1. Agenda

   Documents:

   8-18-2020 SM.PDF

2. Meeting Materials

   Documents:

   08-18-2020 AGEND DOCS ELECTION.PDF

Cascade County
Special Commission Meeting
August 18, 2020 @ 9:30 a.m.
Courthouse Annex
Via Zoom

Please note the Agenda order is tentative and subject to change by the Board without prior notice.
Therefore, members of the public are encouraged to be in attendance at the time the meeting is scheduled to begin.
Public comment during public participation is limited to a maximum seven (7) minutes.

Call to Order ***Chairman James L. Larson***

Pledge of Allegiance

1. **Motion to Approve or Disapprove:**
   Resolution 20-47: **A Resolution Authorizing Election Administrator Rina Fontana Moore conduct the November 3, 2020 Federal General Election as a mail ballot election.**
2. **Public comment on any public matter that is not on the meeting agenda, and that is within the Commissioners' jurisdiction.** ***(MCA 2-3-103)***
3. **Adjournment.**

August 18, 2020 **Agenda #1**

Agenda Action Report
Prepared for the
Cascade County Commission

ITEM:	**Resolution 20-47 Authorizing Election Administrator Rina Fontana Moore to Conducting the November 3, 2020 Federal General Election as a Mail Ballot Election**
INITIATED AND PRESENTED BY:	**Rina Fontana Moore, Cascade County Clerk & Recorder/Election Administrator**
ACTION REQUESTED:	**Approval of Resolution 20-47**

BACKGROUND:

Pursuant to MCA § 13-19-203(1), the election administrator may conduct any election authorized by § 13-19-104 under Title 13, Chapter 19 if the election administrator has determined that the mail ballot election is the most economically and administratively feasible way of conducting the election. I have researched the feasibility of conducting a mail ballot election for the November 3, 2020 General Federal election, which is an election authorized by MCA § 13-19-104 and have determined that a mail ballot election is the most economically and administratively feasible way of conducting the election. In support of my determination in this regard, please note that on August 6, 2020 the Governor issued his Directive Implementing Executive Orders 2-2020 and 3-2020 and providing for measures to implement the 2020 November federal election safely, which speaks to conducting a mail ballot election. Additionally, conducting the November 3, 2020 Federal General Election as a mail ballot election also has the support of the Secretary of State's Office and Election Administrators throughout the State of Montana.

Pursuant to MCA § 13-19-203(2), as Cascade County's Elections Administrator, having decided to conduct the November 3, 2020 Federal General election as a mail ballot election, I make a formal presentment to you of my written statement memorializing that decision. In addition, as provided for at MCA§ 13-19-205, I have prepared a written plan and submit that to you at this time. The plan includes, but is not limited to the following:

- a timetable for the election,
- sample written instructions that will be sent to the electors,
- information on the estimated amount of postage required to return the ballot,
- the location of the places of deposit and the days and times when ballots may be returned to the places of deposit,
- other applicable instructions specified under MCA § 13-13-214(4) such as
    - Instructions for voting
    - Information concerning the type or types of writing instruments that may be used
    - Information regarding use of the secrecy envelope and
    - Use of the signature envelope.

The plan will be forwarded to the Secretary of State's office for its approval. Once it is approved by the Secretary of State's Office the elections office can proceed with conducting the election.

Finally, as further provided by MCA § 13-19-203(2), I am notifying you of your authority under MCA § 13-19-204 to object to my decision to hold a mail ballot election for the November 3, 2020 Federal General election.

Should the Board of County Commissioners object to my decision to conduct the November 3, 2020 Federal General election by mail ballot, the Board of County Commissioners may, by Resolution which includes a statement of the reasons for the objection, oppose and object to conducting the November 3, 2020 General Federal Election by mail ballot. Should the Board object to conducting the November 3, 2020 General Federal Election by mail ballot, such Resolution would need to be filed with me by Wednesday, September 9, 2020.

While not specified in MCA § 13-19-203, I am requesting the Board of County Commissioners formally support my decision to conduct the November 3, 2020 Federal General Election as a mail ballot election so that my office and the public can be assured at this time that a mail ballot election will be taking place as discussed and that the Board will not be issuing a Resolution Objecting to the Mail Ballot Election.

RECOMMENDATION: Approval of Resolution 20-47.

TWO MOTIONS PROVIDED FOR CONSIDERATION:

MOTION TO APPROVE:
Mr. Chairman, I move that the Commission **APPROVE** Resolution 20-47 Authorizing Election Administrator Rina Fontana Moore to conduct the November 3, 2020, General Federal Election as a Mail Ballot Election.

MOTION TO DISAPPROVE:
Mr. Chairman, I move that the Commission **DISAPPROVE** Resolution 20-47.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
CASCADE COUNTY, MONTANA **RESOLUTION 20-47**

IN THE MATTER OF A RESOLUTION AUTHORIZING ELECTION ADMINISTRATOR RINA FONTANA MOORE CONDUCT THE NOVEMBER 3, 2020 GENERAL FEDERAL ELECTION AS A MAIL BALLOT ELECTION

WHEREAS, Executive Orders 2-2020 and 3-2020 declare that a state of emergency exists in Montana due to the global outbreak of COVID-19 Novel Coronavirus; and

WHEREAS, the Cascade County Commissioners on March 20, 2020 declared a Public Health Emergency in Resolution 2020-13; and

WHEREAS, a polling place election poses risks to the health and safety of voters, poll workers, and non-voters alike; and

WHEREAS, the Centers for Disease Control and Prevention recommends election officials "[e]ncourage mail-in methods of voting if allowed in the jurisdiction," and "[e]ncourage early voting, where voter crowds may be smaller throughout the day";

WHEREAS, Montana Governor Steve Bullock on August 6, 2020 issued a Directive Implementing Executive Orders 2-2020 and 3-2020 and providing for measures to implement the 2020 November federal election safely; and

WHEREAS, the Governor's Directive permits Counties in Montana to conduct the November 3, 2020 Federal election under the mail ballot provisions of Title 13, Chapter 19 and includes measures required for safe registration and voting; and

WHEREAS, MCA § 13-19-203, authorizes a the election administrator to conduct any election authorized by MCA § 13-19-104 under Title 13, Chapter 19, to conduct a mail ballot election if the election administrator determines that a mail ballot election is the most economically and administratively feasible way of conducting the election in question; and

WHEREAS, Rina Fontana Moore, Cascade County's Election Administrator, has determined that a mail ballot election is the most economically and administratively feasible way of conducting the November 3, 2020 General Federal Election; and

WHEREAS, the Election Administrator has complied with the requirements of § 13-19-203, MCA; and

WHEREAS, MCA § 13-19-203(2) provides for the governing body to pass a Resolution pursuant to MCA § 13-19-204 objecting to conducting the November 3, 2020 General Federal Election by mail ballot; and

RESOLUTION 20-47

WHEREAS, the Board of County Commissioners desires to provide the elections office and the public assurances that it will not exercise its discretion under MCA §§ § 13-19-203(2) and 13-19-204 and that the November 3, 2020 Federal General Election will be conducted as a mail ballot election;

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners hereby authorizes Election Administrator Rina Fontana Moore to conduct the November 3, 2020 General Federal Election under the mail ballot provisions of Title 13, Chapter 19 and in accordance with the Governor's August 6, 2020 Directive Implementing Executive Orders 2-2020 and 3-2020 and providing for measures to implement the 2020 November federal election safely.

DATED this 18th day of August, 2020.

BOARD OF COUNTY COMMISSIONERS
CASCADE COUNTY, MONTANA

_____
James L. Larson, Chairman

_____
Jane Weber, Commissioner

_____
Joe Briggs, Commissioner

Attest

_____
Rina Fontana Moore,
Cascade County Clerk and Recorder

* APPROVED AS TO FORM:

Josh Racki, County Attorney

_____
DEPUTY COUNTY ATTORNEY

* THE COUNTY ATTORNEY HAS PROVIDED ADVICE AND APPROVAL OF THE FOREGOING DOCUMENT LANGUAGE ON BEHALF OF THE BOARD OF CASCADE COUNTY COMMISSIONERS, AND NOT ON BEHALF OF OTHER PARTIES OR ENTITIES. REVIEW AND APPROVAL OF THIS DOCUMENT BY THE COUNTY ATTORNEY WAS CONDUCTED SOLELY FROM A LEGAL PERSPECTIVE AND FOR THE EXCLUSIVE BENEFIT OF CASCADE COUNTY. OTHER PARTIES SHOULD NOT RELY ON THIS APPROVAL AND SHOULD SEEK REVIEW AND APPROVAL BY THEIR OWN RESPECTIVE COUNSEL.