

Election Committee Meeting Minutes - 29 January 2019 - St. John's Church

Committee Members Present: Kevin Newby, Chair; Charlene Murphy

Committee Members Absent: None

Board Members Present: Jerry Ladewig, Kevin Newby,

Landowners Present: Claudette Dirkers, Leo Keeler, Debbie Newby

Call-in Attendees: None (Meeting was available by phone until 7:15 pm)

CALL TO ORDER: 6:03 pm

MEETING ADJOURNED: 8:03 pm

MEETING MINUTE ASSIGNMENTS for 2019:

- January– Debbie Newby

ELECTION COMMITTEE 2019 GOAL:

Kevin stated the Election Committee (EC) goal this year is to write new procedures (to replace the August 2018 Procedures currently in force) that will prevent the irregularities and issues that occurred in the Nov 2018 election from happening again.

2018 ELECTION ISSUES:

Kevin opened the discussion regarding several issues that occurred during the Nov 2018 Election. There were no "November 2018 Election Procedures" documented. Revised election instructions were distributed to election volunteers up to the night before the Nov 10th, 2018 election that introduced: 1) Re-casting of Landowner Absentee ballots by Proxy ballot and 2) Re-casting of Landowner Absentee ballots by the same landowner in attendance at the Election Meeting.

Claudette: Write in ballots (Absentee) cannot be revoked according to MT Non-Profit Law, 35-2-533 (6) Action by Written Ballot. Absentee ballots are secret and irretrievable.

Kevin: Proxy appointments may be revoked per MCA 35-2-539, Proxies.

Debbie: MCA 35-2-539, Item 6: "a corporation is entitled to accept the proxy's vote" – not required to, as some have suggested. MCA 35-2-539 covers Proxy Appointments; not recasting of votes by Proxy that have already been cast (Absentee or otherwise).

Leo: Votes cannot be re-cast. If Proxy Appointee votes prior to landowner attending Annual Meeting and signing in, then the landowner may not vote the Membership Interest again (re-cast). If Landowner votes prior to Proxy Appointee attending Annual Meeting and signing in, then the Proxy Appointee may not vote the Membership Interest again (re-cast).

Claudette: Landowners can revoke Proxy Appointments, but not votes cast.

Debbie: Other irregularities were: 1) the impromptu GLA Board vote on Election Day to issue 4 proxy ballots without the GLA Proxy Designation Form signed and dated by the landowner holding the Membership Interest; and 2) an email from Charlotte Mizzi on Nov 8th 2018 to the GLA Board requesting administrator, Karlene, fill out a Proxy Designation for her, in her absence. The GLA complied with Charlotte's email request by generating a Proxy Designation Form, with Charlotte's electronic signature, naming A.M. Accatino as the proxy designee. That Proxy Designation Form was used on Election Day to obtain a ballot (by proxy) which was used to re-cast Charlotte's Absentee vote previously received and held by the GLA.

MOTION: At Leo's recommendation, Kevin moved: GLA adopt the MT state Title 13-1-101 definition #52 (shown below) at <https://leg.mt.gov/bills/mca/13/1/13-1-101.htm> for when a ballot is voted (cast). Charlene seconded motion. MOTION Passed (Yes 2).

(52) "Voted ballot" means a ballot that is:
(a) deposited in the ballot box at a polling place;
(b) received at the election administrator's office; or
(c) returned to a place of deposit.

LEGAL ADVICE:

Charlene: GLA needs legal advice on the issues occurring during the Nov 2018 Election. The GLA may not act as their own attorney.

Leo: The Election Committee needs the 7 questions developed by the EC and submitted on January 4th to the GLA Board or Directors answered. Why "waste" GLA \$ on attorney advice? This is why:

- The GLA Board has not followed through on a motion and vote (1/14/19) to approve the 7 questions.
- The EC needs the answers to the 7 questions to move forward with changes in the GLA Election Procedures.
- There are 2 Formal Complaints pending on the Nov 2018 Election.

Action Item: Kevin will request GLA President Dennis Riley "call the vote" the GLA Board of Director's moved, seconded and voted (unanimously) at the January 14th GLA Board Meeting to hold via Email Board vote a few days later (following re-distribution of the January 4th 7 questions for the attorney).

CHANGES TO ELECTION PROCEDURES:

The new GLA Election Procedures are targeted for completion at the March committee meeting. They would then be presented to the GLA Board of Directors for review and approval. Following Board approval, the new procedures will be sent out for Landowner 30-day review no later than the first week in July.

Election Procedures Change Item 1: Leo proposed Election Procedures state they may not be changed or amended without 30-day Landowner Review. This change was accepted by the Committee.

Election Procedures Change Item 2: Debbie proposed the Election Procedures re-instate the 1st sentence of the paragraph "Board Directors may not Cast Proxy Votes for Members" of the procedures that went out for Landowner Review in July 2018. This statement holds true for GLA Board of Directors and was dictated in a court decision and legal settlement agreement DV-2011-193. This change was accepted by the Committee.

Election Procedures Change Item 3: Leo proposed Election Procedures state the Intent of the voter should be determined and acted on by the Election Administrators.

Proxy Form:

Action Item: Claudette will update Proxy Designation Form for the date of this year's Annual Meeting: November 9th, 2019.

NEW COMMITTEE MEMBERS:

MOTION: Kevin moved: GLA Election Committee add the following landowners as new EC members- Claudette Dirkers, Leo Keeler and Debbie Newby. They are all willing to serve on the Committee. Charlene seconded motion. MOTION Passed (Yes 2).

NEXT ELECTION COMMITTEE MEETING: Planned for Friday, Feb 15th at 6:00 pm, St John's Church
(unless otherwise specified).