody. Retrieval and custody of the deposited envelopes will be conducted as follows:

(a) The judges will obtain the vault keys from the Sheriff's Office against the written log required by Section 4(e) of Resolution 2026-29, and will return the keys to the Sheriff's Office against the same log when retrieval is complete.

(b) Both judges will be present when a vault is opened. They will record in a custody log the vault location, the date and time of retrieval, the condition of the vault and its lock, and the number of envelopes retrieved, and both will sign the entry. The envelopes will not be opened, sorted, or examined beyond what is necessary to count them.

(c) Both judges will accompany the envelopes at all times from retrieval at the vault to tender. Transport will be uninterrupted to the extent safely practicable.

(d) The envelopes will be tendered to the Election Office or to the election judges at a polling place within the county before the close of the polls on November 3, 2026. The receiving official will count the envelopes and sign a receipt stating the number received and the time of tender.

5. Custody of Ballots on Election Night. Consistent with the authority of the Election Administrator and with the Election Administrator's concurrence, ballots transported from a polling place to the Election Office after the close of the polls on November 3, 2026, will be in the custody of two sworn election judges meeting the requirements of Section 3, who will accompany the ballots at all times until they are tendered at the Election Office. Law enforcement, including the Montana Highway Patrol, may provide transportation or escort.

6. Records. The custody logs and receipts made under this Resolution will be delivered to the Election Administrator and retained as election records. The Board requests that the Sheriff's Office, the Troy Police Department, and the Eureka Dispatch office preserve the closed-circuit television recordings of the secure ballot vaults from 5:00 PM on November 2, 2026, through the completion of retrieval, for not less than the period during which the election may be contested.

7. Report to the Board. The Election Administrator will report to the Board at its next regular meeting the names of the judges appointed under this Resolution, the times of retrieval and tender, and the number of envelopes retrieved from each vault and tendered.

8. Election Administrator. Nothing in this Resolution limits the authority of the Election Administrator under Title 13, MCA. The receipt and processing of ballots delivered to the Election Office remain the responsibility of the Election Administrator.

9. Scope. Sections 2 through 4 of this Resolution apply only to the federal general election held November 3, 2026. Resolution 2026-29 otherwise remains in effect, and for any later election the Sheriff's Office remains the designated administrator of the service unless the Board acts otherwise.

10. Recognition. The Board extends its condolences to the family of Deputy Ryan Terpsma and to the members of the Lincoln County Sheriff's Office, and thanks the Montana Highway Patrol and the election judges of Lincoln County for their assistance.

THE BOARD FURTHER RESOLVES:

(1) If a provision of this Resolution conflicts with a provision of Resolution 2026-29 or another previously adopted resolution, this Resolution will prevail.

(2) This Resolution and its sections, clauses, and paragraphs are severable. If any part, sentence, clause, or phrase is adjudged to be unconstitutional or invalid, the remainder of the Resolution will not be affected.

(3) This Resolution will be effective immediately upon adoption, in accordance with MCA § 7-5-123.

(4) This Board directs that this Resolution be entered into the minutes and signed by the Chair of the Board in accordance with MCA § 7-5-121.

END OF RESOLUTION

Approved as to Form:

Marcia Boris, County Attorney

Date presented to the Board: November 3, 2026 Approved [X] Disapproved [ ] Amended [ ]

Adopted this 3rd day of November, 2026.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Brent Teske, Chair

ATTEST:

Corrina Brown, Clerk of the Board