



ELECTION 2022

ELECTION 2024

GOVERNMENT & POLITICS

JUSTICE

Broken seals, shredding and a FBI investigation: Carbon County couple raise election concerns

Residents take on county, ask questions and prompt a larger investigation in southern Montana

BY: **DARRELL EHRLICK** - DECEMBER 8, 2023 12:38 PM



The Carbon County Courthouse in Red Lodge, Montana (Photo by Darrell Ehrlick of the Daily Montanan).

RED LODGE – If you’re looking for a story on the alleged stolen election of 2020, or evidence for the “Big Lie” – a notion peddled by former U.S. President Donald Trump about being denied a second term in office, that’s not this story.

But this is a story about elections, ballot-counting machines and the politics of a very Republican county in a red state. And, exactly what happened on Election Night 2022 isn't clear and is at the heart of a lawsuit filed in Carbon County by Albert "Chip" and Lisa Bennett, as well as an investigation by the state Department of Criminal Investigation, which appears to be in the hands of the FBI.

The Bennetts became interested in elections – from the equipment to the process – in the aftermath of the 2020 election with rumors of fraud and vote-flipping machines. So, they took Carbon County officials up on their offer to showcase the machines that run the elections in this southern Montana county, about an hour's distance from Yellowstone National Park. The Bennetts attended a meeting meant to demonstrate the equipment and explain the process – an approach that other counties took to shore up public confidence in the results of the election.

Trouble began during that first meeting: Chip Bennett, who has spent his career in computer technology, noticed that the safety seals which should have been in place over screws placed there by machine technicians had been broken – a possible indicator that someone had been in the machines. Safety stickers, called "seals," often are placed in order to detect possible tampering on voting machines and other technology. They also ensure that only certified technicians work on the proprietary machines, and agreements often include language that would void the warranty on the expensive equipment if they're broken.

The Bennetts don't identify themselves as partisan. They don't believe the 2020 election was rigged or stolen. In fact, they readily admit that there's no proof that the election in Carbon County was anything but above-board, even though the race for the Carbon County Elections Administrator was really close (less than 80 votes).

What has led them on a year-long mission and thousands of dollars in attorneys fees and even more pages of documents is wanting answers. Though there's no evidence to suggest the election was stolen, there are plenty of questions that demand answers the Bennetts say Carbon County isn't answering.



📷 A still photo from the video the Bennetts obtained from Carbon County which shows a staff member shredding what they say are ballots on Election Night

The Bennetts said that Carbon County has never been able to adequately explain why the seals on the voting

2022 (Video provided by Lisa Bennett via Carbon County).

machines were broken during an election, why

video footage shows what appear to be ballots being shredded on Election Night 2022 and why a county commissioner was handling ballots.

Meanwhile, Carbon County officials told the Daily Montanan after multiple interviews that the seals hadn't been replaced during a routine servicing, and that county officials were following the law. However, officials also said there were questions that could not be publicly answered because the state was investigating the matter, and information related to those questions is covered under Montana's confidential criminal justice law that allows otherwise public information to be withheld as an investigation is pending.

Broken seals

Carbon County has two "election machines" used for county ballots. Chip Bennett first noticed a seal had been broken during the demonstration, and asked about it.

"It's not obvious if you don't look," said Lisa Bennett who was with him at the meeting.

The county staff said they didn't know and would check. That would lead the Bennetts to request the records of the technician servicing the machines. They asked to be notified when the technician would come for the next set up of updates so they could observe and ask questions, a request the county refused.

"We didn't know and we just wanted to get to the bottom of it," Lisa said. "We thought nothing malicious. We just wanted to ask how could it or would it happen?"

The Bennetts said they went to the county commissioners to share their concerns, which they said were met with indifference.

"It just baffled us that they weren't concerned," she said.

They believed that Carbon County Election Administrator Crystal Roasico simply didn't know.

But that changed when Lisa Bennett decided to drop in to talk with Roasico on May 19, 2022. She asked again to talk with representatives from Election Systems and Software, the company which built and sold the machines.

“She started screaming at us and she was stressed,” Bennett recalls “She kept on saying, ‘You are not allowed.’ We thought, ‘This is really, really bad.’”

What Lisa Bennett didn’t know is that when she arrived, the ES&S technician was in the building, servicing the equipment. Roasico, Bennett believes, thought someone had tipped her off.

“It could have been over right there, and our security concerns may have been solved,” she said. “But they lied or at least obfuscated. It’s the feeling of being lied to. The county wasn’t being transparent.”

At a follow-up meeting, Bennett said Roasico said that technician had been to Carbon County to calibrate the machines because of Red Lodge’s high elevation. Chip Bennett thought that answer sounded fishy, so he called ES&S. The Bennetts told the Daily Montanan that technical support told him such an adjustment was unnecessary and confusing.

“None of this was adding up,” Lisa said.

But a series of emails provided by the county and dated in 2022 show elections officials had asked repeatedly about machines’ seals because of public concerns and questions from the county’s commissioners. In a string of emails, staff from ES&S said the calibration was necessary to accommodate multi-page ballots which could be misread if not properly adjusted. Furthermore, officials said when the adjustment was originally done, the technician did not have the proper seals and was in the building replacing them on the day the Bennetts happened to drop in. Email from that day confirms the timeline of events.

Dig deeper

It was those experiences that began to test the Bennetts’ faith in the local county officials. The more they asked, the more it seems they were stonewalled. So, they began to dig deeper, asking for thousands of emails from the county that might give clues as to why the small county officials seemed so reticent to answer questions.

It was at a meeting with Carbon County Commissioner Bill Bullock as they were asking questions where the Bennetts say he threw down the gantlet.

“He said if you want all these records, sue us,” Lisa Bennett said.

Adding to their growing concerns was that state officials, like the Montana Commissioner of Political Practices or the Secretary of State, had information that the Bennetts were seeking, even though Carbon County had refused to give up copies of the same documents.

Since then, they haven't gotten answers to questions, like what 1,000 extra blank ballots ordered from ES&S were used for; why an election staff member was seen shredding what look to be ballots on Election Night, and even why Bullock was seen in the office that night handling ballots.

Shredding ballots

One of the other areas of concern for the Bennetts involves Election Night 2022 and what appears to be county staff shredding ballots on video recorded by security cameras in the office. The Bennetts, at public meetings and in meetings with the county staff, have repeatedly asked about shredding ballots, but before obtaining video footage, election staff said nothing was shredded. But a video of the night suggests otherwise.

Jacqueline Papez, an attorney representing Carbon County, later confirmed that paper was shredded, but it was paperwork that accompanied voting from overseas service members and state department staff. Papez told the Daily Montanan that when a person overseas casts a ballot through a secure server, that information has to be transferred to a ballot. Because those documents have votes that tie back to an identifiable person – meaning by simply reading the paper, a person could see whom a particular individual voted for – county staff wanted to destroy anything that would compromise ballot secrecy.

But the Bennetts question that logic because they believe staff can be seen shredding more paper than roughly 70 ballots that came back to Carbon County from overseas. And, they wonder: If county elections staff repeatedly told the public nothing was shredded on election night, why does video evidence seem to clearly contradict it?

Papez told the Daily Montanan that shredding ballots is different than shredding paper that could identify specific voters' private information.

While federal and state law dictate how ballots and some materials related to them must be retained and stored, other materials, like

overseas print-outs, fall within a gray area.

Other ballot questions

The Bennetts also said Carbon County officials have not answered questions about why more ballots – possibly as many as 1,000 – were ordered from an election equipment supplier. And they question why Commissioner Bullock was handling ballots on election night at the county office.

Originally, the county told the Bennetts and the Daily Montanan that Bullock was a qualified election judge and was authorized to handle ballots. On information the Bennetts obtained from Carbon County for the 2022 Election, Bullock was not on the list of election judge assignments. The county confirmed that Bullock had been trained as an election judge and Bullock told the Daily Montanan that he originally became certified as an election judge during the height of the COVID-19 pandemic in order to help an understaffed department run in-person polling locations that required social distancing and sanitizing booths after each voter.

Bullock later told the Daily Montanan that the paper he was carrying around the office, visible to Chip Bennett who was there as an observer and on video, were not ballots. Instead, they were schedules for road crews who were busy preparing for an impending storm that would hit later that night or the next day.

An ongoing fight and an ongoing investigation

The Bennetts and the county remain at odds about the election with another huge, likely contentious election around the corner.

Papez said the Bennetts' questions have not gone ignored. In fact, Papez said the office has made copies and reviewed more than 6,000 emails that the Bennetts requested, and Carbon County is just awaiting payment from the couple before turning over the trove of information.

The county also said it took the questions raised by the Bennetts seriously and referred an investigation to Red Lodge City officials who started an investigation, but then turned it over to the Montana Department of Criminal Investigation, which is part of the state's Department of Justice. The Bennetts said they have been interviewed by FBI agents who are now believed to be handling the matter.

Officials there would not comment on the status of the case.

Montana Attorney General Austin Knudsen had referred recently to reports of election fraud at the local level that wasn't being investigated. Knudsen has made the allegations on talk radio, but never confirmed any particular investigation his office was conducting.

However, the Bennetts spoke with two investigators from DCI, but said they were disappointed that state investigators talked to Carbon County officials before speaking with them first, because they were the ones who lodged the complaint. The Bennetts said they were told the Montana Department of Justice has transferred the case to the FBI, but neither the state nor federal investigators would confirm that.

“We all make mistakes and we all screw up. It happens and we're human,” she said.

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