

Brian J. West
Vincent J. Pavlish
Deputy County Attorneys
KIRSTEN H. PABST
Missoula County Attorney
200 West Broadway
Missoula, Montana 59802
406-258-4737
bwest@missoulacounty.us
vpavlish@missoulacounty.us

Attorneys for Defendants Missoula County Elections Office and Bradley Seaman, in his official capacity

MONTANA FOURTH JUDICIAL DISTRICT COURT,
MISSOULA COUNTY

JOHN R. LOTT, JR., Ph.D. and MISSOULA COUNTY ELECTION INTEGRITY PROJECT, Plaintiffs, v. MISSOULA COUNTY ELECTIONS OFFICE and BRADLEY SEAMAN, in his official capacity, Defendants.	Dept. No. 1 Cause No. DV-22-729 DEFENDANTS' OBJECTION TO PRELIMINARY INJUNCTION AND INCORPORATED BRIEF
--	---

Pursuant to Court order, Missoula County Elections Office and Election Administrator Bradley Seaman (hereinafter referred to collectively as "Missoula County") file this objection to Plaintiffs' request for a preliminary injunction. Plaintiffs have failed to establish sufficient legal grounds warranting an injunction. Plaintiffs have requested an injunction that does not preserve the "status quo"; which could be equally achieved

through discovery or preservation requests; does not prevent demonstrated harm; and requesting impossible relief because it misconstrues the Missoula County Elections Administrator as the record keeper of the State voter registration database, which is operated by the Montana Secretary of State. Lastly, Plaintiffs request an injunction without bond, despite potentially significant financial impacts to Missoula County. The Court should deny the request.

STANDARD

A preliminary injunction is available when any of the following conditions are met:

- (1) when it appears that the applicant is entitled to the relief demanded and the relief or any part of the relief consists in restraining the commission or continuance of the act complained of, either for a limited period or perpetually;
- (2) when it appears that the commission or continuance of some act during the litigation would produce a great or irreparable injury to the applicant;
- (3) when it appears during the litigation that the adverse party is doing or threatens or is about to do or is procuring or suffering to be done some act in violation of the applicant's rights, respecting the subject of the action, and tending to render the judgment ineffectual;¹

Mont. Code Ann. § 27-19-201(1)-(3) (2021). A court has broad discretion to grant or deny a requested injunction. *Mont. Democratic Party v. Jacobson*, 2022 MT 184 ¶11, ___ Mont. ___, ___ P.3d ___. However, a court “must

¹ § 27-19-201 contains two additional grounds not relevant to this action and Plaintiffs do not rely on them.

exercise its otherwise broad discretion only in furtherance of the limited purpose of [a] preliminary injunction[:] to preserve the status quo and minimize the harm to all parties pending final resolution on the merits.” *Driscoll v. Stapleton*, 2020 MT 247, ¶14, 401 Mont. 405, 473 P.3d 386 (citing *Davis v. Westphal*, 2017 MT 276, ¶24, 389 Mont. 251, ¶24, 405 P.3d 73). Status Quo means the “last, actual, peaceable, non-contested condition which preceded the controversy.” *Id.* (internal citations omitted). A preliminary injunction should not be issued if it does not meet these simple, limited purposes. *Id.*

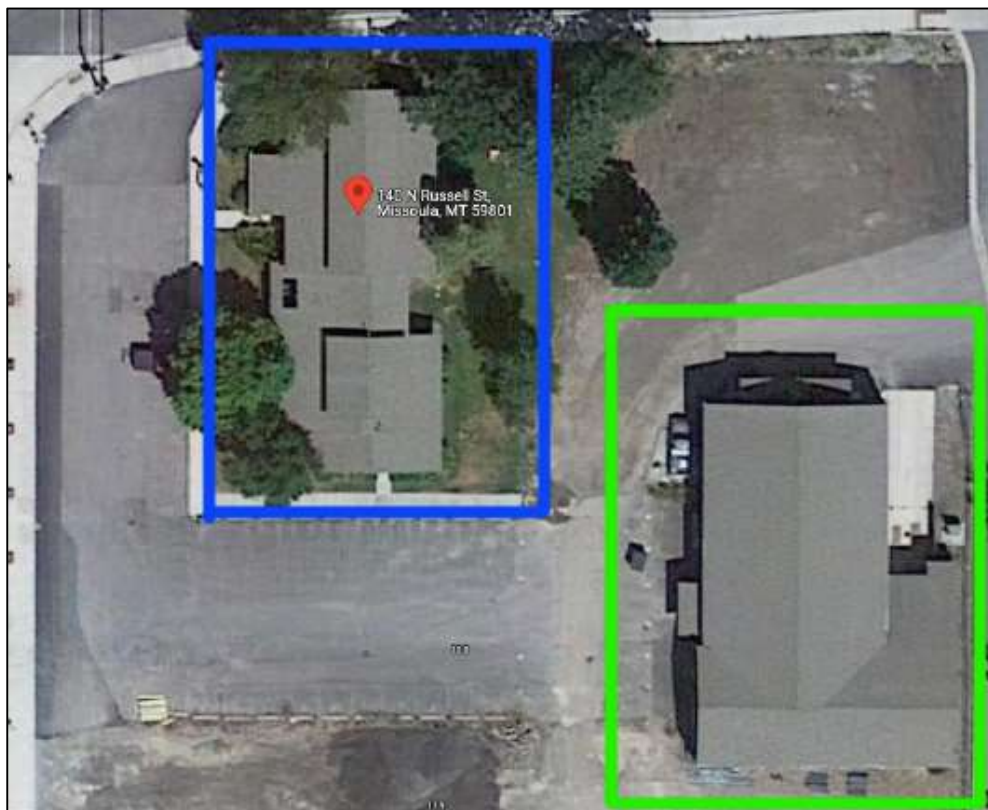
ARGUMENT

I. PLAINTIFFS’ REQUEST TO PRESERVE SURVEILLANCE OR “LIVESTREAM” FOOTAGE IN THE UPCOMING ELECTION IS NOT WARRANTED WHERE THIS TYPE OF DATA HAS NEVER BEEN CLEARLY CLASSIFIED AS AN ELECTION RECORD AND UNNECESSARY AS A MATTER OF LAW WHERE THE PLAINTIFFS CAN RECEIVE THE SAME RELIEF THROUGH DISCOVERY.

Surveillance video of physical buildings and spaces where voting occurs has never been construed to be a record of elections equivalent with ballots, tallies, reports of canvas boards, or other documentation of who won or lost an election. What constitutes election records is the province of legislative bodies or the Montana Secretary of State through rulemaking authority. The injunctive relief sought by Plaintiffs does not maintain the status quo, in fact would create a new records retention

requirement not provided for in law or applicable administrative rules. Further, Plaintiffs claimed future harm is easily remedied with less onerous measures such as a simple discovery request for surveillance footage within the Counting Center or by requesting that footage within the retention window.

The Missoula County Elections Office operates from the County Elections Center located at 140 N. Russell Street in Missoula. It consists of two buildings, depicted below for reference, one containing administrative offices called the Elections Office, identified in blue, and the “Elections Center,” identified in green, which contains the Counting Center and other areas presumed to be the subject of this lawsuit and request:



During the November 2020 election, the Counting Center was located at in Building 35 of the Missoula County Fairgrounds. The Counting Center for the 2022 federal elections will be located in the Elections Center.

Across the two buildings, there are 43 security cameras, 10 of which are external facing cameras. The Counting Center contains 2 interior cameras. Each camera averages approximately five gigabytes of stored data per day, though when busy may generate up to 10 gigabytes of data. The footage from each camera is retained by the Missoula County Information and Technology services in accordance with record retention schedules and Missoula County's own policy. The system – like most security footage systems – is designed to “overwrite” the existing data after a set amount of time, thirty days in this case, unless specifically saved to avoid excessive storage costs.

During the 2020 election multiple COVID-19 restrictions affecting public capacity within public buildings were issued both by the Governor's Office and local health officials. These included restrictions such as a requirement for people to maintain six feet of social distance. Those regulations had the practical impact of severely restricting the number of individuals who could occupy any County offices, buildings, or rooms like the Counting Center during ballot counting. As a result, fewer public observers were permitted to enter the Counting Center to view the process.

To offset the impact of the health restrictions, Missoula County broadcasted a livestream of the Counting Center using a surveillance feed from one of these cameras. Missoula County was under no obligation to create or provide the livestream.

Missoula County maintained the underlying video footage under surveillance footage protocols because no statute, rule or order has ever held this type of material to be a record of the election. Similarly, no provision of law in effect during the November 2020 election made changed the character of surveillance footage because that footage was livestreamed. Montana Local Government Retention Schedule 1, #40 provides video should be held, at a minimum of 30 days unless a more specific time frame is designated. Specifically it reads:

“Retain 30 days or less, unless the video becomes part of an official investigation or case file—then retain as long as the relevant record series. **Once retention is met, recordings may be erased or recorded over.** NO DISPOSAL FORM REQUIRED”

See **Exhibit A**. excerpt Local Schedule 1, 14. (emphasis added). Montana Local Government Retention Schedule 3 – specific to Election Records in Montana contains no required retention time for video footage, surveillance or otherwise. See **Exhibit B**. Local Schedule 3. This schedule provides a comprehensive list of records under law that are considered records of the election and followed by election administrators across the state. It does

not require retention of surveillance footage of the physical building.

Montanans enjoy a broad right to know, but that right does not obligate state or local government to retain records in perpetuity. Only those records specifically designated as permanent must be held as such.

The 2020 livestream was broadcast via the internet and accessible to any party who wished to view it. The first request for the surveillance footage was made approximately 40 days after the election beyond the retention period. This request was duplicated in February of 2022 via the County records request portal NextRequest.² The footage would have been available to anyone had they requested it during the storage window, as shown by Lee Enterprises successful and timely request for video of the Republican Central Committee's affirmation envelope public records request in April of 2022 concerning the November 2020 election.³ Here, Plaintiffs, or their agents, did not make a timely request. Plaintiffs now argue a novel interpretation that federal law requires retention of surveillance footage for 22 months where no state or federal law requires that. This injunction request would require a sincere stretch of the purpose of injunctions contained in Title 27.

² Request by Brad Tschida, NextRequest 22-20, <https://missoulacountymt.nextrequest.com/requests/22-20> (Feb. 16, 2020).

³ Request by Sam Wilson, Lee Enterprises, NextRequest 22-29, Enterprises <https://missoulacountymt.nextrequest.com/requests/22-39> (Apr. 5, 2022).

Missoula County was not and is not obligated to retain the video footage outside of regular retention times any more so than they are required to retain the notes, thoughts, and impressions of observers who physically watch the count proceedings. Unreasonable retention would subject the County to significant financial cost and harm.

Though Missoula County does not intend to “livestream” the Counting Center in this election cycle, it will certainly comply with its discovery obligations in this matter to retain any video requested or thought to be relevant in the upcoming election. Surveillance video for the upcoming election can also be made available to Plaintiffs – or any requestor – through a public records request inside the applicable retention time). The Plaintiffs’ request does not match the status quo and is not critical to prevent the claim of harm they raise.

II. MISSOULA COUNTY IS NOT THE OWNER OF THE MONTANA VOTER DATABASE OR ITS BACK-UP OR HISTORICAL VERSIONS AND DOES NOT HAVE THE ABILITY TO PROVIDE A HISTORY AS REQUESTED IN THE PLAINTIFFS INJUNCTION.

“The law never requires impossibilities.” Mont. Code Ann. § 1-3-222 (2021). Plaintiffs have a fundamental misunderstanding of the Montana state voter database. Montana has operated on the statewide “Montana Votes” voter registration system for the past 15 years and will operate on that system through this election cycle. This system is owned and

controlled by the Secretary of State. *Id.* at § 13-2-107. “The secretary of state shall establish, in a uniform and nondiscriminatory manner, a single official, centralized, and interactive computerized statewide voter registration system that meets the requirements of 42 U.S.C. 15483.” *Id.* Election administrators are granted electronic access to this database, *Id.* at § 13-2-107(2)(c), but that access is limited only to fulfill their duties of uploading information from registration changes in county. Indeed, “[t]he secretary of state shall provide the technical support required to assist election administrators to enter, maintain, and access information in the statewide voter registration system.” *Id.* at § 13-2-107(d).

Missoula County Elections Officials cannot preserve historical snapshots or “rollback” to archived back-ups of this data. The options do not exist inside of the election administrator portal to the voter database. Indeed, the statement on the main landing pages for both MontanaVotes and ElectMT – the new system being adopted by the state but not in force for the 2022 election cycle – state clearly “This Computer System is the Property of the State of Montana.”⁴ The system does not permit Missoula County to access or provide archives requested by Plaintiffs. Missoula County can run a report upon request, but that report will only capture the

⁴ A screen capture of the current landing page for Montana Votes is provided as **EXHIBIT C**. See also, portal.srvs.mt.gov for the ElectMT.gov system which plainly reads: “This computer system is the property of the State of Montana.”, <https://elect.mt.gov/my.policy>, (last accessed Oct. 5, 2022).

registered voters within Missoula County ***as reflected at the time of the request***, which reflects the data Missoula County has access to. It will not show voters who may have been registered for the November 2020 election and have subsequently moved to other Montana counties or out of state. In short, Missoula County can input data, Missoula County can view up-to-date and current registered voter data, but it cannot access archived data held within the system. Currently, only the Montana Secretary of State, the chief elections officer for Montana elections, has access to the historical database backups.⁵

In addition to not being directed to the appropriate party, such a request would be a break from the status quo, as Missoula County has not retained and is not capable of retaining the version history requested. As above, requiring the County to create new process and procedure to retain database updates in excess of existing documentation would subject the County to financial harm.

⁵ Some of the data sought by Plaintiffs will likely be available in the next generation of database slated to go live in January of 2023, but that data will not be available by next month.

III. SHOULD THE COURT GRANT A PRELIMINARY INJUNCTION IN THIS MATTER, IT SHOULD ALSO REQUIRE THE WRITTEN UNDERTAKING CALLED FOR BY STATUTE BECAUSE THE PLAINTIFFS MUST SHARE IN THE RISK OF COSTS WHICH MAY BE SIGNIFICANT

Whenever granting an injunction, “the judge shall require a written undertaking to be given by the applicant for the payment of the costs and damages that may be incurred or suffered by any part who is found to have been wrongfully enjoined or restrained.” Mont. Code Ann. § 27-19-306(1). This security for the costs of compliance may be waived in the Court’s discretion where it is in the interests of justice to do so. *Id.* at §27-19-306(1)(b)(ii). This case does not present as one in which the Court should waive this requirement for the reasons argued in the other sections and also because the County may incur substantial costs in an amount to be estimated at the time of the hearing.

When this matter is determined on the merits, the County will seek reasonable costs and attorney fees as allowed by law. *Id.*; *see also Marta v. Smith*, 191 Mont. 179, 187, 622 P.2d 1011, 1015-16 (1981); *Olson v. Osmolak*, 2003 MT 151, ¶120, 316 Mont. 216, 70 P.3d 1242; *Northern Border Pipeline Co. v. State*, 237 Mont. 133, 136-37, 772 P.2d 839 (1989).

In this case, the Plaintiffs have not provided sufficient information about which video surveillance feeds they wish the County to be enjoined to retain and for what period of time. To maintain the cache of data potentially

at issue indefinitely may costs tens of thousands of dollars. The County should not be enjoined to lay out those costs and then be forced to try to seek recovery of its damages from an entity that is not listed with the Secretary of State. Ans. ¶ 19. An injunction is not warranted in this case because the Plaintiffs have fundamentally misunderstood what constitutes an election record and who owns and controls the state voter database, but if the Court wishes to proceed with caution and order a preliminary injunction, the citizens of Missoula County should not bear the costs of this frivolous suit because the County is unable to collect against an informal organization or a private citizen without sufficient means. While the law makes clear that an injunction bond is not necessary for recovery of these damages, it is equally clear that these Plaintiffs should be made to show that they will pay these damages if the Court determines that this lawsuit and injunction were not warranted on the merits. Allowing an injunction under these circumstances without bond would not serve the interests of justice in any way.

//

CONCLUSION

Plaintiffs request for a preliminary injunction simply fails to meet the threshold set forth under law. If issued, it fails to maintain the status quo and, indeed, creates new standards not provided for elsewhere in state law, federal law, or local policy. Where the Plaintiffs contend they will be harmed in the future, alternative process such as a simple discovery request can alleviate any claimed damage. Framed against the policy of maintaining the status quo and balancing harm to all parties, the Plaintiffs' request breaks from status quo, with a potentially significant cost to the County. It should be denied.

Dated 7th day of October, 2022.

/s/ Brian J. West

Chief Civil Deputy County Attorney

Schedule No. 1

General Records Schedule

Local Government Records Committee
Adopted 1996
Last Revised August 2017

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE

DEPARTMENT: **General Records Schedule For Records Common To All Local Governments**

NOTE: The general retention schedule should be followed, unless a different retention is given in a specific schedule.

ITEM	RECORD TITLE AND DESCRIPTION	RETENTION	COMMENTS
------	------------------------------	-----------	----------

Before You Shred, Think Ahead

Introduction to Public Records Management

All public records have a specific value—whether administrative, fiscal, legal, historical, transitory (short-term) and whether created internally or received from an outside source. Some of them are so vital to government operation, that they must be preserved for perpetuity or protected to ensure continuity. Every local government entity is legally required to manage its public records in an orderly and systematic way.

Disposition & Destruction of Public Records

There are two different legal procedures that must be followed before it disposes of its public records. The first relates to records under ten years old. The second process relates to documents exceeding the ten-year retention limit.

- **Records Under Ten Years:** *Montana Local Government General Schedules* dictate how long a record must be kept before destruction or transfer. Before any action is taken, the agency must complete the *Request for Records Disposal or Transfer Authorization* form and submit it to the Montana Department of Administration, Local Government Services Bureau, P.O. Box 200547, Helena, MT 59620-0547. A template disposal form is located at [Request for Records Disposal. Instructions](#) for completing the form are also available.

Once approved by the Local Government Services Bureau and the Montana Historical Society, the form will be returned to you. You may then dispose of approved items ***that are not ten years old or older***. Complete and file the form after adding destruction completion signature and date.

- **Records Over Ten Years:** If there are records older than 10 years the process changes because by [Law 2-6-1205, MCA](#) non-confidential records must be held for 60 days before they are destroyed. The 60-day notice alerts entities like Montana Historical Society-State Archives, colleges/universities, historical museums, genealogy societies, and the general public who may want to obtain those documents.

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE

DEPARTMENT: General Records Schedule For Records Common To All Local Governments

NOTE: The general retention schedule should be followed, unless a different retention is given in a specific schedule.

ITEM	RECORD TITLE AND DESCRIPTION	RETENTION	COMMENTS
	<p>To activate the 60 day notice complete the <i>Request for Records Disposal or Transfer Authorization form</i> and submit it to the Local Government Services Bureau. The Bureau then sends it to the Montana Historical Society who will forward the Request to the Secretary of State Records & Information Management (RIM) Division. The items will be posted on the Local Government Records list-serve for the 60-day notice period.</p> <p>If you are contacted during the 60-day period, it must transfer the record(s) to the requesting party in the priority order shown in MCA 2-6-1205. The requesting party is required to pay all costs associated with the transfer. If no one has requested the records after the 60-day period, they can be destroyed or deleted and the Request should be signed off by the person conducting final removal.</p> <p>The Local Government Records Committee recommends that each local government agency adopt a policy to manage multiple requests for the same record(s).</p>		

Technical Assistance

All requests for technical assistance should be emailed to SOSLocalGovtRecCom@mt.gov.

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE

DEPARTMENT: General Records Schedule For Records Common To All Local Governments

NOTE: The general retention schedule should be followed, unless a different retention is given in a specific schedule.

ITEM	RECORD TITLE AND DESCRIPTION	RETENTION	COMMENTS
-------------	-------------------------------------	------------------	-----------------

1.	ACCIDENT REPORTS: Accidents which involve injury to persons on local government property in which the local government might be sued. a. Reports of accidents to adults b. Reports of accidents to minors	a. 5 years b. 5 years or 3 years after the minor reaches age 18, whichever is longest	
2.	AFFIDAVITS OF PUBLICATION: (include any tear sheets or clipping proofs) a. Publication of ordinances b. Election notices: See Election Schedule #3 c. All other published legal notices	a. Permanent b. See Election Schedule #3 c. 2 years	
3.	ANNEXATION AND OTHER JURISDICTIONAL RECORDS: a. Records pertaining to the annexation or disannexation of territory to or from a local government, or abolishes or affects its territorial jurisdiction of service area. Includes associated documents including reports, correspondence, public hearing reports, and similar records. b. Contacts relating to territorial jurisdiction or delivery of services between two or more governments.	a. 5 years b. Length of contract	Review before disposal. Many of these records may have historical value.
4.	CHARTERS	Permanent	
5.	COMMUNICATIONS – VOICE MAIL a. Voice Mail b. Voice Mail Backup	a. Erase or destroy following action taken. b. 1 month after back-up is run	

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE

**DEPARTMENT: General Records Schedule For Records Common
To All Local Governments**

NOTE: The general retention schedule should be followed, unless a different retention is given in a specific schedule.

ITEM	RECORD TITLE AND DESCRIPTION	RETENTION	COMMENTS
6.	CONTRACTS, LEASES, AGREEMENTS: Includes reports, correspondence, performance bonds and related records pertaining to administration, renewal or termination.	7 years after expiration or termination of the record	Note: Does not apply to Construction Contracts
7.	COMPLAINTS: Received from the public, a governing body, or officer or employee of a local government relating to government policy. Complaints of a general nature, that are not covered under schedules such as fire hazards, etc.	2 years after resolved or dismissed	
8.	DEEDS/EASEMENTS: Documents evidencing public ownership of real property.	Permanent	
9.	INSURANCE POLICIES: Including documentation relevant to the implementation, renewal, modification and replacement of policies. a. Expired b. Current but revised	a. 7 years after Expiration b. One copy of each revision	
10.	LEGAL OPINIONS	Permanent	
11.	LITIGATION CASE FILES: All cases in which a local government is a party unless the case file is noted elsewhere in this or other schedules. Distinguished from Municipal and County Attorney files and official Court's case files.	As long as needed after closed or after appeal time expired.	Review for historical significance
12.	NEWS RELEASES	As long as is valuable.	
13.	OPEN RECORDS REQUESTS: Documents relating to the Request.	1 year after final decision on request	
14.	ORGANIZATIONAL CHARTS	Until superseded	
15.	PERMITS AND LICENSES: Records that document the application and issuance of permits and licenses for sales; solicitation; facility use. Does not include permits found in other sections of the Local Government Record Schedules	2 years after expiration, cancellation, revocation or denial.	
16.	POLICY AND PROCEDURES: Documents that define these records.	5 years after superseded	Review for historical significance
17.	PUBLICATIONS: Created by a local government agency to educate the public to the services provided.	1 copy Permanent	

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE

DEPARTMENT: General Records Schedule For Records Common To All Local Governments

NOTE: The general retention schedule should be followed, unless a different retention is given in a specific schedule.

ITEM	RECORD TITLE AND DESCRIPTION	RETENTION	COMMENTS
18.	CORRESPONDENCE: OFFICIAL/PROGRAM/POLICY Incoming and outgoing letters, memoranda, and email pertaining to the formulation, planning, and implementation of the mission, policies, programs, operations and projects are prime candidates for permanent retention. Records with permanent value include, but are not limited to: records documenting the policy process; records that document how it is organized and how it functions; its pattern of action and decision-making; its policies, procedures, official opinions and achievements; and that serve to substantiate accountability.	Permanent	Keep the recent 3 years in the office; after that may transfer to a permanent storage facility
19.	CORRESPONDENCE: ROUTINE Incoming and outgoing letters, memoranda, and email pertaining to the normal and routine administrative functions. Consists of correspondence providing general information and requests for information, referring inquiries elsewhere, forwarding materials, acknowledging incoming letters, making arrangement for routine meetings or other events, and similar matters of minor administrative character which contain no substantive information.	Retain 3 years; destroy	
20.	CORRESPONDENCE: TRANSITORY Incoming and outgoing letters, memoranda, and e-mail that, while part of business, are purely informational with a very short time-value. Examples include routine correspondence for which a record is needed only for a limited time, such as incoming or outgoing transmittal/cover messages that do not add information to that contained in the transmitted material ("enclosed please find..."); routine questions and answers that require no administrative action, no policy decision, and no special compilation or research for reply ("our address...", "the deadline is...", "please send 10 copies of..."); thank-yous, acknowledgements, congratulations; information copies of correspondence on which no documented administrative action was taken.	Retain for at least 30 days. Destroy if no longer needed for administrative purposes.	

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE

**DEPARTMENT: General Records Schedule For Records Common
To All Local Governments**

NOTE: The general retention schedule should be followed, unless a different retention is given in a specific schedule.

ITEM	RECORD TITLE AND DESCRIPTION	RETENTION	COMMENTS
21.	CORRESPONDENCE: NON-RECORD The following materials are not records and may be destroyed/deleted at any time, unless they become part of some official record as a result of special circumstances; correspondence and memoranda generated by another entity and kept by your office for reference purposes; unofficial employee activities (parties, softball games, etc.); internal office announcements (“Ms. Jones is here to see you,” “Joe Smith called,” “is this afternoon’s meeting still on?”); quasi-official notices (notices of holidays, charity appeals, etc.); junk mail; list serve messages, other than those you post in your official capacity	Destroy/delete at will	
22.	CORRESPONDENCE: READING FILES Copies of outgoing communications arranged chronologically and maintained for periodic review by staff; these copies are in addition to the copies kept in either the Program/Policy Correspondence or the Routine Correspondence files.	Retain until no longer needed; destroy.	
23.	CORRESPONDENCE: SUSPENSE/TICKLER/FOLLOW-UP FILES Files arranged in chronological order as a reminder that an action is required on a given date or that a reply to action has not been received and should be traced on a given day.	Incorporate into the Program/Policy correspondence if appropriate. If not, destroy after action has been taken.	

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE**DEPARTMENT: General Records Schedule For Records Common To All Local Governments**

NOTE: The general retention schedule should be followed, unless a different retention is given in a specific schedule.

ITEM RECORD TITLE AND DESCRIPTION RETENTION COMMENTS

24.	<p>CORRESPONDENCE: E-MAIL E-mail is just another form that records come in. Formally it is a document created or received on an electronic mail system, including brief notes, formal correspondence, or substantive narrative documents, and any attachments, such as word processing and other electronic documents, which maybe transmitted with the message.</p> <p>a. Records including sender and receiver identification; time and date sent and received; and complete message maintained on individual computers; servers; hard disk or floppy disk.</p> <p>b. Routine non-record communication</p> <p>c. E-mail backup systems.</p> <p>d. Printed e-mail directories and distribution lists</p> <p>e. Computer maintained e-mail directories and distribution lists.</p>	<p>a & b. Retain for retention time of other forms of the record series.</p> <p>c. 4 years after date backup was run.</p> <p>d. 1 year</p> <p>e. Maintain current</p>	
25.	Building Records: blueprints, chemical identification data, and Safety Data Sheets (MSDS).	(Minimum retention: Life of structure)	
26	Equipment Calibration Records: May include logs, reports, and related records.	(Minimum retention: Life of equipment)	
27	Equipment Maintenance Records: Records may include vendor statements.	(Minimum retention: 1 year after equipment disposed of)	
28	Technical Manuals Specifications and Warranties: Owners manuals and warranties for agency-owned equipment. Manuals often include specifications and operating instructions.	(Minimum retention: (a) Manuals: Until disposition of vehicle or equipment (b) Warranties: Until expiration).	

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE

DEPARTMENT: General Records Schedule For Records Common To All Local Governments

NOTE: The general retention schedule should be followed, unless a different retention is given in a specific schedule.

ITEM	RECORD TITLE AND DESCRIPTION	RETENTION	COMMENTS
29.	<p>HAZARD COMMUNICATION PROGRAM: EMPLOYEE EXPOSURE RECORDS</p> <p>An employee exposure record is a record containing any of the following kinds of information: environmental (workplace) monitoring or measuring of a toxic substance or harmful physical agent; biological monitoring results; material safety data sheets indicating that the material may pose a hazard to human health; or, in the absence of the above, a chemical inventory or any other record which reveals where and when used and the identity of a toxic substance or harmful physical agent.</p> <p>a. Background data to environmental (workplace) monitoring or measuring, such as laboratory reports and worksheets.</p> <p>b. Material safety data sheets</p> <p>c. Chemical inventory (or any other record which reveals where and when used and the identity of a toxic substance or harmful physical agent).</p> <p>d. Biological monitoring results designated as exposure records by specific occupational safety and health standards.</p>	<p>a. Retain 1 year, as long as the sampling results, the collection methodology (sampling plan), a description of the analytical and mathematical methods used, and a summary of other back-ground data relevant to interpretation of the results obtained. Are retained for at least 30 years; destroy.</p> <p>b. & c. Need not be retained for any specified period <i>as long as</i> some record of the identity of the substance or agent, where it was used, and when it was used is retained for at least 30 years; destroy.</p> <p>d. Retain as required by the specific standard.</p>	<p>29 CFR 1910.1020 (d) (formerly 1910.20), as adopted by the Montana Department of Labor and Industry</p> <p>The form, manner, or process by which an employer preserves a is not mandated <i>as long as</i> the information contained in the record is preserved and retrievable, except that check X-ray films shall be preserved in their original state.</p>

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE**DEPARTMENT: General Records Schedule For Records Common
To All Local Governments**

NOTE: The general retention schedule should be followed, unless a different retention is given in a specific schedule.

ITEM	RECORD TITLE AND DESCRIPTION	RETENTION	COMMENTS
30.	<p>HAZARD COMMUNICATION PROGRAM: EMPLOYEE INFORMATION/TRAINING RECORDS</p> <p>a. Information Employees shall be informed of: the requirements of this section; any operations in their work area where hazardous chemicals are present; and the location and availability of the written hazard communication program, including the required list(s) of hazardous chemicals, and material safety data sheets.</p> <p>b. Training Employee training shall include at least: methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area; the physical and health hazards of the chemicals in the work area; the measures employees can take to protect themselves from these hazards; and the details of the hazard communication program developed by the employer; the employer shall keep a record of the dates of training sessions given to employees and the names of the employees attending.</p>	<p>a. Retain until superseded; destroy</p> <p>b. Employee training records shall be placed in the employee's personnel file</p>	<p>29 CFR 1910.1200 (h) and 50-78-204 & 305, MCA</p>

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE

DEPARTMENT: General Records Schedule For Records Common To All Local Governments

NOTE: The general retention schedule should be followed, unless a different retention is given in a specific schedule.

ITEM	RECORD TITLE AND DESCRIPTION	RETENTION	COMMENTS
31.	<p>HAZARD COMMUNICATION PROGRAM: EMPLOYEE MEDICAL RECORDS</p> <p>An employee medical record is a record concerning the health status of an employee which is made or maintained by a physician, nurse, or other health care personnel or technician, including: medical and employment questionnaires or histories; the results of medical examinations; medical opinions, diagnoses, progress notes, and recommendations; first aid results; descriptions of treatments and prescriptions; and employee medical complaints.</p> <p>a. Health insurance claims records maintained separately from the employer's medical program and its records</p> <p>b. First aid records (not including medical histories) one-time treatment and subsequent observation of minor scratches cuts, burns, splinters, and the like which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job, if made on-site by a non-</p> <p>c. Medical records of employees who have worked for less than year for the employer.</p>	<p>Retain for at least the duration of employment plus 30 years; destroy</p> <p>a. & b. Need not be retained for any specified period</p> <p>c. Need not be retained beyond the term of employment if they are provided to the employee upon the termination of employment.</p>	<p>29 CFR 1910.1020 (d) (formerly 1910.20), as adopted by the Montana Department of Labor and Industry</p>

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE

DEPARTMENT: General Records Schedule For Records Common To All Local Governments

NOTE: The general retention schedule should be followed, unless a different retention is given in a specific schedule.

ITEM	RECORD TITLE AND DESCRIPTION	RETENTION	COMMENTS
32.	HAZARD COMMUNICATION PROGRAM: LABELS AND OTHER FORMS OF WARNING Employers shall ensure that each container of hazardous chemicals in the workplace is labeled, tagged, or marked with the following information; identity of the hazardous chemical(s) contained therein, and appropriate hazard warnings. The employer may use signs, placards, process sheets, batch tickets, operating procedures, or other such written materials in lieu of affixing labels to individual stationary process containers.	Retain until superseded; destroy	29 CFR 1910.1200(f) and 50-78-206, MCA
33.	HAZARD COMMUNICATION PROGRAM: MATERIAL SAFETY DATA SHEETS (MSDS) Employers shall have a material safety data sheet in the workplace for each hazardous chemical which they use. It shall contain at least the following information: the identity used on the label; physical and chemical characteristics; the physical hazards and the health hazards of the hazardous chemical; the primary route(s) of entry; any exposure limits; whether the hazardous chemical is a carcinogen or potential carcinogen; any generally applicable precautions and control measures; emergency and first aid procedures; date or preparation or update of the MSDS; and the name, address, and telephone number of the responsible party who can provide additional information. Each employer shall maintain a copy of any correspondence sent or received by the employer in an effort to obtain a material safety data sheet when none was provided by the chemical manufacturer or distributor.	Current sheets must be readily accessible; when no longer current the sheets themselves need not be retained for any specified period <i>as long as</i> some record of the identity of the substance or agent, where it was used, and when it was used is retained for at least 30 years; destroy; (the correspondence, once the material safety data sheets are provided, may be retained per the correspondence series).	29CFR 1910.1200 (g) and 29 CFR 1910, 1020 (d) (formerly 1910.20), and 50-78-203, MCA May be kept in electronic form, microfiche, or other alternatives as long as no barriers to immediate employee access are created by such options.

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE

DEPARTMENT: General Records Schedule For Records Common To All Local Governments

NOTE: The general retention schedule should be followed, unless a different retention is given in a specific schedule.

ITEM	RECORD TITLE AND DESCRIPTION	RETENTION	COMMENTS
34.	HAZARD COMMUNICATION PROGRAM: WORKPLACE CHEMICAL LIST Each employer shall compile and maintain a workplace chemical list which must contain the chemical name of each hazardous chemical in the workplace, cross-referenced to any generally used common name; the chemical abstracts service registry number, if available, must accompany all chemical names on the list; and the list must indicate the work area in which each hazardous chemical is normally stored or used.	Must be updated as necessary but not less than annually; destroy when superseded.	50-78-202, MCA
35.	HAZARD COMMUNICATION PROGRAM: WRITTEN HAZARD COMMUNICATION PROGRAM Employers shall develop, implement and maintain at each workplace, a written hazard communication program which at least describes how the criteria for labels and other forms of warning, material safety data sheets, and employee information and training will be met; includes a list of the hazardous chemicals known to be present using an identity that is referenced on the appropriate material safety data sheet; includes the methods the employer will use to inform employees of the hazards of non-routine tasks and the hazards associated with chemicals contained in unlabeled pipes in their work areas.	Retain until superseded; destroy	29 CFR 1910.1200 (e)
36.	MINUTES OF MEETINGS a. Board/Committee/Commission b. Staff and any other copies	a. Permanent (one copy) b. Permanent	May be microfilmed.
37.	NON-RECORD MATERIALS Examples include copies of other documents retained only for convenience; outdated blank forms, routing slips which do not contain annotations of significance, catalogs, journals and other publications not produced by the organization, and stocks of the organization's publications and printed documents which have been superseded or updated. Personal correspondence kept at the office for convenience should be kept in a separate file.	May be destroyed when no longer needed.	

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE

DEPARTMENT: General Records Schedule For Records Common To All Local Governments

NOTE: The general retention schedule should be followed, unless a different retention is given in a specific schedule.

ITEM	RECORD TITLE AND DESCRIPTION	RETENTION	COMMENTS
38.	REQUEST FOR DESTRUCTION OR TRANSFER AUTHORIZATION - With or without 10 year rule notifications	Permanent	Per MCA 2-6-405(2)
39.	REFERENCE FILES Copies of documents retained strictly for reference and informational purposes and are not part of the official files. These may include copies of reports, studies, special compilations of data, drawings, or other externally-generated publications for which the originating agency maintains the original “record” copy, periodicals books, clippings brochures, catalogs, trade journals, vendor price lists, extra copies of manuals, publications, etc.	Review annually and destroy material of no further value.	
40	SECURITY VIDEOS Video files generated by security cameras/systems owned by a local government entity used to deter improper or criminal behavior or to document it, if it occurs.	Retain 30 days or less, unless the video becomes part of an official investigation or case file—then retain as long as the relevant record series. Once retention is met, recordings may be erased or recorded over. NO DISPOSAL FORM REQUIRED	The retention time is a minimum. Check to see if your organization has a more specific policy for retaining video files before disposing and follow the longer retention period.
41.	SUBJECT FILES:ORGANIZATIONAL/PROJECT Files arranged by subject, relating to projects, administrations, and procedures. May contain correspondence, formal memoranda, administrative directives, policy studies and reports, minutes and/or reports of special advisory committees and task forces, and similar records documenting the formulation and implementation of projects, policies, programs, operations of departments, fiscal or personnel matters legislation and regulations.	Permanent	Select and retain documents of continuing administrative, fiscal, legal, or research value/use May be microfilmed.

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE**DEPARTMENT: General Records Schedule For Records Common To All Local Governments**

NOTE: The general retention schedule should be followed, unless a different retention is given in a specific schedule.

ITEM	RECORD TITLE AND DESCRIPTION	RETENTION	COMMENTS
42.	SUBJECT FILES: HOUSEKEEPING Records received by or created by the office and filed by subject which concern internal office procedures and DO NOT pertain to the performance of the mission functions of the office. Examples include routine correspondence, memoranda, publications, reports, administrative announcements, statements, documents concerning hours of duty, individual duties which do not have continuing applicability, documents concerning housekeeping activities such as participation in charitable affairs, emergency tests, office security, parking, safety excess or obsolete forms, property inventory sheets, lists or directories, phone logs, clippings, etc.	Review annually and destroy when no longer needed.	
43.	TASK FORCE OR COMMITTEE FILES Records relating to the establishment, organization, membership, and policy of any task forces or committees for which the office is the presiding official or the logical keeper of the records. These records may include minutes, agenda or meetings correspondence, policies, procedures, final reports and other relevant supporting material.	Permanent	May be Microfilmed.
44.	WORKING PAPERS/PROJECT FILES Project background records, studies, analyses, notes, preliminary drafts, interim reports, which have been summarized in a final report or other form. Does not include construction projects.	Final report: Permanent Working papers: Retain 1 year after final action is taken on project, unless no report is prepared, then keep permanently.	

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE

DEPARTMENT: General Records Schedule For Records Common To All Local Governments

NOTE: The general retention schedule should be followed, unless a different retention is given in a specific schedule.

ITEM	RECORD TITLE AND DESCRIPTION	RETENTION	COMMENTS
-------------	-------------------------------------	------------------	-----------------

Revision 1.1 9-2004

General Records Schedule typed in word and new format to schedule.
Added 1-18

Item #2 Page GRS2
Removed the word municipal

Item #20 Pages GRS4
Changed to CORRESPONDENCE – OFFICIAL/PROGRAM/POLICY
Included official opinions
Removed municipal and municipality

Items #22 Page GRS4
Removed municipal and municipality

Revision 1.2 11-2004

Heading GRS2
Added a Note: The general retention schedules should be followed, unless a different retention is given in a specific schedule.

Item #12 Page GRS3
Removed #12 STAFF MEETING MINUTES: Internal

Item #33 Page GRS9
Staff and Other copies – b. changed to permanent retention

Revision 1.3 04-2005

Added a Note: The general retention schedules should be followed, unless a different retention is given in a specific schedule on pages GRS3 through GRS11.

Revision 1.4 04-2010

Added: Personnel Files – Item #17
Renumbered Items #18 - #40

Revision 1.5 05-2011

Added: Request for Destruction and Transfer Authorization – Item #36
Renumber Items #37-40

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE

DEPARTMENT: General Records Schedule For Records Common To All Local Governments

NOTE: The general retention schedule should be followed, unless a different retention is given in a specific schedule.

ITEM	RECORD TITLE AND DESCRIPTION	RETENTION	COMMENTS
-------------	-------------------------------------	------------------	-----------------

Revision 1.6 11-2011

Modified: Item 11 – to include series description language that clarifies: distinguished from **Municipal or County Attorney case files and Court’s case files.**

Modified: Item 11 - to include retention language stating: or after appeal time expired.

Removed: Item 16 – Non-Textural Media deleted. Media “content” scheduled, not media.

Added: Item 16 – Application for Employment: Not Hired (plus related documentation).

Revised 5-2014

Removed item 16 and 17 (Applications for employment: not hired; Personnel-Employee file).

Renumbered as needed.

Revised 4-2017

Added county maintenance department series (see series 25-28). Subsequent series renumbered.

Revised 8-2017

Added SecurityVideo series 40. Subsequent series renumbered.

Schedule No. 3

Elections Records Schedule

**Adopted by the Local Government
Records Committee, August 1996**

LAST REVISED – April 2019

Local Government Records Management

Per the duties and responsibilities set forth in 2-6-1202 MCA, the [Local Government Records Committee](#) (LGRC), has approved this records retention schedule to assist you in managing your records. If you have questions or comments about the schedule, procedures or want to request a change to the retention schedule, please contact us:

Local Government Records Committee

Local Government Services

P.O. Box 200547

Helena MT 59620-0547

SOSLocalGovtRecCom@mt.gov

About retention periods

Retention periods assigned to records are minimums. Local governments are not required to destroy or otherwise dispose of records at the end of the minimum time frame outlined in a retention schedule. If a retention period in a record schedule refers to a fiscal year, the records retention clock begins the month the local government receives the final fiscal year audit report relating to those records.

Disposition & Destruction of Public Records

By state law (7-5-4124 MCA), all requests to dispose of local government records must be approved by the governing body. Local governments may dispose of records that have met their retention requirements provided they are:

- not subject to a legal or regulatory hold
- the disposal is carried out in accordance with federal/state/local laws and a retention schedule approved by the LGRC (2-6-1202 MCA,) and/or
- a court order

Local governments should follow best practices and document the disposal of their public records. There are two different legal procedures that must be followed before disposing public records. The first relates to records under ten years old and records that contain confidential information. The second process relates to public records that are over ten years old. State law (2-6-1205 MCA) requires that non-confidential records must first be offered on a central registry in case entities like the Montana Historical Society-State Archives, colleges/universities, historical museums, genealogy societies, and the general public want to claim them. Follow the priority order listed in the statute if you get multiple requests for the records.

Retention schedule says: **NO RM60* REQUIRED** or **Disposal form RM88***

Applicable to: Records **under** ten years old and to records **that contain** confidential information

1. Complete Form RM 88* listing each record series to be disposed.
2. Present the form to your governing body for approval.
3. Dispose of the records, sign and date the bottom of Form RM88* and note the means by which the records have been disposed. Retain the completed Form RM88* for 30 years.

Retention schedule says: *(Disposal form RM60*)* or *doesn't specify a form*

Applicable to: Records **over** ten years old that **do not contain** confidential information.

1. Completed Form 60 listing each record series to be disposed.
2. Present the form to your governing body for approval.
3. Email the form to the LGRC at SOSLocalGovtRecCom@mt.gov.
4. The LGRC will review and route the form for approval by:
 - a. Local Government Services (DOA)
 - b. Montana Historical Society
 - c. Local Government representative
5. The form is forwarded to the Secretary of State's Records and Information Management (RIM) Division to post on the [local government records listserv](#). They note the date the records were placed on Form RM60 for the 60-day notice period required by 2-6-1205.
6. Form RM60 will be returned to you, and you can dispose of the records 60 days after the date listed by the State RIM Division on the form if the records haven't been claimed.

ER2

*RM60 and RM88 are records disposal request forms issued by the Local Government Records Committee. Form RM60 is required if records are not confidential and over 10 years old. Form RM88 can be used if the records are either confidential or not over 10 years old.

FOR RECORD DISPOSAL SEE MCA 2-6-403

For the most current revision go to: www.sos.mt.gov

Rev. 4-2019 This revision supersedes all previous versions of this schedule

7. Dispose the records, sign and date the bottom of Form RM60 and note the means by which the records have been disposed. Retain the completed Form RM60 for 30 years.

Confidential records

The local government unit bears responsibility to determine if records are confidential and should note which records are confidential on each request for disposal. If you have questions, please see the Montana Constitution, Article II, [Section 9](#) and [Section 10](#), Title II statutes at [2-17-553, MCA](#), and consult legal counsel.

Legal and regulatory records holds

Local government units should not dispose of records subject to litigation, a legal proceeding, an audit and/or a formal investigation, even if the records have met their retention requirements.

Electronic records and recordkeeping systems

The Local Government Records Committee has adopted the Association of Records Managers & Administrators (ARMA) International's Generally Accepted Recordkeeping Principles® for local governments using electronic systems to store long-term records, ©2014 ARMA International, www.arma.org. Local governments should use them as the framework to design, implement, operate, and decommission the systems and to manage the records and data within the systems. Planning should include preservation considerations to ensure records are trustworthy, complete, accessible, and durable over time. Best practices for electronic records preservation include the creation and routine maintenance of a preservation plan. Samples and guidance can be requested from LGRC. If you digitize your paper or microfilm records, the LGRC recommends that your local government unit take official action through an official adopted policy or resolution declaring your electronic records as the official records. Use the procedures above under “Disposition & Destruction of Public Records” to document the disposal of the paper or microfilm.

Microfilm/Microfiche

If a local government unit uses archival-quality microfilm or microfiche, as the official storage medium, the unit should carefully review the microfilm before disposing the original paper records to ensure readability. Microfilm or microfiche may be considered as a long-term or permanent, low-cost, storage medium for public records, provided that the filming process, development, and storage of the film master meets certain national standards. To verify whether your film meets these standards, contact the Secretary of State Records and Information Management Division by email or by phone at (406) 444-9000. If you microfilm your paper records, the LGRC recommends that your local government unit take official action declaring your microfilm records as the official records. Procedures above under “Disposition & Destruction of Public Records” should be used to document the disposal of the paper records.

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE

DEPARTMENT: ELECTIONS

ITEM	RECORD TITLE AND DESCRIPTION	RETENTION TIME	COMMENTS
1.	ABSENTEE BALLOT ENVELOPES a. Returned/Verification (signed envelopes) b. Secrecy	County and Local Government - 1 year State and Federal – 22 months	Disposal Form RM88*
2.	ABSENTEE BALLOT LOGS a. Voter's Absentee ballot request-county and local elections b. Voter's absentee ballot request-state and federal elections c. Election administrator's certification of absentee ballots issued d. Confirmation letter to annual absentee voter	a. 1 year if no recount is pending. b. 2 years if no recount is pending. c. 1 year for county & local elections; 22 months for state and federal elections. d. 1 year	Disposal Form RM88*
3.	ADDRESS CONFIRMATION CARDS- Notification cards sent to voters that failed to vote in a General election or because mail ballot was returned as undeliverable; part of NVRA process.	2 years	Disposal Form RM88*
4.	AFFIDAVITS OF PUBLICATION (Notices of election) a. close of registration b. polling places c. notice of election d. notice-public test of election machine e. filing deadlines f. proof of publications	County and Local Government- 1 year State and Federal- 22 months	Disposal Form RM88*
5.	AUDIT LOG- CENTRAL COUNTER or PRECINCT COUNTER	County and Local Government- 1 year State and Federal- 22 months	Disposal Form RM88*
6.	BALLOTS –COUNTY AND LOCAL GOVERNMENT- a. Voted and un-voted and detached stubs b. Unused c. Unverified Provisional ballots d. Verified Provisional ballot secrecy envelopes and outer affirmation envelope. e. Test Ballots- for testing of election equipment	a. 1 year if no recount is pending * see MCA 13-1-303 b. 1 year c. and d. 1 year e. 1 year	Disposal Form RM88*

ER4

*RM60 and RM88 are records disposal request forms issued by the Local Government Records Committee. Form RM60 is required if records are not confidential and over 10 years old. Form RM88 can be used if the records are either confidential or not over 10 years old.

FOR RECORD DISPOSAL SEE MCA 2-6-403

For the most current revision go to: www.sos.mt.gov

Rev. 4-2019 This revision supersedes all previous versions of this schedule

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE

DEPARTMENT: ELECTIONS

ITEM	RECORD TITLE AND DESCRIPTION	RETENTION TIME	COMMENTS
7.	BALLOTS –STATE AND FEDERAL a. Voted and un-voted and detached stubs b. Unused c. Unverified Provisional ballots d. Verified Provisional ballot secrecy envelopes and outer affirmation envelope. Test Ballots-Automark	a. 22 months if no recount is pending see Federal Law b. 22 months c. and d. 22 months e. 22 months	Disposal Form RM88*
8.	BIPA -BALLOT COLLECTION REGISTRY FORM a. county and local government election b. state and federal election	a. 1 year if no recount pending b. 2 years if no recount is pending	Disposal Form RM88*
9.	CANDIDATE FILING FORMS OR PETITIONS		See Clerk and Recorders Retention Schedule for filing and retention time of candidate's financial statements and oaths of office.
10.	CANDIDATES- REGISTER OF	4 years	Disposal Form RM88*
11.	CANVASS BOOKS/RESULTS	County and Local Government- 1 year State and Federal- 22 months	Disposal Form RM88*
12.	CERTIFICATION OF AUTOMARK TESTING	County and Local Government- 1 year State and Federal- 22 months	Disposal Form RM88*
13.	CERTIFICATION OF TABULATION EQUIPMENT TESTING	County and Local Government- 1 year State and Federal- 22 months	Disposal Form RM88*
14.	ELECTION SEAL LOG	County and Local Government- 1 year State and Federal- 22 months	Disposal Form RM88*

ER5

*RM60 and RM88 are records disposal request forms issued by the Local Government Records Committee. Form RM60 is required if records are not confidential and over 10 years old. Form RM88 can be used if the records are either confidential or not over 10 years old.

FOR RECORD DISPOSAL SEE MCA 2-6-403 For the most current revision go to: www.sos.mt.gov

Rev. 4-2019 This revision supersedes all previous versions of this schedule

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE

DEPARTMENT: ELECTIONS

ITEM	RECORD TITLE AND DESCRIPTION	RETENTION TIME	COMMENTS
15.	ELECTRONIC DEVICE or related software necessary to count ballots.	6 days after the canvass of the election if no recount or court action is pending.	Disposal Form RM88*
16.	INVOICES FOR ELECTION COSTS	Audit + 1 year	Disposal Form RM88*
17.	M 100 TAPE ROLLS- Tracks all activity on the M 100 machine.	County and Local Government- 1 year State and Federal- 22 months	Disposal Form RM88*
18.	MAIL BALLOT ELECTIONS a. Secrecy envelopes b. Returned/Verification (signed envelope) c. Undeliverable envelopes d. Ballots e. Daily tally of mail ballots received f. Record of questioned ballots g. Transport box seal register h. Written plan-duplicate-original at Secretary of State office i. Replacement ballot register j. Record of ballot voted in person k. Place of deposit signature log l. Replacement ballot request	County and Local Government-1 year if no recount /court action is pending State- 22 months unless court action or recount is pending.	Disposal Form RM88*
19.	OFFICIAL RETURNS OF ELECTION	Permanent	
20.	PETITIONS- LOCAL	2 years Offer to State Archives if 65 years or older	Originals Disposal Form RM88*
21.	PETITIONS- STATEWIDE a. non-Presidential b. Presidential	a. 3 months after election** see MCA 13-27-305 b. 22 months	Disposal Form RM88*
22.	POLL AND TALLY BOOKS	4 years Offer to State Archives if 65 years or older	Disposal Form RM88*
23.	POST ELECTION AUDIT RECONCILIATION AND REPORT TO SECRETARY OF STATE	22 months if no recount is pending	Disposal Form RM88*
24.	PRECINCT MAPS	Permanent	

ER6

*RM60 and RM88 are records disposal request forms issued by the Local Government Records Committee. Form RM60 is required if records are not confidential and over 10 years old. Form RM88 can be used if the records are either confidential or not over 10 years old.

FOR RECORD DISPOSAL SEE MCA 2-6-403 For the most current revision go to: www.sos.mt.gov

Rev. 4-2019 This revision supersedes all previous versions of this schedule

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE

DEPARTMENT: ELECTIONS

ITEM	RECORD TITLE AND DESCRIPTION	RETENTION TIME	COMMENTS
25.	PRECINCT REGISTERS	4 years Offer to State Archives if 65 years or older	Historic value
26.	ELECTIONS – REGISTRATION a. Voter Confirmation Card – returned as undeliverable b. Cancellation Notice from other Counties or States c. Death Notice from other Counties or States d. Lists of Purged Voters – canceled voters purged from the statewide system by SOS.	a. 5 years b. 4 years c. 4 years d. 5 years	Disposal Form RM88*
27.	REGISTRATION CARDS	Permanent- Original and latest change of address or cancellation	Microfilm if possible
28.	RESOLUTIONS CALLING FOR ELECTION a. special district b. school c. county	Original- Permanent Duplicate copies- 1 year	

* In addition to retaining the ballots, you will need to keep any electronic device or related software necessary to read the ballots. For example, if you use a ballot that does not have the names of the candidates printed directly on the ballot, but use an electronic counting board to do the canvass, you need to save the counting board. You will need to retain anything necessary to run a recount.

** Unless a court action is pending on the sufficiency of the petition.

***FEC Regulations require everything pertaining to Federal elections must be retained for 22 months

ER7

*RM60 and RM88 are records disposal request forms issued by the Local Government Records Committee. Form RM60 is required if records are not confidential and over 10 years old. Form RM88 can be used if the records are either confidential or not over 10 years old.

FOR RECORD DISPOSAL SEE MCA 2-6-403 For the most current revision go to: www.sos.mt.gov

Rev. 4-2019 This revision supersedes all previous versions of this schedule

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE

DEPARTMENT: ELECTIONS

Revisions to Schedule												
Date	Revision	Change										
11-2003	1	ITEM 5 <u>BALLOTS –COUNTY AND LOCAL GOVERNMENT</u> Added: c. Unverified Provisional ballots d. Verified Provisional ballot secrecy envelopes and outer affirmation envelope Retention time for c. and d. 1 year ITEM 6 <u>BALLOTS –STATE AND FEDERAL</u> Added: c. Unverified Provisional ballots d. Verified Provisional ballot secrecy envelopes and outer affirmation envelope Retention time for c. and d. 2 years										
10-2006	2	ITEM 1 <u>ABSENTEE BALLOT LOGS</u> Revised: <table><tr><td>a. Voter’s Absentee ballot request-county and local elections</td><td>a. 1 year if no recount is pending.</td></tr><tr><td>b. Voter’s absentee ballot request-state and federal elections</td><td>b. 2 years if no recount is pending.</td></tr><tr><td>c. Election administrator’s certification of absentee ballots issued</td><td>c. 1 year for county & local elections; 2 years for state and federal elections.</td></tr><tr><td>d. Voter’s request to be on permanent absentee list</td><td>d. Permanent</td></tr><tr><td>e. Confirmation letter to permanent absentee voter</td><td>e. 1 year for county & local elections; 2 years for state and federal elections.</td></tr></table> Deleted Citation: 4 years see MCA 13-13-233 ITEM 2 <u>ABSENTEE BALLOT ENVELOPES</u>	a. Voter’s Absentee ballot request-county and local elections	a. 1 year if no recount is pending.	b. Voter’s absentee ballot request-state and federal elections	b. 2 years if no recount is pending.	c. Election administrator’s certification of absentee ballots issued	c. 1 year for county & local elections; 2 years for state and federal elections.	d. Voter’s request to be on permanent absentee list	d. Permanent	e. Confirmation letter to permanent absentee voter	e. 1 year for county & local elections; 2 years for state and federal elections.
a. Voter’s Absentee ballot request-county and local elections	a. 1 year if no recount is pending.											
b. Voter’s absentee ballot request-state and federal elections	b. 2 years if no recount is pending.											
c. Election administrator’s certification of absentee ballots issued	c. 1 year for county & local elections; 2 years for state and federal elections.											
d. Voter’s request to be on permanent absentee list	d. Permanent											
e. Confirmation letter to permanent absentee voter	e. 1 year for county & local elections; 2 years for state and federal elections.											

ER8

*RM60 and RM88 are records disposal request forms issued by the Local Government Records Committee. Form RM60 is required if records are not confidential and over 10 years old. Form RM88 can be used if the records are either confidential or not over 10 years old.

FOR RECORD DISPOSAL SEE MCA 2-6-403 For the most current revision go to: www.sos.mt.gov

Rev. 4-2019 This revision supersedes all previous versions of this schedule

<i>Revisions to Schedule</i>		
Date	Revision	Change
10-2006 (cont.)	2 (cont.)	<p>Changed: Retention time - 1 year</p> <p>ITEM 3 <u>ADDRESS CONFIRMATION CARDS</u> Added: “or because mail ballot was returned as undeliverable.”</p> <p>ITEM 5 <u>AUDIT LOG</u> New (all items after this are renumbered)</p> <p>ITEM 6 <u>AUTOMARK FLASHCARD</u> New</p> <p>ITEM 7 <u>BALLOTS-COUNTY AND LOCAL GOVERNMENT</u> Deleted from: a. “Includes signed affirmation envelopes and undelivered or returned envelopes from mail ballot elections”</p> <p>ITEM 8 <u>BALLOTS-STATE AND FEDERAL</u> Deleted from a. : “Includes signed affirmation envelopes and undelivered or returned envelopes from mail ballot elections”</p> <p>ITEM 9 <u>CANDIDATE FILING SHEETS OR PETITIONS</u> Replaced: “SHEETS” with “FORMS” Deleted : Retention Time - “Terms of office” Comments added: “See Clerk and Records Retention Schedule for filing and retention time of candidates financial statements and oaths of office.”</p> <p>ITEM 15 <u>ELECTRONIC DEVICE</u> New</p> <p>ITEM 16 <u>INVOICES FOR ELECTION COSTS</u> New</p>
10-2009	3	<p>ITEM 7 <u>BALLOTS –COUNTY AND LOCAL GOVERNMENT</u> & ITEM 8 <u>BALLOTS – BALLOTS –STATE AND FEDERAL</u> Added to: a. “...and detached stubs”</p>
4-2010	4	<p><u>FACE SHEET</u> Correction: Changed adopted date from April 2005 to August 1996 & added Rev. 1.4 April 2010</p> <p>ITEM 7 <u>BALLOTS –COUNTY AND LOCAL GOVERNMENT</u> Added: e. Test Ballots-Automark; Retention: 1 year</p>

ER9

*RM60 and RM88 are records disposal request forms issued by the Local Government Records Committee. Form RM60 is required if records are not confidential and over 10 years old. Form RM88 can be used if the records are either confidential or not over 10 years old.

<i>Revisions to Schedule</i>																	
Date	Revision	Change															
4-2010 (cont.)	4 (cont.)	<p>ITEM 8 <u>BALLOTS – BALLOTS –STATE AND FEDERAL</u> Added: e. Test Ballots-Automark; Retention: 2 years</p> <p>NEW ITEMS: 12, 13, 14, 17, and 23 Note: all items starting with # 12 are renumbered.</p> <table border="1"> <tr> <td>12.</td><td>CERTIFICATION OF AUTOMARK TESTING</td><td>2 years if no recount is pending</td></tr> <tr> <td>13.</td><td>CERTIFICATION OF TABULATION EQUIPMENT TESTING</td><td>2 years if no recount is pending</td></tr> <tr> <td>14.</td><td>ELECTION SEAL LOG</td><td>2 years if no recount is pending</td></tr> <tr> <td>17.</td><td>M 100 TAPE ROLLS- Tracks all activity on the M 100 machine.</td><td>2 years if no recount.</td></tr> <tr> <td>23.</td><td>POST ELECTION AUDIT RECONCILIATION AND REPORT TO SECRETARY OF STATE</td><td>2 years if no recount is pending</td></tr> </table>	12.	CERTIFICATION OF AUTOMARK TESTING	2 years if no recount is pending	13.	CERTIFICATION OF TABULATION EQUIPMENT TESTING	2 years if no recount is pending	14.	ELECTION SEAL LOG	2 years if no recount is pending	17.	M 100 TAPE ROLLS- Tracks all activity on the M 100 machine.	2 years if no recount.	23.	POST ELECTION AUDIT RECONCILIATION AND REPORT TO SECRETARY OF STATE	2 years if no recount is pending
12.	CERTIFICATION OF AUTOMARK TESTING	2 years if no recount is pending															
13.	CERTIFICATION OF TABULATION EQUIPMENT TESTING	2 years if no recount is pending															
14.	ELECTION SEAL LOG	2 years if no recount is pending															
17.	M 100 TAPE ROLLS- Tracks all activity on the M 100 machine.	2 years if no recount.															
23.	POST ELECTION AUDIT RECONCILIATION AND REPORT TO SECRETARY OF STATE	2 years if no recount is pending															
5-2012	5	<p>Changed: ITEM 26 to <u>ELECTIONS – REGISTRATION</u> a. Voter Confirmation Card – returned as undeliverable (5yrs) b. Cancellation Notice from other Counties or States (4 yrs) c. Death Notice from other Counties or States (4 yrs)</p> <p>Moved: Former ITEM 26 <u>REGISTRATION CARDS</u> to ITEM 27 Former ITEM 27 <u>RESOLUTIONS CALLING FOR ELECTION</u> to ITEM 28</p>															
5-2013	6	<p>ITEM 26 <u>ELECTIONS – REGISTRATION</u> Added: d. Lists of Purged Voters – canceled voters purged from the statewide system by SOS (5 years)</p> <p>ITEM 3 <u>ADDRESS CONFIRMATION CARDS</u> Changed: Retention period from “Permanent- Microfilm if possible” to “2 years”.</p> <p>ITEM 2 <u>ABSENTEE BALLOT LOGS</u> Deleted: d. Voter’s request to be on permanent absentee list (Permanent) Changed: Confirmation letter to permanent absentee voter to d.; the word “permanent” to “annual”; retention time from “1 year for county & local elections; 2 years for state and federal elections” to “1 year”.</p>															

ER10

*RM60 and RM88 are records disposal request forms issued by the Local Government Records Committee. Form RM60 is required if records are not confidential and over 10 years old. Form RM88 can be used if the records are either confidential or not over 10 years old.

<i>Revisions to Schedule</i>		
Date	Revision	Change
4-2019	7	ITEM 9 <u>ELECTIONS – BIPA BALLOT COLLECTION REGISTRY FORM</u> <u>New</u>

ER11

*RM60 and RM88 are records disposal request forms issued by the Local Government Records Committee. Form RM60 is required if records are not confidential and over 10 years old. Form RM88 can be used if the records are either confidential or not over 10 years old.

FOR RECORD DISPOSAL SEE MCA 2-6-403 For the most current revision go to: www.sos.mt.gov
Rev. 4-2019 This revision supersedes all previous versions of this schedule

The image shows a Citrix Gateway login interface. On the left, the text "Citrix Gateway" is displayed. In the center, there is a "Please log on" section with three input fields: "User name" containing "c9a080", "Password", and "Tokencode". Below these fields is a blue "Log On" button. At the bottom, there is a disclaimer about the system being the property of the State of Montana.

Citrix Gateway

Please log on

User name c9a080

Password

Tokencode

Log On

This computer system is the property of the State of Montana.

Unauthorized use is a violation of 45-6-311, MCA. This computer system, including all related equipment, networks and network devices, is provided only for authorized state government use. Any or all uses of this system and all files on this system may be intercepted, monitored, recorded, copied, audited, inspected and disclosed to authorized personnel. By using this system, the user consents to such interception, monitoring, recording, copying, auditing, inspection and disclosure to authorized personnel.