

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

**FILED**

OCT 10 2012

Clerk, U.S. District Court  
District Of Montana  
Billings

MARK WANDERING MEDICINE, HUGH CLUB  
FOOT, LENARD ELK SHOULDER, CHARLES  
BEAR COMES OUT, WINFIELD RUSSELL,  
JAMES DAY CHILD, WOODROW BRIEN,  
SARAH STRAY CALF, MARTY OTHER BULL,  
NEWLYN LITTLE OWL, DONOVAN  
ARCHAMBAULT, ED MOORE, PATTY QUISNO,  
MICHAEL D. FOX, FRANK JEFFERSON and  
PHYLLIS POND CULBERTSON,  
Plaintiffs,

v.

LINDA McCULLOCH in her official capacity as  
MONTANA SECRETARY OF STATE,  
GERALDINE CUSTER, in her official capacity of  
ROSEBUD COUNTY CLERK AND RECORDER,  
ROSEBUD COUNTY, ROBERT E. LEE,  
DOUGLAS D. MARTENS, and DANIEL M.  
SIOUX, in their official capacity as members of the  
County Board of Commissioners for Rosebud  
County, Montana, SANDRA L. BOARDMAN, in her  
official capacity of BLAINE COUNTY CLERK  
AND RECORDER, BLAINE COUNTY, CHARLIE  
KULBECK, M. DELORES PLUMMAGE and  
FRANK DEPRIEST in their official capacity as  
members of the County Board of Commissioners for  
Blaine County, Montana, DULCE BEAR DON'T  
WALK, in her official capacity of BIG HORN  
COUNTY ELECTION ADMINISTRATOR, BIG  
HORN COUNTY, SIDNEY FITZPATRICK, JR.,  
CHAD FENNER, JOHN PRETTY ON TOP, in their  
official capacity as members of the County Board of  
Commissioners for Big Horn County, Montana and  
KIMBERLY YARLOTT, in her official capacity of  
BIG HORN COUNTY CLERK AND RECORDER  
BIG HORN COUNTY,

Defendants.

**AFFIDAVIT OF  
EDWARD MOORE JR**

CV 12-135-BU

State of Montana )

) ss.

County of \_\_\_\_\_ )

COMES NOW, Edward "Buster" Moore Jr. and having been first duly sworn

upon his oath, deposes and states as follows:

1. I am a Tribal Councilman for the Fort Belknap Tribe.
2. I have lived in Blaine County for the last 26 years working with youth and advocating for people with disabilities, Elders and Veterans.
3. I have taught our language and culture at the grade school level and served on the local school board.
4. I was the 2010 Census field operation supervisor for the Ft. Belknap Tribe, Blackfeet Reservation and Rocky Boy Reservation where I supervised approximately 90 people.
5. I attended a September 17, 2012 meeting including Blaine County officials, tribal officials and Bret Healy at the Chinook Courthouse regarding an in-person absentee voting location in Fort Belknap. This was a tense environment because the Sheriff sat at the entire meeting without making a statement. Our request for an in-person absentee voting location in Ft. Belknap was not granted.
6. Many of our people do not like to travel to Chinook because they feel discriminated against there.
7. I have experience prejudice in Chinook.
8. The Blaine County Attorney stated at the beginning of the meeting to me "Buster is giving me the old stink eye." This statement insulted me but I waited until the end of the meeting where I stated in a professional manner that "I am highly

offended by the comment" because of struggling with facial paralysis since my youth.

9. I prefer to vote in person because I can see my ballot enter the ballot box.

10. As a Tribal leader, I am very aware of tribal members' beliefs and opinions. Many of our people will go to Chinook and do business as quickly as possible because we do not feel welcome there.

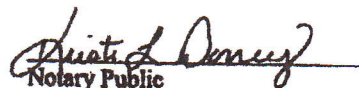
YOUR AFFIANT FURTHER SAYETH NOT

Dated this 8<sup>th</sup> day of September, 2012.

By:   
Edward "Buster" Moore, Jr.

Subscribed and sworn before me this 8<sup>th</sup> day of September, 2012.



  
Notary Public  
My Commission Expires: April 18, 2016





## CROW TRIBE EXECUTIVE BRANCH

Bocheestche Avenue  
P.O. Box 159  
Crow Agency (Bocheestche) Montana 59022  
Phone (406) 638-3732  
Fax (406) 638-3773

**Cedric Black Eagle**  
CHAIRMAN

**Cedric C. Johnson, Jr.**  
VICE CHAIRMAN

**Scott Howell**  
SECRETARY

**Dennis Old Coyote**  
VICE SECRETARY

Kimberly Yariott  
Clerk and Recorder/Election Administrator

Chairman John Pretty On Top  
Big Horn County Board of Commissioners  
PO Box 908  
Hardin, MT 59034

Dear Kimberly Yariott and Chairman John Pretty On Top,

I am writing this letter on behalf of the Crow Nation requesting an Absentee (Early Voting) Satellite Station in Crow Agency in accordance with Montana Code Ann. §§ 13-1-201 and 13-1-202(1)(c) (ELECTION ADVISORY - #A01-12)

I apologize for the delay in requesting a Satellite Station but I have only just become aware of the fact that this is allowable under Montana law and was never notified by the Secretary of the State our Crow Citizens could receive equal access in voting this way.

It is my understanding that Big Horn County may open a satellite office outside the county seat to provide services to residents. We are requesting such services for the November 2012 elections. It would seem only fair and equal to allow the Crow Citizens of Big Horn County to vote the 20 days allowed to Big Horn County Citizens within the County seat.

The Crow Nation working with our friends from Four Directions will provide any additional funding that the County may incur in achieving this request for equal access. We will also provide the County with a secure office and certain kind of employees to assist the Clerk/Reporters Office in accomplishing this request.

I have authorized OJ Semens with Four Directions to work with you directly in achieving this historical event and in the Spirit of Corporation look forward to working with you to establish an Absentee (Early Voting) Satellite Station in Crow Agency. If needed, please call for a meeting of the commissioners immediately to provide and answer to this request.

Respectfully

  
Chairman, Cedric Black Eagle  
Crow Nation

9-18-12

The Great Apaches

EXHIBIT

15





**NORTHERN CHEYENNE TRIBE**  
**ADMINISTRATION**  
P.O. Box 128  
LAME DEER, MONTANA 59043  
(406) 477-6284  
FAX (406) 477-6210



September 18, 2012

Geraldine Custer  
Clerk & Recorder/Election Administrator

Robert E. Lee, Chairman  
Rosebud County Commissioners  
1200 Main Street  
P O Box 47  
Forsyth, MT 59327

Dear Geraldine Custer and Chairman Robert E. Lee,

I am writing this letter on behalf of the Northern Cheyenne Tribe requesting an Absentee (Early Voting) Satellite Station in the Lame Deer Community in accordance with Montana Code Ann. §§ 13-1-201 and 13-1-202(1)(c). (ELECTION ADVISORY - #A01-12)


I apologize for the delay in requesting a Satellite Station but I have only just become aware of the fact that this is allowable under the law and was never notified by the Secretary of the State that we as Members of the Northern Cheyenne Tribe could receive equal access in voting this way.

It is my understanding that Rosebud County may open a satellite office outside the county seat to provide services to residents. We are requesting such services for the November 2012 elections. It would seem only fair and equal to allow the Northern Cheyenne Citizens of Rosebud County to vote the 20 days allowed to Rosebud County Citizens within the County seat, 70 miles away from Lame Deer.

The Northern Cheyenne Tribe working with our friends from Four Directions will provide any additional funding that the County may incur in achieving this request for equal access. We will also provide the County with a secure office and service in kind of employees to assist the Clerk and Recorder's Office in accomplishing this request.

I have authorized OJ Semans with Four Directions to work with you directly in achieving this request event and in the Spirit of Corporation look forward to working with you to establish an Absentee (Early Voting) Satellite Station in Lame Deer. If needed, please call a special meeting of the Northern Cheyenne Tribe immediately to provide and answer to this request.

Respectfully,

  
Leroy A. Spang  
President

LITTLE WOLF AND MORNING STAR - Out of defeat and exile they came to Montana and won our Cheyenne homeland that we will keep forever.

EXHIBIT

16

## BLAINE COUNTY, MONTANA

627

FOR A FULL, UNCHANGED COPY OF THIS RECORD

The remainder of the day was spent on regular county business.

Clerk

Sandra L. Boardman

Chair

Dolores Plumage

Commissioner

Frank DePriest

Commissioner

Charles Kulbeck

Regular Session, September 12, 2012

The Blaine County Commissioners met in Regular Session, Wednesday September 12, 2012. Present were Dolores Plumage, Frank DePriest, Charles Kulbeck and Clerk Sandra L. Boardman. Meeting was called to order at 8:00 o'clock a.m.

Shannon Setleen, Safety Officer, met with the Commissioners to review the MACo-Worker's Compensation open claims.

Clerk & Recorder Boardman and County Attorney Ranstrom discussed the request the Clerk & Recorder received to do an Absentee Ballot Satellite office. After discussion the Commissioners supported the decision to not have the satellite office due to the security, staffing the office and cost.

A letter was sent to Kelly Casillas, Admin. of the Community Development Div., Montana Dept. of Commerce submitting Blaine County's application to the 2012 Montana Community Block Grant Program to prepare a Growth Policy for Blaine County. Blaine County respectfully requests \$27,285. from the CDBG Program and commits to provide the cash match of \$9,095.

The remainder of the day was spent on regular county business.

Clerk

Sandra L. Boardman

Chair

Dolores Plumage

Commissioner

Frank DePriest

Commissioner

Charles Kulbeck

Regular Session, September 13, 2012

The Blaine County Commissioners met in Regular Session, Thursday September 13, 2012. Present were Dolores Plumage, Frank DePriest, Charles Kulbeck and Clerk Sandra L. Boardman. Meeting was called to order at 8:00 o'clock a.m.

A letter of support in securing grant funding for a Stryker Power Loader for the Turner Ambulance was written committing a 10% match not to exceed \$2200.00.

The remainder of the day was spent on regular county business.

Clerk

Sandra L. Boardman

Chair

Dolores Plumage

Commissioner

Frank DePriest

Commissioner

Charles Kulbeck

Regular Session, September 14, 2012

The Blaine County Commissioners met in Regular Session, Friday September 14, 2012. Present were Dolores Plumage, Frank DePriest, Charles Kulbeck and Clerk Sandra L. Boardman. Meeting was called to order at 8:00 o'clock a.m.

The day was spent on regular county business.

Clerk

Sandra L. Boardman

Chair

Dolores Plumage

Commissioner

Charles Kulbeck

Commissioner

Frank DePriest

Regular Session, September 17, 2012

The Blaine County Commissioners met in Regular Session, Monday September 17, 2012. Present were Dolores Plumage, Frank DePriest, Charles Kulbeck and Clerk Sandra L. Boardman. Meeting was called to order at 8:00 o'clock a.m.

Commissioner Plumage participated by conference call in the Mental Health Board meeting.

The Commissioners attended the LEPC meeting.

The following met with the Commissioners to discuss the proposed Absentee Ballot Satellite Site: Clerk & Recorder Boardman, County Attorney Ranstrom, Bret Healy with River Bluffs Strategies, Fort Belknap Tribal Council members Donovan Archambault and Ed "Buster" Moore, Blaine County Republican representative Robert Sharples and William "Snuffy" Main.

Oil & gas royalty payment was received from Legacy Reserves Operating LP in the amount of \$268.30.

EXHIBIT



## COMMISSIONER'S PROCEEDINGS

The remainder of the day was spent on regular county business.

Sandra L. Boardman  
Clerk

Dolores Plumage Chair  
Frank DePriest Commissioner  
Charles Kulbeck Commissioner

Regular Session, September 18, 2012

The Blaine County Commissioners met in Regular Session, Tuesday September 18, 2012. Present were Dolores Plumage, Frank DePriest, Charles Kulbeck and Clerk Sandra L. Boardman. Meeting was called to order at 8:00 o'clock a.m.

The Proposals for Engineering Services were opened with the following submitting proposals: L'Heureux Page Werner, JM Engineering, CTA Architects Engineers, Millenium Engineering Incorp., Associated Construction Engineering, Inc., Simplicity Consulting Engineering & Design, Design 3 Engineering, DC Engineering, Consulting Design Solutions, Inc., MKK Consulting Engineers, Inc., Morrison Maierle, Inc. and Jackola Engineering & Architecture, PC. Commissioner DePriest made the motion to take the proposals under advisement with Commissioner Kulbeck seconding the motion. Motion passed.

The department head meeting was held with the following present: Haley Gustitis, Glenn Huestis, Fran Hodgson, Frank Billmeyer, Valerie Ovitt, Tom Fairbank and Sandra Boardman

Oil & gas royalty payment was received from Devon Energy in the amount of \$69,17.

Bret Healy with River Bluffs Strategies met with the Commissioners and County Attorney Ranstrom to discuss the proposed Absentee Ballot Satellite Site.

The remainder of the day was spent on regular county business.

Sandra L. Boardman  
Clerk

Dolores Plumage Chair  
Frank DePriest Commissioner  
Charles Kulbeck Commissioner

Regular Session, September 19, 2012

The Blaine County Commissioners met in Regular Session, Wednesday September 19, 2012. Present were Dolores Plumage, Frank DePriest, Charles Kulbeck and Clerk Sandra L. Boardman. Meeting was called to order at 8:00 o'clock a.m.

The Commissioners met with Extension Agent Teresa Terry and Joe Broesder, Central Region Department Head with MSU Extension to discuss the vacant Ag Extension Agency position in Blaine County.

A letter of notification of finalization of the 2011 Volunteer Fire Assistance Contract NO VHA-12-030 was received for the amount of \$8200.00.

The Commissioners met with the following regarding the CTEP Turner Sidewalk Project: Jeremy Siemens with Siemens Engineering Co., Road Supervisor Fairbank, Max Cederberg and Curt Wood with C&C Excavation.

Approval was given on the Notice of Award for the CTEP Turner Sidewalk Project with bidder C&C Excavation, Inc. in the amount of \$123,179.00.

The Commissioners attended the Board of Health meeting. The following were present: Ron Anderson, Dr. Richardson, Barb Kolar, Laurie Huestis, Haley Gustitis, Kelsey Diemert, Valerie Ovitt, Margaret Strauser and Fran Hodgson.

Bret Healy with River Bluffs Strategies met with the Commissioners and County Attorney Ranstrom and Clerk & Recorder Boardman to discuss the proposed Absentee Ballot Satellite Site.

The remainder of the day was spent on regular county business.

Sandra L. Boardman  
Clerk

Dolores Plumage Chair  
Frank DePriest Commissioner  
Charles Kulbeck Commissioner

Regular Session, September 20, 2012

The Blaine County Commissioners met in Regular Session, Thursday September 20, 2012. Present were Dolores Plumage, Frank DePriest, Charles Kulbeck and Clerk Sandra L. Boardman. Meeting was called to order at 8:00 o'clock a.m.

The Commissioners approved the following Blaine County Road Fire Policy:

This policy is for the requisition and use of County Equipment on fires. The Blaine County Road Department will do what we can to assist in the control of Blaine County fires. Fire command shall make all reasonably responsible efforts to acquire land owners permission before the use of county equipment for fire suppression on private lands. The Blaine County Road Department will not be responsible for the reclamation of any property altered or damaged by County equipment in process of trying to control fires.

Approval was given on the Notice to Proceed on the CTEP Turner Sidewalk Project STPE 3(55) [7710] with contractor C&C Excavation, Inc. with contact commencing to run on 9/25/2012 and the number of days to achieve Substantial Completion in 45 days and the number of days to achieve readiness for final payment in 75 days.



**MONTANA SECRETARY OF STATE**

**LINDA McCULLOCH**

**ELECTION ADVISORY - #A01-12**

Issued: August 28, 2012

**TOPIC: Optional In-Person Absentee Voting at Satellite Election Offices**

**AUTHORITY:**

This election advisory is issued under the Secretary of State's authority to provide uniformity in the election process pursuant to Mont. Code Ann. §§ 13-1-201 and 13-1-202(1)(c).

**PURPOSE:**

The purpose of this advisory is to provide election administrators with guidance as to the application of Montana statutes and administrative rules that pertain to a county's ability to establish a satellite election office for in-person absentee voting. The Montana Attorney General issued a letter of advice on August 17, 2012, that concluded:

1. A county government, operating through its county commissioners, may open a satellite office outside the county seat to provide services to residents.
2. A county government, at the discretion of the election administrator with approval from the county commissioners, may offer voting by absentee ballot at a satellite location.
3. An election administrator providing services at a satellite location must ensure that starting at least 30 days prior to the election absentee ballots are available at the satellite location during the hours which the satellite location is otherwise open for business as approved by the commissioners of the county.

The procedures for absentee voting are set forth in Title 13, chapter 13, part 2, Mont. Code Ann. The election administrator must ensure that in-person absentee voting at a satellite election office is conducted in the same manner as in the main election office and meets all the requirements as set forth in law.

**ADVICE:**

Following is the Secretary of State's guidance and advice on establishing and managing a satellite election office for the purpose of in-person absentee voting. Absentee voting is available to both legally registered and provisionally registered electors.

**Location**

The determination of an appropriate location for a satellite election office is left to the discretion and knowledge of the local election administrator.

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tel: (406) 444-4195 • fax: (406) 444-4249 • TTY: (406) 444-9068 • sos.mt.gov

**EXHIBIT**

9



Satellite election offices should be equipped with adequate security features, telephone coverage, a secure wired internet connection that is consistent with the MT Votes Security and Access Plan, and be able to accommodate people with disabilities per ARM 44.3.104.

#### **Staffing**

Satellite election offices must be staffed by at least two election officials or trained election judges, from different political parties if possible. At least two officials must transport blank and voted ballots back and forth between the satellite election office and the main election office. See Election Directive #01-08, Testing and Security Procedures.

#### **Security**

Satellite election offices must follow all ballot security procedures. These include: all ballots and materials should be returned to the main election office at the end of each day, and delivered to the satellite election office at the beginning of the next day; or they must be locked in a secure room or cabinet at the satellite election office each night. Tamper resistant/evident seals and double-locked cabinets or rooms should be used. See Election Directive #01-08, Testing and Security Procedures.

#### **Providing Appropriate Ballots**

Satellite election offices must be equipped to provide ballots for all precincts in a county. Election officials staffing a satellite election office must be trained and highly cognizant of the many different ballot styles in order to provide each voter with the appropriate ballot.

The statewide voter registration system will allow issuance of ballots from several different locations. However, the election administrator must develop a process that allows the sequential tracking of each ballot for each absentee voter, and must reconcile absentee ballots daily following the absentee ballot reconciliation process.

Reconciliation of ballots is a necessary and critical part of election administration and the security and transparency of the election. Mont. Code Ann. §§ 13-13-232, 13-13-233, 13-13-241. Some possible methods to track ballots issued from multiple locations follow.

1. The satellite election office:
  - a. Issues absentee ballots following procedures for the statewide voter registration system.
  - b. Contacts the main election office for each ballot issued to inform them that ballot #\_\_\_\_\_ was issued to \_\_\_\_\_.
  - c. Crosses out the ballot number on the paper stub and writes the ballot number assigned by the satellite election office on the stub, e.g., EH#004 (East Helena #4).

The main election office must then VOID the paper ballot with the corresponding number. If ballots are printed with the same ballot sequence numbers for the main election office and the satellite election office, then each night the main election office and the satellite election office must compare ballot numbers issued during the day to verify that ballots have been properly voided at each site.

**2. The satellite election office:**

- a. Sequentially numbers the ballot stub based on the next sequential ballot number issued by the statewide voter registration system; and
- b. Crosses out the ballot number on the paper stub and writes a number which indicates the satellite election office it was issued from and the sequential number (e.g., EH #004 – East Helena ballot #4).

The main election office must then VOID the paper ballot with the corresponding number.

**Cost**

If a county is considering establishing a satellite election office to offer in-person absentee voting, the county may wish to evaluate its resources to determine if it is able to provide the additional personnel and fund the additional costs involved in establishing and maintaining a satellite election office. Additional costs might include the following: personnel, transportation, equipment, facility rent, facility security, telephone/internet lines and support, advertising, supplies, and training.

**Time Period**

An election administrator providing services at a satellite election office must ensure that starting at least 30 days prior to the election absentee ballots are available at the satellite election office during the hours the satellite election office is open for business as approved by the county commissioners. Mont. Code Ann. § 13-13-205.

The time period for applying for an absentee ballot ends at noon on the day before election day. Mont. Code Ann. § 13-13-211. Absentee ballots must be returned to the election office or a polling place by 8 p.m. on election day. Mont. Code Ann. § 13-13-201. Therefore, no absentee ballots may be issued from a satellite election office after noon the day before election day. At the discretion of the counties, the satellite election office may be open until close of polls on election day for absentee ballot drop-off.



**ATTORNEY GENERAL**  
**STATE OF MONTANA**

Steve Bullock  
Attorney General



Department of Justice  
215 North Sanders  
PO Box 201401  
Helena, MT 59620-1401

August 17, 2012

Linda McCulloch  
Montana Secretary of State  
1301 E. 6<sup>th</sup> Ave.  
PO Box 202801  
Helena, MT 59620

Re: Letter of Advice Regarding Voting by Absentee Ballot

Dear Secretary McCulloch:

You have written this Office seeking guidance as to whether Montana law allows registered voters to request, complete and return an absentee ballot at a satellite location established by the county. Because the answer to your question is dependent upon whether a county government has the authority to open a satellite office, I have re-phrased your question as follows:

Does a county have the authority to establish a satellite office outside of the county seat and, if such authority exists and an office is established, is in-person absentee ballot voting a service that may be provided at the satellite office to residents of the county?

As will be discussed in more detail in this letter, five counties have already determined they have the legal authority to establish a satellite office and provide services, including in some instances, in person return of absentee ballots. For this reason, and given the time sensitive nature of your request, I have determined that a letter of advice rather than a formal opinion is the appropriate response.

In your request to this office for guidance, you include the legal analysis conducted by your staff. The memorandum provided does not consider the underlying question of a county government's authority to establish a satellite office and provides scant legal analysis of the relevant statutes. After review of your request and the memorandum, I find that a more thorough analysis of the issue is necessary to answer the question presented.

I. May a county government open a satellite office outside the County Seat?

Montana Code Annotated §7-4-2203 sets forth the officers, in addition to county commissioners, that may be appointed or elected in each county. It is the duty of the county commissioners to supervise the official conduct of all county officers. Mont. Code Ann. §7-4-2110. The county

TELEPHONE: (406) 444-2026 FAX: (406) 444-3549 E-MAIL: [contactdoj@mt.gov](mailto:contactdoj@mt.gov)

EXHIBIT

5

Ms. Linda McCulloch  
August 17, 2012  
Page 2

officers delineated in section 7-4-2203 are required to keep their offices at the county seat. Mont. Code Ann. § 7-4-2211.

Montana law does not expressly address the question of whether a county may open a satellite office to provide services to its residents outside the county seat. Montana is obviously a large, rural state with counties that cover vast areas of land. It is easy to see that provision of services at a satellite location could be of benefit to residents living outside the county seat, and in fact, five Montana counties have established such offices: Glacier, Missoula, Rosebud, Yellowstone and Lincoln.

In order to answer the question of whether counties have the authority to establish such offices, it is necessary to understand the constitutional and statutory law setting forth the powers of local government in Montana. Montana's constitution provides for two forms of local government: a local government operating under a self-government charter and one operating without such a charter, which is known as a general powers form of government.

A general powers county government has "legislative, administrative, and other powers provided or implied by law." Mont. Const. art. XI, § 4. A county which has adopted a self-government charter is granted "any power not prohibited by the constitution, law, or charter." Mont. Const. art. IX, § 6.

Because there is nothing in Montana law prohibiting the establishment of a satellite office outside a county seat to provide governmental services, I conclude that a county with self-government powers has the authority to establish such an office.

Unlike a county operating under a self-government charter, a county with general government powers derives its powers only from those expressly or implicitly granted by the Legislature. The constitution directs that the legislature's grant of such power is to be liberally construed. See Mont. Const. art. XI, § 4(2). Therefore, in order to answer whether a county with general government powers has the authority to establish a satellite office, it is necessary to consider the statutory powers granted to county government.

Montana Code Annotated § 7-2-2103 sets forth the powers of county government. It provides:

**7-1-2103. County powers.** A county has power to:

- (1) Sue and be sued;
- (2) Purchase and hold lands within its limits;
- (3) Make contracts and purchase and hold personal property that may be necessary to the exercise of its powers;
- (4) Make orders for the disposition of its property that the interests of its inhabitants require;
- (5) Subject to 15-10-420, levy and collect taxes for public or governmental purposes, as described in 7-6-2527, under its exclusive jurisdiction unless prohibited by law.

Section 7-1-2104 provides that the county's powers can only be "exercised by the board of county commissioners or by agents and officers acting under their authority or authority of law."



Ms. Linda McCulloch  
August 17, 2012  
Page 3

Based upon the language found in subsection (3) and (4) granting the county the power to purchase and hold land, hold personal property, and enter into contracts, and to determine the appropriate disposition of its property to serve inhabitants of the county, and in light of the constitutional instruction that a county's general government powers are to be liberally construed, I conclude that a county government, operating through its county commissioners, has the implied authority to establish satellite offices for the provision of government services. Establishment of a satellite office would be a proper exercise of a county governments "administrative" authority as implied by section 7-1-2103. The determination as to whether to establish a satellite office is not a legislative act by the county. The determination falls within a county's administrative authority, exercised through its county commissioners, to determine the best way to provide services to its residents based upon available resources. This is reflected in the provision of services in the counties I listed above which have already established satellite offices. Based upon a phone survey to those offices, they are presently providing a range of services which include motor vehicle license and registration renewal, acceptance of property tax payments, processing of requests for birth and death certificates and return of absentee ballots.

Based upon this analysis, I conclude that a county government, operating through its county commissioners, may open a satellite office outside the county seat to provide services to residents.

## II. May a county offer voting by absentee ballot at a satellite location?

I now turn to the question of whether a county may provide voting by absentee ballot at a satellite location. As mentioned above, five counties currently provide services to residents at satellite locations outside of the county seat. Review of the services provided in those satellite offices reveals that services range from strictly motor vehicle related services (license and registration renewal) to collection of property taxes and acceptance of absentee ballots. Again, while Montana law does not expressly authorize the provision of such services, it also does not prohibit a county from providing them. I conclude that unless provision of such services is in some way prohibited under Montana law, the decision of what services to provide at a satellite location is left to the county commissioners in conjunction with the county officers listed in Mont. Code Ann. § 7-4-2203. For instance it is my understanding that the Glacier County Sheriff and Treasurer share office space and personnel at the satellite location in Browning.

To determine whether voting by absentee ballot is a service that may be provided at a satellite location, I must consider whether the statutes governing absentee voting would preclude it. Montana law designates the county Clerk and Recorder as the election administrator. Mont. Code Ann. § 13-1-301. As the election administrator the county Clerk and Recorder is the official responsible for "the administration of all procedures relating to the registration of electors and the conduct of elections." *Id.* The procedures for voting by absentee ballot are set forth in Mont. Code Ann. § 13-13-201. It provides:

Ms. Linda McCulloch  
August 17, 2012  
Page 4

**13-13-201. Voting by absentee ballot—procedures.**

(1) A legally registered elector or provisionally registered elector is entitled to vote by absentee ballot as provided for in this part.

(2) *The elector may vote absentee by:*

- (a) marking the ballot in the manner specified;
- (b) placing the marked ballot in the secrecy envelope, free of any identifying marks;
- (c) placing the secrecy envelope containing one ballot for each election being held in the return envelope;
- (d) executing the affirmation printed on the return envelope; and
- (e) *returning the return envelope with all appropriate enclosures by regular mail, postage paid, or by delivering it to:*
  - (i) *the election office;*
  - (ii) a polling place within the elector's county;
  - (iii) pursuant to §13-13-229, the special absentee election board; or
  - (iv) in a mail ballot election held pursuant to Title 13, chapter 19, a designated place of deposit within the elector's county.

(3) Except as provided in §13-21-206 and §13-21-207, in order for the ballot to be counted, each elector shall return it in a manner that ensures the ballot is received prior to 8 p.m. on Election Day.

(4) A provisionally registered elector may also enclose in the outer return envelope a copy of the elector's photo identification showing the elector's name. The photo identification may be, but is not limited to, a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification. If the provisionally registered elector does not enclose a photo identification, the elector may enclose a copy of a current utility bill, bank statement, paycheck, notice of confirmation of voter registration issued pursuant to §13-2-207, government check, or other government document that shows the elector's name and current address.

(Emphasis added.)



Ms. Linda McCulloch  
August 17, 2012  
Page 5

The question, therefore, becomes whether the requirement that a voter return, either by regular mail or hand delivery, the ballot with all appropriate enclosures to "*the election office*" would preclude such a process from occurring at a satellite office. Although, "*the election office*" is written in the singular a general rule governing statutory construction states that "[t]he singular includes the plural and the plural the singular." Mont. Code Ann. § 1-2-105(3). Thus, the fact that the statute on its face refers to a singular "office" is not determinative of the question.

Interestingly, this rule of construction was applied by the Montana Supreme Court in a case involving notice of polling places. *Hauswirth v. Mueller*, 25 Mont. 156 (1901). In that case, defendants argued notice of polling locations was not improper because the governing statute was written in the singular requiring notice of the "place of holding the election." *Id.* at 160. The Court applied the above noted rule of construction to conclude that the statute required notice of each place the election was to be held and that the singular reference included the plural "places." *Id.* at 161.

Applying the same principle of statutory construction to the phrase "*the election office*" as used in section 13-13-201 and considering that the election administrator is statutorily authorized to oversee the conduct of elections, I conclude the election administrator may designate the election *office* or *offices* for purposes of voting by absentee ballot.

This conclusion is consistent with the motor vehicle services already being provided in all five counties with satellite locations. For instance, the law governing vehicle registration provides in relevant part a "Montana resident who owns a motor vehicle. . . shall register. . . in the office of the county treasurer" and that registration renewal may be accomplished by submitting full payment to "a county treasurer." See Mont. Code Ann. § 61-3-303 and § 61-3-312. While these statutes do not expressly authorize provision of motor vehicle registration services at satellite locations, the counties have properly exercised their administrative powers to provide such services to county residents.

Based upon the above analysis, I conclude that a county government may offer voting by absentee ballot at a satellite location. While provision of absentee ballot voting at a satellite location is permissible, it is not mandatory and would be at the discretion of the election administrator with approval from the county commissioners.


You also inquire as to whether a satellite office providing voting by absentee ballot must be open for the entire 30-day period when absentee ballots are available. Montana law requires that the election administrator "ensure that ballots are available for voting at least 30 days prior to an election. Mont. Code Ann. § 13-13-205(1)(a). The law governing county office hours provides that each officer shall keep their office open for business during the office hours determined by the governing body by resolution after a public hearing. Mont. Code Ann. § 7-4-102. Thus, an election administrator providing services at a satellite location must ensure that at least 30-days prior to the election absentee ballots are available at the satellite location during the hours which the satellite location is otherwise open for business as approved by the commissioners of the county.

Ms. Linda McCulloch  
August 17, 2012  
Page 6

In conclusion, I would note that voting is considered a fundamental political right in this country. As the United States Supreme Court has recognized, the right to vote is "at the heart of this country's democracy." *Burson v. Freeman*, 504 U.S. 191, 198. Interpreting laws impacting voter qualifications, prerequisites to voting, or standard practices or procedures with respect to voting, the U.S. Supreme Court has endorsed a broad construction of voting rights. *Holder v. Hall*, 512 U.S. 874, 949. While that endorsement has been in the context of challenges related to the Voting Rights Act of 1965, the conclusion here, that county governments may provide absentee balloting services at satellite county offices is consistent with the guiding principle applied by the Court in voting rights cases.

This letter should not be construed as a formal Opinion of the Attorney General.

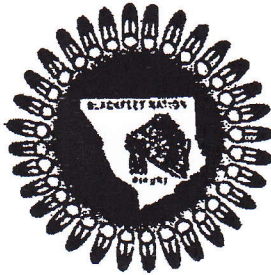
Sincerely,



ALI BOVINGTON  
Deputy Attorney General

AB:sj





**BLACKFEET NATION**  
**P. O. BOX 850 BROWNING, MONTANA 59417**  
**(406) 338-7521 FAX (406) 338-7530**

**EXECUTIVE COMMITTEE**

Terry "TJ" Shaw-Chairman  
Peter "Rusty" Tatsey, Vice-Chairman  
Rels Fisher-Secretary  
Kenneth Angare, Treasurer  
May 2, 2012

**BLACKFEET TRIBAL BUSINESS COUNCIL**

Willie A. Sharp, Jr.  
Peter "Rusty" Tatsey  
Terry "TJ" Shaw  
Jay St. Goddard  
Rels Fisher  
Jay Wells  
Shannon Angare  
Paul McEvers  
Henry Butterfly

Steve Bullock  
Attorney General, State of Montana  
Department of Justice  
PO Box 201401  
Helena, MT. 59620-1401

Linda McCulloch  
Secretary of State, State of Montana  
PO Box 202801  
Helena, MT 59620

Dear Attorney General Bullock and Secretary McCulloch:

We are writing to you today on behalf of the Blackfeet Nation. We request your office's assistance in implementing a pilot program to enhance the satellite Clerk and Recorder's office in Browning, Montana. This pilot program will provide the voters an opportunity to cast an absentee ballot in person in Browning, Montana during the absentee ballot period for the upcoming general election.

The county courthouse for Glacier County is in Cut Bank, a 70 mile round trip from Browning. However, the most populated Blackfeet community and the center of our Tribal Government is in Browning. A registered voter in Cut Bank can simply go to the courthouse located in Cut Bank, request an absentee ballot, complete the ballot, and turn it back to the Clerk and Recorder's office in one visit. A registered voter in Browning must either drive the 70 plus mile round trip to Cut Bank to cast their ballot at the courthouse or must request a ballot, wait for that ballot to be delivered to the post office, collect the ballot, then fill it out, and mail it back to the Clerk and Recorder's office.

There is not equal access to voting for Blackfeet Tribal members living on the reservation as compared to voters living in Cut Bank.



Montana Votes system would need slight changes to permit the provision of sequential Glacier County precinct ballots.

This would mean that a registered voter in Browning would be able to go to the satellite Clerk and Recorder's office in Browning, request an absentee ballot, complete the ballot, and return the ballot in one simple trip to the satellite office. This would equal the treatment received by registered voters living in Cut Bank.

We believe this pilot program will provide for more equal access for voters to participate in federal and state elections. Further, we believe that this kind of cooperation between the Tribe and Glacier County may be a model for Tribal and State relationships.

Thank you for your consideration of our request. We look forward to working with you to quickly establish this pilot program so as to better serve registered voters living on the Blackfeet Reservation. In order to expedite this request, we ask that you meet as soon as practical with Tom Rodgers and Bret Healy from Four Directions, Inc. to initiate this pilot. You may reach Tom Rodgers at 406-600-4853 (email: [tom@carlyleconsult.com](mailto:tom@carlyleconsult.com)) and Bret Healy at 605-216-1825 (email: [bjhealy928@yahoo.com](mailto:bjhealy928@yahoo.com)).

Again, thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to be 'TJ' followed by a stylized flourish.

Terry "TJ" Show, Chairman  
Blackfeet Tribal Business Council



**Round Trip Distance to County Seat by Voting Population Size  
And American Indian Population Percentage**

<b>City</b>	<b>Voting Population</b>	<b>% American Indian Population</b>	<b>Round Trip Distance to County Seat</b>
Billings	80,623	4.4%	0
Missoula	54,839	2.8%	0
Great Falls	45,344	5.0%	0
Bozeman	31,433	1.1%	0
Butte-Silver Bow	26,492	1.9%	0
Helena	22,534	2.3%	0
Kalispell	14,930	1.3%	0
Havre	6,969	13.0%	0
Anaconda	7,540	3.1%	0
Miles City	6,528	1.7%	0
Belgrade	5,354	1.0%	22
Livingston	5,564	0.8%	0
Laurel	5,017	1.5%	32.6
Whitefish	5,114	0.8%	30
Lewiston	4,698	2.7%	0
Sidney	3,983	1.8%	0
Glendive	3,955	2.4%	0
Columbia Falls	3,471	1.8%	31.4
Polson	3,403	15.7%	0
Hamilton	3,472	0.6%	0
Cut Bank	2,170	19.0%	0
Browning	680	92.7%	70
Chinook	946	9.30%	0
Ft. Belknap	789	96.60%	43
Forsyth	1,383	1.60%	0
Lame Deer	1,251	93.70%	119.2
Hardin	2,465	40.80%	0
Crow Agency	992	96.70%	27.2

Source: American Fact Finder. U.S. Census Buereau

<http://quickfacts.census.gov/qfd/states/30000.html>

last accessed 10/03/2012







2000 Federal General Election: Number of Absentee Ballots Received. Percentage of  
Votes Cast, Percentage of Registered Voters

	Registered Voters	All Absentees Sent	All Absentees Received	Percentage Absentees Received of Number Sent	Total Votes Cast	Percentage of Absentees Received of Total Votes Cast	Percentage of Absentees Received of Total Registered Voters
Beaverhead	6,470	N/A	800	N/A	4,252	18.81%	12.36%
Big Horn	7,374	N/A	38	N/A	4,253	0.89%	0.52%
Blaine	4,614	N/A	306	N/A	2,808	10.90%	6.63%
Broadwater	3,507	N/A	316	N/A	2,121	14.90%	9.01%
Carbon	7,868	N/A	17	N/A	4,958	0.34%	0.22%
Carter	1012	N/A	50	N/A	649	7.70%	4.94%
Cascade	57,016	N/A	5,646	N/A	33,716	16.75%	9.90%
Chouteau	3,801	N/A	435	N/A	2,925	14.87%	11.44%
Custer	9,099	N/A	871	N/A	5,088	17.12%	9.57%
Daniels	1,626	N/A	159	N/A	1,140	13.95%	9.78%
Dawson	6,721	N/A	1,106	N/A	4,392	25.18%	16.46%
Deer Lodge	7,568	N/A	400	N/A	4,655	8.59%	5.29%
Fallon	2,121	N/A	226	N/A	1,408	16.05%	10.66%
Fergus	9,299	N/A	1,105	N/A	6,229	17.74%	11.88%
Flathead	59,339	N/A	5,632	N/A	34,614	16.27%	9.49%
Gallatin	56,574	N/A	4,789	N/A	32,532	14.72%	8.47%
Garfield	1088	N/A	120	N/A	749	16.02%	11.03%
Glacier	8,639	N/A	445	N/A	4,335	10.27%	5.15%
Golden Valley	662	N/A	50	N/A	537	9.31%	7.55%
Granite	2,381	N/A	200	N/A	1,617	12.37%	8.40%
Hill	11,820	N/A	1,500	N/A	6,704	22.37%	12.69%
Jefferson	8,047	N/A	750	N/A	5,235	14.33%	9.32%
Judith Basin	1,789	N/A	125	N/A	1,412	8.85%	6.99%
Lake	19,096	N/A	1,982	N/A	11,580	17.12%	10.38%
Lewis and Clark	44,023	N/A	5,545	N/A	27,768	19.97%	12.60%
Liberty	1,443	N/A	221	N/A	1,084	20.39%	15.32%
Lincoln	13,776	N/A	1,066	N/A	7,999	13.33%	7.74%
Madison	6,040	N/A	596	N/A	3,704	16.09%	9.87%
McCone	1,587	N/A	218	N/A	1,160	18.79%	13.74%
Meagher	1,375	N/A	170	N/A	948	17.93%	12.36%
Mineral	2,988	N/A	218	N/A	1,691	12.89%	7.30%
Missoula	86,266	N/A	7,500	N/A	46,936	15.98%	8.69%
Musselshell	3,388	N/A	416	N/A	2,242	18.55%	12.28%
Park	12,806	N/A	700	N/A	7,507	9.32%	5.47%
Petroleum	443	N/A	75	N/A	312	24.04%	16.93%
Phillips	3,445	N/A	375	N/A	2,268	16.53%	10.89%
Pondera	4,416	N/A	607	N/A	3,050	19.90%	13.75%
Powder River	1,347	N/A	150	N/A	1,025	14.63%	11.14%
Powell	4,310	N/A	419	N/A	2,906	14.42%	9.72%
Prairie	982	N/A	113	N/A	770	14.68%	11.51%
Ravalli	28,877	N/A	2,925	N/A	17,416	16.79%	10.13%
Richland	7,928	N/A	601	N/A	4,107	14.63%	7.58%
Roosevelt	7,290	N/A	774	N/A	3,960	19.55%	10.62%
Rosebud	7,096	N/A	424	N/A	3,570	11.88%	5.98%
Sanders	8,339	N/A	418	N/A	4,800	8.71%	5.01%
Sheridan	3,414	N/A	5	N/A	2,021	0.25%	0.15%
Silver Bow	26,915	N/A	1,500	N/A	17,055	8.80%	5.57%
Stillwater	6,157	N/A	750	N/A	3,956	18.96%	12.18%
Sweet Grass	2,740	N/A	200	N/A	1,860	10.75%	7.30%
Teton	4,840	N/A	250	N/A	3,368	7.42%	5.17%
Toole	3,635	N/A	50	N/A	2,449	2.04%	1.38%
Treasure	653	N/A	59	N/A	480	12.29%	9.04%
Valley	5,948	N/A	250	N/A	4,076	6.13%	4.20%
Wheatland	1,539	N/A	190	N/A	1,012	18.77%	12.35%
Wibaux	928	N/A	111	N/A	532	20.86%	11.96%
Yellowstone	95,797	N/A	11,559	N/A	57,975	19.94%	12.07%
TOTALS:	698,260	N/A	65,523	N/A	417,916	15.68%	9.38%
	Registered Voters	All Absentees Sent	All Absentees Received	Percentage Absentees Received of Number Sent	Total Votes Cast	Percentage of Absentees Received of Total Votes Cast	Percentage of Absentees Received of Total Registered Voters

EXHIBIT

2





# 2004 Federal General Election: Number of Absentee Ballots Received, Percentage of Votes Cast, Percentage of Registered Voters

	Registered Voters	All Absentees Sent	All Absentees Received	Percentage Absentees Received of Number Sent	Total Votes Cast	Percentage of Absentees Received of Total Votes Cast	Percentage of Absentees Received of Total Registered Voters
Beaverhead	5,820	N/A	787	N/A	4,310	18.26%	13.52%
Big Horn	7,447	N/A	610	N/A	4,373	13.95%	8.19%
Blaine	4,117	N/A	379	N/A	2,825	13.42%	9.21%
Broadwater	3,098	N/A	601	N/A	2,387	25.18%	19.40%
Carbon	7,281	N/A	1,141	N/A	5,399	21.13%	15.67%
Carter	841	N/A	94	N/A	720	13.06%	11.18%
Cascade	48,508	N/A	7,133	N/A	34,371	20.75%	14.70%
Chouteau	4,094	N/A	600	N/A	2,970	20.20%	14.66%
Custer	7,214	N/A	1,066	N/A	5,212	20.45%	14.78%
Daniels	1,489	N/A	204	N/A	1,138	17.93%	13.70%
Dawson	6,134	N/A	1,523	N/A	4,558	33.41%	24.83%
Deer Lodge	6,852	N/A	1,015	N/A	4,636	21.89%	14.81%
Fallon	1,892	N/A	258	N/A	1,509	17.10%	13.64%
Fergus	8,256	N/A	1,637	N/A	6,127	26.72%	19.83%
Flathead	55,138	N/A	8,181	N/A	38,941	21.01%	14.84%
Gallatin	55,936	N/A	7,852	N/A	40,103	19.58%	14.04%
Garfield	916	N/A	102	N/A	662	15.41%	11.14%
Glacier	7,745	N/A	979	N/A	4,629	21.15%	12.64%
Golden Valley	638	N/A	97	N/A	524	18.51%	15.20%
Granite	2,311	N/A	403	N/A	1,730	23.29%	17.44%
Hill	9,865	N/A	1,539	N/A	6,782	22.69%	15.60%
Jefferson	7,738	N/A	1,106	N/A	5,924	18.67%	14.29%
Judith Basin	1,557	N/A	214	N/A	1,295	16.53%	13.74%
Lake	18,268	N/A	3,096	N/A	12,702	24.37%	16.95%
Lewis and Clark	37,951	N/A	7,383	N/A	30,658	24.08%	19.45%
Liberty	1,349	N/A	288	N/A	1,062	27.12%	21.35%
Lincoln	12,421	N/A	1,825	N/A	8,557	21.33%	14.69%
Madison	5,862	N/A	723	N/A	4,011	18.03%	12.33%
McCone	1,433	N/A	248	N/A	1,153	21.51%	17.31%
Meagher	1,287	N/A	242	N/A	977	24.77%	18.80%
Mineral	2,707	N/A	306	N/A	1,854	16.50%	11.30%
Missoula	78,151	N/A	10,449	N/A	52,780	19.80%	13.37%
Musselshell	3,185	N/A	526	N/A	2,348	22.40%	16.51%
Park	11,517	N/A	1,639	N/A	8,283	19.79%	14.23%
Petroleum	367	N/A	66	N/A	300	22.00%	17.98%
Phillips	2,826	N/A	391	N/A	2,201	17.76%	13.84%
Pondera	4,025	N/A	725	N/A	2,901	24.99%	18.01%
Powder River	1,345	N/A	233	N/A	1,038	22.45%	17.32%
Powell	3,447	N/A	494	N/A	2,879	17.16%	14.33%
Prairie	907	N/A	156	N/A	736	21.20%	17.20%
Ravalli	28,840	N/A	4,055	N/A	20,025	20.25%	14.06%
Richland	6,510	N/A	746	N/A	4,308	17.32%	11.46%
Roosevelt	6,487	N/A	904	N/A	4,079	22.16%	13.94%
Rosebud	5,632	N/A	515	N/A	3,618	14.23%	9.14%
Sanders	7,776	N/A	1,077	N/A	5,223	20.62%	13.85%
Sheridan	2,804	N/A	591	N/A	2,078	28.44%	21.08%
Silver Bow	23,305	N/A	4,226	N/A	16,170	26.13%	18.13%
Stillwater	5,461	N/A	813	N/A	4,306	18.88%	14.89%
Sweet Grass	2,611	N/A	447	N/A	2,005	22.29%	17.12%
Teton	4,312	N/A	755	N/A	3,437	21.97%	17.51%
Toole	3,221	N/A	485	N/A	2,337	19.90%	14.44%
Treasure	647	N/A	65	N/A	486	13.37%	10.05%
Valley	5,105	N/A	1,351	N/A	4,111	32.86%	26.46%
Wheatland	1,352	N/A	229	N/A	1,012	22.63%	16.94%
Wibaux	824	N/A	104	N/A	567	18.34%	12.62%
Yellowstone	91,652	N/A	17,530	N/A	66,789	26.25%	19.13%
TOTALS:	638,474	N/A	100,184	N/A	456,096	21.97%	15.69%
	Registered Voters	All Absentees Sent	All Absentees Received	Percentage Absentees Received of Number Sent	Total Votes Cast	Percentage of Absentees Received of Total Votes Cast	Percentage of Absentees Received of Total Registered Voters





# 2006 Federal General Election: Number of Absentee Ballots Sent, Received, Percentage of Votes Cast, Percentage of Registered Voters

	Registered Voters	All Absentees Sent	All Absentees Received	Percentage Absentees Received of Number Sent	Total Votes Cast	Percentage of Absentees Received of Total Votes Cast	Percentage of Absentees Received of Total Registered Voters
Beaverhead	6,176	963	917	95.22%	4,121	22.25%	14.85%
Big Horn	7,694	961	874	90.95%	4,736	18.45%	11.36%
Blaine	4,193	540	512	94.81%	2,716	18.85%	12.21%
Broadwater	3,374	740	672	90.81%	2,444	27.50%	19.92%
Carbon	7,055	1,194	1,140	95.48%	4,974	22.92%	16.16%
Carter	871	161	147	91.30%	679	21.65%	16.88%
Cascade	50,527	11,708	10,249	87.54%	30,702	33.38%	20.28%
Chouteau	3,947	778	755	97.04%	2,704	27.92%	19.13%
Custer	6,928	1,343	1,257	93.60%	4,751	26.46%	18.14%
Daniels	1,422	214	209	97.66%	1,064	19.64%	14.70%
Dawson	6,141	1,455	1,371	94.23%	4,014	34.16%	22.33%
Deer Lodge	6,261	1,040	992	95.38%	4,176	23.75%	15.84%
Fallon	1,838	255	244	95.69%	1,349	18.09%	13.29%
Fergus	8,546	2,093	2,081	99.43%	5,745	36.22%	24.35%
Flathead	55,730	10,077	9,100	90.30%	33,930	26.82%	16.33%
Gallatin	60,990	11,153	10,299	92.34%	34,708	29.67%	16.89%
Garfield	832	115	115	100.00%	603	19.07%	13.82%
Glacier	7,962	1,386	1,253	90.40%	4,491	27.90%	15.74%
Golden Valley	633	121	111	91.74%	497	22.33%	17.54%
Granite	2,412	428	417	97.43%	1,553	26.85%	17.29%
Hill	9,407	1,692	1,607	94.98%	5,966	26.94%	17.08%
Jefferson	7,749	1,247	1,177	94.39%	5,351	22.00%	15.19%
Judith Basin	1,530	339	294	86.73%	1,205	24.40%	19.22%
Lake	17,403	3,498	3,161	90.37%	11,365	27.81%	18.16%
Lewis and Clark	36,844	8,683	8,279	95.35%	27,615	29.98%	22.47%
Liberty	1,288	387	356	91.99%	1,047	34.00%	27.64%
Lincoln	12,508	1,927	1,768	91.75%	7,406	23.87%	14.13%
Madison	5,345	769	738	95.97%	3,699	19.95%	13.81%
McCone	1,347	289	285	98.62%	1,058	26.94%	21.16%
Meagher	1,112	368	325	88.32%	854	38.06%	29.23%
Mineral	2,358	381	354	92.91%	1,657	21.36%	15.01%
Missoula	84,741	16,932	15,451	91.25%	47,152	32.77%	18.23%
Musselshell	3,063	644	624	96.89%	2,173	28.72%	20.37%
Park	11,433	1,958	1,857	94.84%	7,475	24.84%	16.24%
Petroleum	312	83	74	89.16%	269	27.51%	23.72%
Phillips	2,786	447	428	95.75%	2,013	21.26%	15.36%
Pondera	3,917	887	788	88.84%	2,657	29.66%	20.12%
Powder River	1,355	271	262	96.68%	1,028	25.49%	19.34%
Powell	3,558	624	580	92.95%	2,632	22.04%	16.30%
Prairie	897	171	166	97.08%	705	23.55%	18.51%
Ravalli	28,780	5,400	5,094	94.33%	18,663	27.29%	17.70%
Richland	6,415	1,107	1,060	95.75%	3,941	26.90%	16.52%
Roosevelt	6,700	932	771	82.73%	3,926	19.64%	11.51%
Rosebud	5,395	628	601	95.70%	3,481	17.27%	11.14%
Sanders	7,711	1,427	1,253	87.81%	5,035	24.89%	16.25%
Sheridan	2,728	766	743	97.00%	1,971	37.70%	27.24%
Silver Bow	23,147	5,268	5,259	99.83%	14,593	36.04%	22.72%
Stillwater	5,755	941	905	96.17%	4,005	22.60%	15.73%
Sweet Grass	2,440	480	446	92.92%	1,844	24.19%	18.28%
Teton	4,150	936	878	93.80%	3,111	28.22%	21.16%
Toole	2,963	578	561	97.06%	2,061	27.22%	18.93%
Treasure	591	70	64	91.43%	444	14.41%	10.83%
Valley	5,104	1,412	1,344	95.18%	3,686	36.46%	26.33%
Wheatland	1,291	234	230	98.29%	903	25.47%	17.82%
Wibaux	738	110	100	90.91%	497	20.12%	13.55%
Yellowstone	93,045	22,178	20,657	93.14%	59,616	34.65%	22.20%
<b>TOTALS:</b>	<b>649,436</b>	<b>130,789</b>	<b>121,255</b>	<b>92.71%</b>	<b>411,061</b>	<b>29.50%</b>	<b>18.67%</b>
	Registered Voters	All Absentees Sent*	All Absentees Received	Percentage Absentees Received of Number Sent	Total Votes Cast	Percentage of Absentees Received of Total Votes Cast	Percentage of Absentees Received of Total Registered Voters

\* Sent ballots include all absentee ballots that were coded as being sent, even if they were voided for any reason instead of being mailed.





2008 Federal Primary Election: Number of Absentee Ballots Sent, Received.  
Percentage of Votes Cast, Percentage of Registered Voters

	Registered Voters	All Absentee Sent	All Absentee Received	Percentage Absentee Received of Number Sent	Total Votes Cast	Percentage of Absentee Received of Total Votes Cast	Percentage of Absentee Received of Total Registered Voters
Beaverhead	6,068	789	728	92.27%	2,802	25.98%	12.00%
Big Horn	7,045	630	561	89.05%	3,252	17.25%	7.96%
Blaine	3,817	298	274	91.95%	1,762	15.55%	7.18%
Broadwater	3,380	431	380	88.17%	1,819	20.89%	11.24%
Carbon	6,754	885	810	91.53%	3,131	25.87%	11.99%
Carter	866	57	54	94.74%	458	11.79%	6.24%
Cascade	52,195	17,400	15,485	88.99%	22,196	69.76%	29.67%
Chouteau	3,752	565	518	91.68%	1,748	29.63%	13.81%
Custer	6,955	758	697	91.95%	3,207	21.73%	10.02%
Daniels	1,405	102	91	89.22%	719	12.66%	6.48%
Dawson	6,207	1,626	1,475	90.71%	2,846	51.83%	23.76%
Deer Lodge	6,218	857	781	91.13%	3,503	22.30%	12.56%
Fallon	1,784	130	123	94.62%	949	12.96%	6.89%
Fergus	7,647	1,098	1,028	93.62%	3,509	29.30%	13.44%
Flathead	55,344	6,850	6,039	88.16%	23,120	26.12%	10.91%
Gallatin	60,668	11,918	10,181	85.26%	21,452	47.37%	16.75%
Garfield	832	112	106	94.64%	554	19.13%	12.74%
Glacier	7,913	824	734	89.08%	3,444	21.31%	9.28%
Golden Valley	570	94	80	85.11%	312	25.64%	14.04%
Granite	2,320	248	228	91.94%	1,087	20.98%	9.83%
Hill	9,151	1,038	957	92.20%	3,642	26.28%	10.46%
Jefferson	7,571	979	900	91.93%	3,987	22.57%	11.89%
Judith Basin	1,493	192	172	89.58%	827	20.80%	11.52%
Lake	16,678	2,422	2,219	91.62%	9,559	23.21%	13.30%
Lewis and Clark	36,875	6,835	6,076	88.90%	20,555	29.56%	16.48%
Liberty	1,261	200	179	89.50%	762	23.49%	14.20%
Lincoln	12,967	1,315	1,194	90.80%	5,124	23.30%	9.21%
Madison	5,624	496	449	90.52%	2,709	16.57%	7.98%
McCone	1,271	167	136	81.44%	670	20.30%	10.70%
Meagher	1,339	362	293	80.94%	598	49.00%	21.88%
Mineral	2,448	284	254	89.44%	1,319	19.26%	10.38%
Missoula	73,268	11,181	9,701	86.76%	30,764	31.53%	13.24%
Musselshell	2,911	442	391	88.46%	1,477	26.47%	13.43%
Park	11,281	1,627	1,478	90.84%	5,688	25.98%	13.10%
Petroleum	325	20	16	80.00%	162	9.88%	4.92%
Phillips	2,642	203	183	90.15%	1,204	15.20%	6.93%
Pondera	3,690	603	564	93.53%	2,023	27.88%	15.28%
Powder River	1,345	148	134	90.54%	808	16.58%	9.96%
Powell	3,580	337	307	91.10%	1,819	16.88%	8.58%
Prairie	860	119	112	94.12%	566	19.79%	13.02%
Ravalli	28,077	3,719	3,297	88.65%	13,431	24.55%	11.74%
Richland	6,154	397	357	89.92%	2,202	16.21%	5.80%
Roosevelt	6,098	398	350	87.94%	2,229	15.70%	5.74%
Rosebud	5,323	280	265	94.64%	2,192	12.09%	4.98%
Sanders	7,281	1,237	1,118	90.38%	3,802	29.41%	15.36%
Sheridan	2,536	481	428	88.98%	1,116	38.35%	16.88%
Silver Bow	19,778	3,745	3,608	96.34%	12,601	28.63%	18.24%
Stillwater	5,902	655	612	93.44%	2,926	20.92%	10.37%
Sweet Grass	2,351	241	214	88.80%	1,260	16.98%	9.10%
Teton	4,147	634	575	90.69%	2,351	24.46%	13.87%
Toole	2,730	330	317	96.06%	1,409	22.50%	11.61%
Treasure	591	66	56	84.85%	334	16.77%	9.48%
Valley	4,864	878	787	89.64%	2,477	31.77%	16.18%
Wheatland	1,294	154	130	84.42%	589	22.07%	10.05%
Wibaux	704	67	58	86.57%	413	14.04%	8.24%
Yellowstone	94,485	21,621	18,489	85.51%	37,187	49.72%	19.57%
<b>TOTALS:</b>	<b>630,633</b>	<b>109,545</b>	<b>96,729</b>	<b>88.30%</b>	<b>282,652</b>	<b>34.22%</b>	<b>15.34%</b>
	Registered Voters	All Absentee Sent	All Absentee Received	Percentage Absentee Received of Number Sent	Total Votes Cast	Percentage of Absentee Received of Total Votes Cast	Percentage of Absentee Received of Total Registered Voters





**2008 Federal General Election: Number of Absentee Ballots Sent, Received,  
Percentage of Votes Cast, Percentage of Registered Voters**

	Registered Voters	All Absentees Sent	All Absentees Received	Percentage Absentees Received of Number Sent	Total Votes Cast	Percentage of Absentees Received of Total Votes Cast	Percentage of Absentees Received of Total Registered Voters
Beaverhead	6,364	1,778	1,739	97.81%	4,813	36.13%	27.33%
Big Horn	7,799	1,391	1,282	92.16%	5,306	24.16%	16.44%
Blaine	4,080	747	724	96.92%	2,955	24.50%	17.75%
Broadwater	3,634	921	902	97.94%	2,859	31.55%	24.82%
Carbon	7,212	1,905	1,863	97.80%	5,812	32.05%	25.83%
Carter	890	198	189	95.45%	730	25.89%	21.24%
Cascade	54,876	22,433	21,812	97.23%	36,115	60.40%	39.75%
Chouteau	3,847	1,003	989	98.60%	2,902	34.08%	25.71%
Custer	6,969	2,174	2,143	98.57%	5,515	38.86%	30.75%
Daniels	1,427	290	275	94.83%	1,103	24.93%	19.27%
Dawson	6,463	2,263	2,209	97.61%	4,515	48.93%	34.18%
Deer Lodge	6,427	1,850	1,793	96.92%	5,204	34.45%	27.90%
Fallon	1,822	341	330	96.77%	1,456	22.66%	18.11%
Fergus	8,011	2,741	2,654	96.83%	6,305	42.09%	33.13%
Flathead	58,365	19,274	18,514	96.06%	43,975	42.10%	31.72%
Gallatin	66,153	23,164	22,068	95.27%	48,420	45.58%	33.36%
Garfield	859	244	240	98.36%	739	32.48%	27.94%
Glacier	8,384	1,795	1,636	91.14%	5,067	32.29%	19.51%
Golden Valley	598	203	194	95.57%	499	38.88%	32.44%
Granite	2,384	563	554	98.40%	1,742	31.80%	23.24%
Hill	9,468	2,484	2,427	97.71%	6,777	35.81%	25.63%
Jefferson	7,918	2,060	2,003	97.23%	6,398	31.31%	25.30%
Judith Basin	1,555	377	363	96.29%	1,262	28.76%	23.34%
Lake	18,236	6,030	5,850	97.01%	14,027	41.71%	32.08%
Lewis and Clark	39,412	14,840	14,145	95.32%	33,270	42.52%	35.89%
Liberty	1,272	432	421	97.45%	1,069	39.38%	33.10%
Lincoln	12,968	3,186	3,033	95.20%	9,317	32.55%	23.39%
Madison	6,000	1,453	1,406	96.77%	4,622	30.42%	23.43%
McCone	1,312	356	347	97.47%	1,103	31.46%	26.45%
Meagher	1,388	589	539	91.51%	1,008	53.47%	38.83%
Mineral	2,588	722	694	96.12%	2,021	34.34%	26.82%
Missoula	80,566	28,394	26,970	94.98%	59,527	45.31%	33.48%
Musselshell	3,066	909	881	96.92%	2,338	37.68%	28.73%
Park	11,768	3,614	3,512	97.18%	9,125	38.49%	29.84%
Petroleum	345	107	103	96.26%	305	33.77%	29.86%
Phillips	2,725	623	553	88.76%	2,164	25.55%	20.29%
Pondera	3,863	1,189	1,139	95.79%	2,920	39.01%	29.48%
Powder River	1,365	343	335	97.67%	1,054	31.78%	24.54%
Powell	3,732	832	807	97.00%	2,872	28.10%	21.62%
Prairie	897	247	238	96.36%	743	32.03%	26.53%
Ravalli	29,659	8,849	8,601	97.20%	22,265	38.63%	29.00%
Richland	6,117	1,572	1,521	96.76%	4,557	33.38%	24.87%
Roosevelt	6,517	1,182	1,113	94.16%	4,203	26.48%	17.08%
Rosebud	5,465	1,028	976	94.94%	3,866	25.25%	17.86%
Sanders	7,126	2,722	2,632	96.69%	5,942	44.29%	36.94%
Sheridan	2,579	903	888	98.34%	2,039	43.55%	34.43%
Silver Bow	21,355	7,163	7,143	99.72%	17,215	41.49%	33.45%
Stillwater	6,189	1,602	1,565	97.69%	4,693	33.35%	25.29%
Sweet Grass	2,474	732	703	96.04%	2,103	33.43%	28.42%
Teton	4,246	1,231	1,203	97.73%	3,336	36.06%	28.33%
Toole	2,836	781	733	93.85%	2,170	33.78%	25.85%
Treasure	597	131	126	96.18%	492	25.61%	21.11%
Valley	5,028	1,893	1,829	96.62%	3,986	45.89%	36.38%
Wheatland	1,326	347	340	97.98%	1,002	33.93%	25.64%
Wibaux	730	156	151	96.79%	572	26.40%	20.68%
Yellowstone	98,833	36,688	34,612	94.34%	71,204	48.61%	35.02%
<b>TOTALS:</b>	<b>668,085</b>	<b>221,045</b>	<b>212,012</b>	<b>95.91%</b>	<b>497,599</b>	<b>42.61%</b>	<b>31.73%</b>
	Registered Voters	All Absentees Sent	All Absentees Received	Percentage Absentees Received of Number Sent	Total Votes Cast	Percentage of Absentees Received of Total Votes Cast	Percentage of Absentees Received of Total Registered Voters

\* Sent ballots include all absentee ballots that were coded as being sent, even if they were voided for any reason instead of being mailed.





2010 Federal Primary Election: Number of Absentee Ballots Sent. Received.  
Percentage of Votes Cast. Percentage of Registered Voters

	Registered Voters	All Absentees Sent	All Absentees Received	Percentage Absentees Received of Number Sent	Total of All Votes Cast	Percentage of Absentees Received of Total Votes Cast	Percentage of Absentees Received of Total Registered Voters
Beaverhead	6,013	1,203	1,025	85.20%	2,419	42.37%	17.05%
Big Horn	7,593	497	431	86.72%	2,281	18.90%	5.68%
Blaine	3,935	301	275	91.36%	999	27.53%	6.99%
Broadwater	3,525	603	483	80.10%	1,597	30.24%	13.70%
Carbon	7,041	1,176	1,008	85.71%	3,218	31.32%	14.32%
Carter	921	122	112	91.80%	574	19.51%	12.16%
Cascade	48,191	17,953	14,778	82.31%	15,188	97.30%	30.67%
Chouteau	3,670	808	735	90.97%	2,032	36.17%	20.03%
Custer	6,802	829	746	89.99%	2,254	33.10%	10.97%
Daniels	1,398	102	84	82.35%	527	15.94%	6.01%
Dawson	6,267	1,738	1,576	90.68%	2,794	56.41%	25.15%
Deer Lodge	5,760	823	711	86.39%	2,453	28.98%	12.34%
Fallon	1,791	200	183	91.50%	935	19.57%	10.22%
Fergus	7,789	1,569	1,355	86.36%	3,049	44.44%	17.40%
Flathead	58,482	9,944	7,593	76.36%	16,593	45.76%	12.98%
Gallatin	62,314	14,852	10,190	68.61%	14,516	70.20%	16.35%
Garfield	861	114	100	87.72%	555	18.02%	11.61%
Glacier	7,894	958	794	82.88%	2,364	33.59%	10.06%
Golden Valley	580	139	117	84.17%	262	44.66%	20.17%
Granite	2,222	353	307	86.97%	1,138	26.98%	13.82%
Hill	9,325	1,182	1,089	92.13%	3,210	33.93%	11.68%
Jefferson	7,823	1,426	1,068	74.89%	3,070	34.79%	13.65%
Judith Basin	1,452	182	162	89.01%	522	31.03%	11.16%
Lake	17,979	2,230	1,816	81.43%	5,203	34.90%	10.10%
Lewis and Clark	40,693	8,100	6,551	80.88%	13,792	47.50%	16.10%
Liberty	1,218	220	197	89.55%	713	27.63%	16.17%
Lincoln	11,751	2,313	1,947	84.18%	5,014	38.83%	16.57%
Madison	5,436	592	483	78.21%	2,313	20.02%	8.52%
McCone	1,248	160	129	80.63%	556	23.20%	10.34%
Meagher	1,413	364	328	90.11%	686	47.81%	23.21%
Mineral	2,696	291	268	92.10%	1,293	20.73%	9.94%
Missoula	77,623	14,338	10,239	71.41%	15,984	64.06%	13.19%
Musselshell	2,867	489	389	79.55%	1,419	27.41%	13.57%
Park	10,840	1,403	1,145	81.61%	3,748	30.55%	10.56%
Petroleum	339	33	27	81.82%	122	22.13%	7.96%
Phillips	2,707	618	553	89.77%	1,567	35.29%	20.43%
Pondera	3,735	629	537	85.37%	1,333	40.29%	14.38%
Powder River	1,250	190	166	87.37%	756	21.96%	13.28%
Powell	3,591	322	263	81.68%	1,368	19.23%	7.32%
Prairie	880	158	138	87.34%	538	25.65%	15.68%
Ravalli	28,691	4,589	3,753	81.78%	10,047	37.35%	13.08%
Richland	6,514	554	511	92.24%	2,437	20.97%	7.84%
Roosevelt	5,702	396	327	82.58%	1,515	21.58%	5.73%
Rosebud	5,073	226	201	88.94%	1,306	15.39%	3.96%
Sanders	7,373	1,963	1,714	87.32%	3,705	46.26%	23.25%
Sheridan	2,428	571	510	89.32%	1,039	49.09%	21.00%
Silver Bow	21,256	3,317	2,759	83.18%	5,707	48.34%	12.98%
Stillwater	5,385	837	716	85.54%	2,331	30.72%	13.30%
Sweet Grass	2,510	403	359	89.08%	1,502	23.90%	14.30%
Teton	4,213	701	594	84.74%	1,379	43.07%	14.10%
Toole	2,693	324	257	79.32%	865	29.71%	9.54%
Treasure	600	89	80	89.89%	377	21.22%	13.33%
Valley	4,743	1,074	800	74.49%	1,322	60.51%	16.87%
Wheatland	1,312	286	267	93.36%	911	29.31%	20.35%
Wibaux	706	41	38	92.68%	354	10.73%	5.38%
Yellowstone	92,195	38,268	29,240	76.41%	33,039	88.50%	31.72%
<b>TOTALS:</b>	<b>639,309</b>	<b>143,161</b>	<b>112,204</b>	<b>78.38%</b>	<b>206,791</b>	<b>54.26%</b>	<b>17.55%</b>
	Registered Voters	All Absentees Sent	All Absentees Received	Percentage Absentees Received of Number Sent	Total of All Votes Cast	Percentage of Absentees Received of Total Votes Cast	Percentage of Absentees Received of Total Registered Voters





**2010 Federal General Election: Number of Absentee Ballots Sent, Received,  
Percentage of Votes Cast, Percentage of Registered Voters**

	Registered Voters	All Absentees Sent	All Absentees Received	Percentage Absentees Received of Number Sent	Total of All Votes Cast	Percentage of Absentees Received of Total Votes Cast	Percentage of Absentees Received of Total Registered Voters
Beaverhead	6,103	1,509	1,418	93.97%	3,809	37.23%	23.23%
Big Horn	7,895	945	837	88.57%	3,978	21.04%	10.60%
Blaine	3,950	568	542	95.42%	1,868	29.01%	13.72%
Broadwater	3,685	935	832	88.98%	2,651	31.38%	22.58%
Carbon	7,161	1,837	1,715	93.36%	4,913	34.91%	23.95%
Carter	928	164	153	93.29%	705	21.70%	16.49%
Cascade	49,010	20,721	18,963	91.52%	26,554	71.41%	38.69%
Chouteau	3,699	895	834	93.18%	2,338	35.67%	22.55%
Custer	6,833	1,413	1,325	93.77%	4,131	32.07%	19.39%
Daniels	1,409	256	237	92.58%	931	25.46%	16.82%
Dawson	6,347	2,088	1,995	95.55%	3,712	53.74%	31.43%
Deer Lodge	5,768	1,084	1,006	92.80%	3,429	29.34%	17.44%
Fallon	1,804	310	290	93.55%	1,153	25.15%	16.08%
Fergus	7,888	2,274	2,171	95.47%	5,239	41.44%	27.52%
Flathead	59,457	14,815	13,458	90.84%	31,727	42.42%	22.63%
Gallatin	63,874	20,016	17,750	88.68%	31,607	56.16%	27.79%
Garfield	882	189	179	94.71%	699	25.61%	20.29%
Glacier	7,958	1,174	1,014	86.37%	2,711	37.40%	12.74%
Golden Valley	578	180	162	90.00%	429	37.76%	28.03%
Granite	2,263	513	489	95.32%	1,487	32.89%	21.61%
Hill	9,514	2,126	2,037	95.81%	5,301	38.43%	21.41%
Jefferson	7,914	1,983	1,829	92.23%	5,344	34.23%	23.11%
Judith Basin	1,485	272	266	97.79%	1,087	24.93%	17.91%
Lake	18,262	4,470	4,164	93.15%	10,446	39.86%	22.80%
Lewis and Clark	41,688	11,116	10,360	93.20%	25,636	40.41%	24.85%
Liberty	1,240	362	350	96.69%	948	36.92%	28.23%
Lincoln	11,987	2,896	2,647	91.40%	7,260	36.46%	22.08%
Madison	5,507	980	915	93.37%	3,672	24.92%	16.62%
McCone	1,250	290	275	94.83%	897	30.66%	22.00%
Meagher	1,424	466	444	95.28%	869	51.09%	31.18%
Mineral	2,771	679	642	94.55%	1,874	34.26%	23.17%
Missoula	79,427	18,961	16,885	89.05%	38,451	43.91%	21.26%
Musselshell	2,887	657	612	93.15%	1,907	32.09%	21.20%
Park	11,051	2,437	2,297	94.26%	6,951	33.05%	20.79%
Petroleum	346	66	56	84.85%	253	22.13%	16.18%
Phillips	2,738	775	711	91.74%	1,895	37.52%	25.97%
Pondera	3,753	843	772	91.58%	2,136	36.14%	20.57%
Powder River	1,268	280	257	91.79%	916	28.06%	20.27%
Powell	3,640	523	497	95.03%	2,248	22.11%	13.65%
Prairie	889	215	192	89.30%	617	31.12%	21.60%
Ravalli	29,330	7,304	6,817	93.33%	17,928	38.02%	23.24%
Richland	6,644	1,000	938	93.80%	3,812	24.61%	14.12%
Roosevelt	5,773	721	661	91.68%	2,958	22.35%	11.45%
Rosebud	5,100	529	482	91.12%	2,693	17.90%	9.45%
Sanders	7,689	2,650	2,442	92.15%	5,268	46.36%	31.76%
Sheridan	2,442	790	750	94.94%	1,713	43.78%	30.71%
Silver Bow	21,526	4,511	4,464	98.96%	11,893	37.53%	20.74%
Stillwater	5,475	1,235	1,168	94.57%	3,793	30.79%	21.33%
Sweet Grass	2,531	616	590	95.78%	1,768	33.37%	23.31%
Teton	4,262	1,011	954	94.36%	2,778	34.34%	22.38%
Toole	2,758	547	501	91.59%	1,787	28.04%	18.17%
Treasure	601	91	83	91.21%	387	21.45%	13.81%
Valley	4,919	1,615	1,533	94.92%	3,464	44.26%	31.16%
Wheatland	1,349	385	366	95.06%	1,054	34.72%	27.13%
Wibaux	712	105	99	94.29%	504	19.64%	13.90%
Yellowstone	93,691	44,664	39,613	88.69%	52,451	75.52%	42.28%
<b>TOTALS:</b>	<b>651,335</b>	<b>190,057</b>	<b>173,039</b>	<b>91.05%</b>	<b>367,010</b>	<b>47.15%</b>	<b>26.57%</b>
	Registered Voters	All Absentees Sent	All Received	Percentage Absentees Received of Number Sent	Total of All Votes Cast	Percentage of Absentees Received of Total Votes Cast	Percentage of Absentees Received of Total Registered Voters





**2012 Federal Primary Election: Number of Absentee Ballots Sent, Received.  
Percentage of Votes Cast, Percentage of Registered Voters**

	Registered Voters	All Absentees Sent	All Absentees Received	Percentage Absentees Received of Number Sent	Total of All Votes Cast	Percentage of Absentees Received of Total Votes Cast	Percentage of Absentees Received of Total Registered Voters
Beaverhead	6,314	1,840	1,525	82.88%	2,622	58.16%	24.15%
Big Horn	8,082	564	448	79.43%	1,828	24.51%	5.54%
Blaine	3,738	492	440	89.43%	1,357	32.42%	11.77%
Broadwater	3,765	707	578	81.75%	1,447	39.94%	15.35%
Carbon	6,704	1,525	1,310	85.90%	3,048	42.98%	19.54%
Carter	938	150	136	90.67%	567	23.99%	14.50%
Cascade	50,455	21,706	17,748	81.77%	19,764	89.80%	35.18%
Chouteau	3,800	946	866	91.54%	1,940	44.64%	22.79%
Custer	6,828	1,017	890	87.51%	2,605	34.17%	13.03%
Daniels	1,234	140	129	92.14%	508	25.39%	10.45%
Dawson	5,610	1,814	1,620	89.31%	2,489	65.09%	28.88%
Deer Lodge	5,512	1,024	936	91.41%	2,945	31.78%	16.98%
Fallon	1,761	275	248	90.18%	753	32.93%	14.08%
Fergus	7,534	1,749	1,532	87.59%	3,153	48.59%	20.33%
Flathead	57,828	12,751	10,135	79.48%	19,695	51.46%	17.53%
Gallatin	64,833	23,724	15,339	64.66%	18,149	84.52%	23.66%
Garfield	883	96	90	93.75%	523	17.21%	10.19%
Glacier	7,115	1,320	1,072	81.21%	2,535	42.29%	15.07%
Golden Valley	569	173	154	89.02%	295	52.20%	27.07%
Granite	2,050	394	318	80.71%	961	33.09%	15.51%
Hill	9,223	1,553	1,380	88.86%	2,946	46.84%	14.96%
Jefferson	7,644	1,706	1,403	82.24%	3,360	41.76%	18.35%
Judith Basin	1,452	300	256	85.33%	716	35.75%	17.63%
Lake	17,688	3,626	2,958	81.58%	6,932	42.67%	16.72%
Lewis and Clark	43,137	9,977	8,267	82.86%	15,536	53.21%	19.16%
Liberty	1,213	247	215	87.04%	641	33.54%	17.72%
Lincoln	11,905	2,528	2,052	81.17%	4,255	48.23%	17.24%
Madison	5,404	896	733	81.81%	2,401	30.53%	13.56%
McCone	1,173	194	174	89.69%	576	30.21%	14.83%
Meagher	1,422	449	384	85.52%	612	62.75%	27.00%
Mineral	2,918	541	461	85.21%	1,195	38.58%	15.80%
Missoula	77,843	23,883	17,144	71.78%	23,689	72.37%	22.02%
Musselshell	2,897	546	472	86.45%	1,250	37.76%	16.29%
Park	11,123	2,019	1,619	80.19%	4,521	35.81%	14.56%
Petroleum	375	50	44	88.00%	135	32.59%	11.73%
Phillips	2,682	821	712	86.72%	1,550	45.94%	26.55%
Pondera	3,528	874	783	89.59%	2,020	38.76%	22.19%
Powder River	1,240	181	155	85.64%	661	23.45%	12.50%
Powell	3,461	418	360	86.12%	1,460	24.66%	10.40%
Prairie	866	177	155	87.57%	476	32.56%	17.90%
Ravalli	28,621	6,045	4,896	80.99%	11,096	44.12%	17.11%
Richland	5,949	638	564	88.40%	1,994	28.28%	9.48%
Roosevelt	5,830	529	396	74.86%	1,408	28.13%	6.79%
Rosebud	4,790	710	565	79.58%	1,789	31.58%	11.80%
Sanders	7,970	2,783	2,266	81.42%	3,469	65.32%	28.43%
Sheridan	2,366	731	628	85.91%	1,120	56.07%	26.54%
Silver Bow	22,321	4,538	4,092	90.17%	10,568	38.72%	18.33%
Stillwater	5,595	1,070	921	86.07%	2,391	38.52%	16.46%
Sweet Grass	2,597	542	482	88.93%	1,372	35.13%	18.56%
Teton	3,755	990	843	85.15%	1,921	43.88%	22.45%
Toole	2,648	427	374	87.59%	1,281	29.20%	14.12%
Treasure	578	91	75	82.42%	280	26.79%	12.98%
Valley	4,459	1,382	1,133	81.98%	1,952	58.04%	25.41%
Wheatland	1,252	209	194	92.82%	610	31.80%	15.50%
Wibaux	692	48	35	72.92%	289	12.11%	5.06%
Yellowstone	90,138	45,990	33,846	73.59%	35,115	96.39%	37.55%
<b>TOTALS:</b>	<b>642,308</b>	<b>190,116</b>	<b>146,551</b>	<b>77.09%</b>	<b>238,771</b>	<b>61.38%</b>	<b>22.82%</b>
	Registered Voters	All Absentees Sent	All Received	Percentage Absentees Received of Number Sent	Total of All Votes Cast	Percentage of Absentees Received of Total Votes Cast	Percentage of Absentees Received of Total Registered Voters



APPEAL

**U.S. District Court  
District Of Montana (Billings)  
CIVIL DOCKET FOR CASE #: 1:12-cv-00135-RFC**

Wandering Medicine et al v. McCulloch et al

Assigned to: Judge Richard F. Cebull

Case in other court: 9th Circuit Court of Appeals, 12-35926

Cause: 42:1983 Civil Rights Act

Date Filed: 10/10/2012

Jury Demand: None

Nature of Suit: 441 Civil Rights: Voting

Jurisdiction: Federal Question

Date Filed	#	Docket Text
10/10/2012	<a href="#"><u>1</u></a>	COMPLAINT against All Defendants, filed by Woodrow Brien, Hugh Club Foot, Mark Wandering Medicine, Phyllis Pond Culbertson, Michael D. Fox, Newlyn Little Owl, Donovan Archambault, Patty Quisno, James Day Child, Lenard Elk Shoulder, Marty Other Bull, Ed Moore, Frank Jefferson, Sarah Stray Calf, Charles Bear Comes Out, Winfield Russell. (Attachments: # <a href="#"><u>1</u></a> Civil Cover Sheet) (HMM) (Entered: 10/10/2012)
10/10/2012	<a href="#"><u>2</u></a>	Original Summons and one copy Issued as to All Defendants and returned to Plaintiff's counsel for service. (HMM) (Entered: 10/10/2012)
10/10/2012	<a href="#"><u>3</u></a>	MOTION for Preliminary Injunction Terryl T. Matt appearing for Plaintiffs Donovan Archambault, Charles Bear Comes Out, Woodrow Brien, Hugh Club Foot, Phyllis Pond Culbertson, James Day Child, Lenard Elk Shoulder, Michael D. Fox, Frank Jefferson, Newlyn Little Owl, Ed Moore, Marty Other Bull, Patty Quisno, Winfield Russell, Sarah Stray Calf, Mark Wandering Medicine (HMM) (Entered: 10/10/2012)
10/10/2012	<a href="#"><u>4</u></a>	Brief/Memorandum in Support re <a href="#"><u>3</u></a> MOTION for Preliminary Injunction filed by Donovan Archambault, Charles Bear Comes Out, Woodrow Brien, Hugh Club Foot, Phyllis Pond Culbertson, James Day Child, Lenard Elk Shoulder, Michael D. Fox, Frank Jefferson, Newlyn Little Owl, Ed Moore, Marty Other Bull, Patty Quisno, Winfield Russell, Sarah Stray Calf, Mark Wandering Medicine. (Attachments: # <a href="#"><u>1</u></a> Exhibits 1-5, # <a href="#"><u>2</u></a> Exhibits 6-16, # <a href="#"><u>3</u></a> Exhibits 17-24, # <a href="#"><u>4</u></a> Exhibits 25-36) (HMM, ) (Entered: 10/10/2012)
10/10/2012	<a href="#"><u>5</u></a>	AFFIDAVIT in Support re <a href="#"><u>3</u></a> MOTION for Preliminary Injunction filed by Donovan Archambault. (HMM) (Entered: 10/10/2012)
10/10/2012	<a href="#"><u>6</u></a>	AFFIDAVIT of Tom Rodgers in Support re <a href="#"><u>3</u></a> MOTION for Preliminary Injunction. (Attachments: # <a href="#"><u>1</u></a> Exhibits) (HMM) (Entered: 10/10/2012)
10/10/2012	<a href="#"><u>7</u></a>	AFFIDAVIT of Bret Healy in Support re <a href="#"><u>3</u></a> MOTION for Preliminary Injunction. (HMM ) (Entered: 10/10/2012)
10/10/2012	<a href="#"><u>8</u></a>	AFFIDAVIT of Oliver Semans in Support re <a href="#"><u>3</u></a> MOTION for Preliminary Injunction. (HMM) (Entered: 10/10/2012)
10/10/2012		Judge Richard F. Cebull added as presiding judge. (NOB) (Entered: 10/10/2012)



		10/10/2012)
10/10/2012		Filing fee PAID OVER THE COUNTER: \$ 350, receipt number MTX1-7696 (ACL, ) (Entered: 10/11/2012)
10/11/2012	<a href="#">9</a>	MOTION Steven D. Sandven to Appear Pro Hac Vice ( Filing fee \$ 250 receipt number 0977-1137188.) Terryl T. Matt appearing for Plaintiffs Donovan Archambault, Charles Bear Comes Out, Woodrow Brien, Hugh Club Foot, Phyllis Pond Culbertson, James Day Child, Lenard Elk Shoulder, Michael D. Fox, Frank Jefferson, Newlyn Little Owl, Ed Moore, Marty Other Bull, Patty Quisno, Winfield Russell, Sarah Stray Calf, Mark Wandering Medicine (Attachments: # <a href="#">1</a> Affidavit of Sandven, # <a href="#">2</a> Ex 1 Order, # <a href="#">3</a> Proposed order) (Matt, Terryl) (Entered: 10/11/2012)
10/11/2012	<a href="#">10</a>	MOTION Ryan Cwach to Appear Pro Hac Vice ( Filing fee \$ 250 receipt number 0977-1137204.) Terryl T. Matt appearing for Plaintiffs Donovan Archambault, Charles Bear Comes Out, Woodrow Brien, Hugh Club Foot, Phyllis Pond Culbertson, James Day Child, Lenard Elk Shoulder, Michael D. Fox, Frank Jefferson, Newlyn Little Owl, Ed Moore, Marty Other Bull, Patty Quisno, Winfield Russell, Sarah Stray Calf, Mark Wandering Medicine (Attachments: # <a href="#">1</a> Affidavit of Cwach, # <a href="#">2</a> Proposed Order) (Matt, Terryl) (Entered: 10/11/2012)
10/11/2012	<a href="#">11</a>	AFFIDAVIT OF MICHAELYNN HAWK (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> Exhibit 3) (ACL, ) Modified on 10/11/2012 to add link (ACL, ). (Entered: 10/11/2012)
10/12/2012	<a href="#">12</a>	ORDER granting <a href="#">9</a> Motion to Appear Pro Hac Vice for atty Steven D. Sandven Signed by Judge Richard F. Cebull on 10/12/2012.(Copy mailed to atty) (ACL, ) (Entered: 10/12/2012)
10/12/2012	<a href="#">13</a>	ORDER granting <a href="#">10</a> Motion to Appear Pro Hac Vice for atty Ryan Cwach. Signed by Judge Richard F. Cebull on 10/12/2012.(Copy mailed to atty) (ACL, ) (Entered: 10/12/2012)
10/12/2012	<a href="#">14</a>	Letter from Clerk of Court in re to atty S. Sandven registering for CM/ECF. (Copy mailed to atty and notified T.O. in G.F.) (ACL, ) (Entered: 10/12/2012)
10/12/2012	<a href="#">15</a>	Letter from Clerk of Court in re to atty R. Cwach registering for CM/ECF. (Copy mailed to atty and notified T.O. in G.F.) (ACL, ) (Entered: 10/12/2012)
10/15/2012		Remark: Pro Hac Vice attorneys Steven D. Sandven and Ryan Cwach are now registered users and can receive filings electronically. (ACL, ) (Entered: 10/15/2012)
10/15/2012	<a href="#">16</a>	SUMMONS Returned Executed by Mark Wandering Medicine. Chad Fenner served on 10/15/2012, answer due 11/5/2012. (Matt, Terryl) (Entered: 10/15/2012)
10/15/2012	<a href="#">17</a>	SUMMONS Returned Executed by Mark Wandering Medicine. Sandra L. Boardman served on 10/12/2012, answer due 11/2/2012. (Matt, Terryl) (Entered: 10/15/2012)
10/15/2012	<a href="#">18</a>	SUMMONS Returned Executed by Mark Wandering Medicine. Dulce Bear



		Don't Walk served on 10/12/2012, answer due 11/2/2012. (Matt, Terry) (Entered: 10/15/2012)
10/15/2012	<a href="#">19</a>	SUMMONS Returned Executed by Mark Wandering Medicine. Kimberly Yarlott served on 10/12/2012, answer due 11/2/2012. (Matt, Terry) (Entered: 10/15/2012)
10/15/2012	<a href="#">20</a>	SUMMONS Returned Executed by Mark Wandering Medicine. John Pretty On Top served on 10/15/2012, answer due 11/5/2012. (Matt, Terry) (Entered: 10/15/2012)
10/15/2012	<a href="#">21</a>	SUMMONS Returned Executed by Mark Wandering Medicine. Sidney Fitzpatrick, Jr served on 10/15/2012, answer due 11/5/2012. (Matt, Terry) (Entered: 10/15/2012)
10/15/2012	<a href="#">22</a>	SUMMONS Returned Executed by Mark Wandering Medicine. Douglas D. Martens served on 10/11/2012, answer due 11/1/2012. (Matt, Terry) (Entered: 10/15/2012)
10/15/2012	<a href="#">23</a>	SUMMONS Returned Executed by Mark Wandering Medicine. Daniel M. Sioux served on 10/11/2012, answer due 11/1/2012. (Matt, Terry) (Entered: 10/15/2012)
10/15/2012	<a href="#">24</a>	SUMMONS Returned Executed by Mark Wandering Medicine. Geraldine Custer served on 10/11/2012, answer due 11/1/2012. (Matt, Terry) (Entered: 10/15/2012)
10/15/2012	<a href="#">25</a>	SUMMONS Returned Executed by Mark Wandering Medicine. Robert E. Lee served on 10/11/2012, answer due 11/1/2012. (Matt, Terry) (Entered: 10/15/2012)
10/16/2012	<a href="#">26</a>	SUMMONS Returned Executed by Mark Wandering Medicine. Linda McCulloch served on 10/12/2012, answer due 11/2/2012. (Matt, Terry) (Entered: 10/16/2012)
10/18/2012	<a href="#">27</a>	NOTICE of Appearance by Michael B. Hayworth on behalf of Rosebud County, Montana (Hayworth, Michael) (Entered: 10/18/2012)
10/18/2012	<a href="#">28</a>	SUMMONS Returned Executed by Mark Wandering Medicine. M. Delores Plummage served on 10/17/2012, answer due 11/7/2012. (Matt, Terry) (Entered: 10/18/2012)
10/18/2012	<a href="#">29</a>	SUMMONS Returned Executed by Mark Wandering Medicine. Frank Depriest served on 10/17/2012, answer due 11/7/2012. (Matt, Terry) (Entered: 10/18/2012)
10/18/2012	<a href="#">30</a>	SUMMONS Returned Executed by Mark Wandering Medicine. Charlie Kulbeck served on 10/17/2012, answer due 11/7/2012. (Matt, Terry) (Entered: 10/18/2012)
10/22/2012	<a href="#">31</a>	ORDER Setting Hearing on <a href="#">3</a> MOTION for Preliminary Injunction. Motion Hearing set for 10/29/2012 at 11:00 AM in Billings, MT before Judge Richard F. Cebull. Signed by Judge Richard F. Cebull on 10/22/2012. (EMA) (Entered: 10/22/2012)