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Joseph Zummo

Attorney Steven Sandtven, shown here with Erin Flynn of the U.S. Department of Justice, during *Wandering Medicine v. McCulloch*, a voting-rights lawsuit that resulted in satellite absentee-voting and late-registration offices for the Fort Belknap, Northern Cheyenne and Crow reservations, in Montana.

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Montana Dodges Voting-Rights Lawsuit, Implements Satellite Services

STEPHANIE WOODARD | 8/5/14

Montana Secretary of State and chief elections officer Linda McCulloch has implemented technology that allows Glacier County to expand satellite election services on the Blackfoot

Reservation, which the county overlaps. Using a “ballot on demand” system, reservation residents will be able to go to Browning to late-register and in-person absentee-vote two days per week during the 30 days prior to national elections.

Until now, voters have been able to late-register, request a mailed ballot and drop off completed ballots at the office, which also issued license plates and handled other county-government functions. Going forward, they will be able to vote on the spot as well.

“We’re very excited,” said Diane Proefrock, Glacier County’s assistant election administrator. “With the new system, we’re confident we can maintain the integrity of the election, which is what [head county election official and Blackfoot tribal member] Glenda Hall is all about.”

The secretary of state also promised to pay for the system for any Montana county that provides a satellite office on a reservation. According to McCulloch, two non-reservation counties already use ballot-on-demand, available from multiple suppliers. “Our priority is helping counties get these services set up for the 2014

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general election; and I fully expect even more satellite locations for the 2016 election," she said.

Secretary McCulloch's latest announcements come one week after attorneys threatened a voting-rights lawsuit on behalf of the Browning office, which the tribe first requested in 2012. The announcements come seven weeks after a similar lawsuit in which the secretary was lead defendant, *Wandering Medicine v. McCulloch*, resulted in Montana and three of its counties paying \$100,000 in plaintiffs' legal fees and promising to open satellite election offices on the Fort Belknap, Northern Cheyenne and Crow reservations.

During two years of negotiation and litigation, the *Wandering Medicine* defendants and their representatives claimed at various points that the technology for running two offices simultaneously—in a county seat and on a reservation—couldn't be, wouldn't be or simply wasn't in place. On June 13, the *Great Falls Tribune* reported that the secretary said state law didn't allow simultaneous election offices. McCulloch explained the apparent contradictions among these disparate claims, saying the implementation of a new system solves the statutory requirements, and adding, "I have always supported the establishment of satellite election offices in Montana."

"Really?" responded attorney Steven Sandven, of Sioux Falls, who represented the *Wandering Medicine* plaintiffs and worked with Montana lawyer Alex Rate to craft the latest demand for the Browning office. "For the last two years, it's been ridiculous to think that the state's election software couldn't handle two locations at once. This has been about throwing sand in the gears. From the start, a call should have been made to the software vendor. It's that simple."

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