EXHIBIT K
I, M.V. Hood III, affirm the conclusions I express in this report are provided to a reasonable degree of professional certainty. In addition, I do hereby declare the following:
I. INTRODUCTION AND BACKGROUND

My name is M.V. (Trey) Hood III, and I am a tenured professor at the University of Georgia with an appointment in the Department of Political Science. I have been a faculty member at the University of Georgia since 1999. I also serve as the Director of the School of Public and International Affairs Survey Research Center. I am an expert in American politics, specifically in the areas of electoral politics, racial politics, election administration, and Southern politics. I teach courses on American politics, Southern politics, and research methods and have taught graduate seminars on the topics of election administration and Southern politics.

I have received research grants from the National Science Foundation, the Pew Charitable Trust, and the Center for Election Innovation and Research. I have also published peer-reviewed journal articles specifically in the area of election administration. My academic publications are detailed in a copy of my curriculum vitae that is attached to the end of this document. Currently, I serve on the editorial boards for *Social Science Quarterly* and *Election Law Journal*. The latter is a peer-reviewed academic journal focused on the area of election administration.


I am receiving $400 an hour for assisting the Defendants in analyzing Montana’s absentee ballot collection statute, and $400 an hour for any testimony associated with this work. In reaching my conclusions, I have drawn on my training, experience, and knowledge as a social scientist who has specifically conducted research in the area of election administration. My compensation in this case is not dependent upon the outcome of the litigation or the substance of my opinions.
II. SCOPE AND OVERVIEW

I have been asked by counsel for the Defendants to provide a brief overview of Montana’s voting system (Section III), including changes brought about by the Ballot Interference Prevention Act (BIPA). Section IV provides a state-by-state comparison of regulations associated with the collection and return of absentee mail ballots. I was also asked by counsel for the Defendants to respond to expert reports in this matter submitted by Professor Alexander Street (Section V) and Professor Daniel McCool (Section VI), especially those parts of their reports relating to BIPA. A synopsis of my overall conclusions in this matter is contained in Section VII.

Note: States use different terminology to refer to absentee ballots that can be cast through the mail. The State of Montana uses the term absentee voting to refer to this method of voting. I, therefore, will use absentee voting throughout this report to refer to a ballot sent to the voter through the mail which can also be returned by the voter through the mail.
III. VOTING IN MONTANA

Montanans are able to cast a ballot in-person at their polling place on election-day or absentee (by mail or in-person). Outside of a robust absentee balloting system which will be discussed in detail below, Montana’s voting regime also contains other helpful provisions for voters. Along these lines, Montana is among a decided minority of states that allows election-day registration.

Montana allows citizens the ability to late register and vote at their respective county election office through the close of election-day polling. Citizens exercising this option are required to complete a voter registration application in which they are to record their residential address. Documentary proof of residency is not required, nor is documentary proof of identity. Applicants are asked, however, to record their Montana driver’s license or state ID number on the form. In lieu of this information, the last four digits of one’s Social Security number may also be used. If neither a driver’s license nor Social Security number is available, other identifying documents may be used to register. As long as the information/documentation presented is sufficient to verify a registrant’s identity, they will be allowed to cast a regular ballot at the county election office.

A. In-Person Voting on Election-Day

Montana’s election code calls for in-person voting on election-day from 7:00 am to 8:00 pm. Electors must appear at their assigned polling place, identify themselves, and present requisite photo or non-photo identification. Once precinct officials have located the voter’s name in the Polling Place Book, the voter will sign their name in said book and receive a ballot. Upon completion of the voting process, the voter will deposit their ballot with an election judge before leaving the polling place.

B. Absentee Voting

In addition to in-person polling place voting on election-day, Montana voters also have the option to vote absentee (by mail or in-person). In Montana, voters do not have to provide an

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1 My understanding of Montana’s election scheme was heavily informed by interviews with state and local election officials and documentation found at the Montana Secretary of State’s website (https://sosmt.gov/elections/).
2 Montana does not have a formalized early in-person voting method as in some states where vote centers are open specified days and times during a period prior to election-day. A Montana voter, however, may vote by absentee ballot in-person at their county elections office beginning 30 days prior to the election (Mont. Code Ann. § 13-13-222; 13-13-205(a)(i)).
7 This scenario would apply to new registrants. If a voter is using the late registration period to transfer their registration, they would vote a provisional ballot which would be counted if it is determined they had not already cast a ballot. For more information, see Admin. R. Mont. § 44.3.2015(5).
9 Some polling place locations in Montana contain multiple precincts.
excuse to vote absentee, nor provide identification, nor have their absentee ballot notarized or witnessed. This section will detail the five components of the absentee voting process in Montana.

i. Requesting an Absentee Ballot
Voters can request an absentee ballot using the standard form, a copy of which is appended to the end of this report. The form must be signed manually by the voter (contain a wet signature). On this same request form, a voter may indicate their preference to continue to receive absentee ballots by mail on a permanent basis (conditioned on residing at the address listed on the application).\(^\text{11}\) For voters who choose this option, Steps \(i\) and \(ii\) in the absentee voting process are no longer necessary.

ii. Returning the Absentee Ballot Request
The request form can be transmitted to county election officials by mail, e-mail (as an attachment), fax, or in-person. An individual could also have their absentee ballot request form delivered by another individual.

iii. Receiving an Absentee Ballot
A voter may have their absentee ballot delivered through the mail. Absentee ballots are statutorily required to be mailed to voters twenty-five days prior to an election. Voters can also pick up their ballot at the county election office in-person beginning thirty days before an election or have an individual designated in writing\(^\text{12}\) pick up their ballot on their behalf.

iv. Returning a Voted Absentee Ballot
In order to be counted, an absentee ballot must reach election officials by the close of polls on election-day (8:00 pm).\(^\text{13}\) Voters in Montana may return their absentee ballot through the mail or another common carrier (e.g. FedEx). Voters may also return their ballot in-person to a number of locations, including their county election office or satellite office, prior to or on election-day.\(^\text{14}\) On election-day, voters may deposit their absentee ballot at any polling place location within their county.\(^\text{15}\) Absentee voters may also return their ballots, if available, to a designated place of deposit.\(^\text{16}\) In Montana, a designated \textit{place of deposit} must be actively staffed by two election judges.\(^\text{17}\) A voter may also designate a caregiver, family or household member, or acquaintance to return their absentee ballot on their behalf.\(^\text{18}\) Voters requiring additional assistance with absentee voting due to a health emergency may request that an absentee ballot be delivered and returned by the “absentee ballot election board or an authorized election official.” These election officials can also assist the elector in marking their ballot if necessary.\(^\text{19}\)

\(^{13}\) Mont. Code Ann. § 13-13-201(3).
\(^{14}\) There are currently 12 satellite elections offices in 11 counties (Big Horn, Blaine, Choteau, Glacier, Hill, Lake, Missoula, Pondera, Roosevelt, Rosebud, and Valley).
\(^{15}\) For the 2018 general election there were 333 election-day polling place locations across the state.
\(^{19}\) See Mont. Code Ann. §§ 13-13-212(2)(a) and 13-13-229.
v. Tracking an Absentee Ballot and Correcting Issues

A Montana voter can track the status of their absentee ballot using the My Voter Page on the Secretary of State’s website.\(^{20}\)

Absentee ballots in Montana are verified by matching the signature on the voter affirmation\(^{21}\) that accompanies the ballot with the signature on file for the voter.\(^{22}\) If an absentee ballot is received that contains a signature mismatch, the wrong signature, or no signature, the voter will be notified and will be allowed to cure their ballot.\(^{23}\) County election officials will notify voters whose absentee ballot has been rejected by mail and other contact methods when available (e.g. phone, e-mail). Voters can resolve absentee signature issues by completing the Ballot Rejection Notice form and returning it by mail, fax, e-mail, or in-person to the county election office by the close of polls on election-day.\(^{24}\)

A rejected absentee ballot not cured by the close of polls on election-day will be treated as a provisional ballot. It is important to note, however, that a voter in this situation can still have their ballot cured and converted to a regular ballot that will be counted even after election-day. Absentee voters can submit a cure affidavit up to 5:00 pm of the day following the election. If the cure affidavit is postmarked by 5:00 pm the day following the election and it is received by county election officials by 3:00 pm the Monday following election-day, the ballot will be converted to a regular ballot and counted.\(^{25}\)

C. The Ballot Interference Prevention Act\(^ {26}\)

So, what exactly about voting in Montana did BIPA alter?\(^ {27}\) The act regulates the manner in which absentee ballots may be returned in-person, both in terms of who may return an absentee ballot and in what quantity. Return is limited to a caregiver, household or family member, or acquaintance. An individual may only return up to six ballots (not counting their own) per election. Such action must be documented with election officials using an official form (a copy of which is appended to this report).\(^ {28}\) Prior to the approval of BIPA, Montana did not regulate the return of voted absentee ballots, neither the quantity nor who might return such ballots.

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\(^{20}\) My Voter Page found at: https://app.mt.gov/voterinfo/. Voters can also access other helpful functions on this portal as well (e.g. registration information).


\(^{23}\) The cure process is outlined in Mont. Code Ann. § 13-13-245.


\(^{27}\) BIPA was passed as a ballot referendum in the 2018 general election with 63% of the vote. See https://electionresults.mt.gov/resultsSW.aspx?type=BQ&map=CTY eid=17.

\(^{28}\) Those in violation of BIPA can be fined $500 (Mont. Code Ann. § 13-35-705).
BIPA is designed to increase security for absentee ballots, which comprise a significant share of the vote cast in Montana. Unlike voting at the polling place, absentee voting can raise concerns related to chain-of-custody for the ballot. On the absentee ballot’s return trip, BIPA strengthens the chain-of-custody between the voter and the county elections office. Only the voter, a family or household member, caregiver, or an acquaintance can return the voted absentee ballot in-person. Limiting the method of transmittal to the voter or a trusted individual acts to strengthen chain-of-custody, thereby ensuring that a voter’s absentee ballot makes it to election authorities in the same state as it left the voter’s hand.

One important point to note is that BIPA only applies to the return of absentee ballots in-person. It does not, therefore, apply to absentee ballots transmitted through the U.S. Postal Service (USPS). As such, BIPA does not prohibit the bulk collection (in any number) of absentee ballots, or require a defined relationship with the voter, as long as such ballots are returned through the mail. As well, individuals are still free to return their absentee ballot in-person to a designated place of deposit, the county election office or satellite office, or any polling place within their county on election-day. BIPA also does not affect whether a returned ballot will be counted. Absentee ballots received in violation of BIPA (e.g. more than six ballots are submitted by the depositor) will still be accepted and processed.

IV. ABSENTEE BALLOT RETURN

The attached table (Table A) contains detailed information for all fifty states relating to state laws governing the collection of absentee ballots. Within the context of this study, it is important to note the various components of the absentee-by-mail process. These include making an absentee ballot request, returning the absentee ballot request, obtaining an absentee ballot, returning a voted absentee ballot, and tracking and correcting (if necessary) an absentee ballot. These are five distinct processes, or steps, and states may regulate the entire process or only specific components thereof.

The comparative state analysis presented concentrates solely on the return of voted absentee ballots. States are categorized in a binary fashion based on the presence or absence of

32 Here, I rely on a simple, straightforward, and accepted social science technique known as comparative analysis (in fact, an entire subfield in the political science discipline is devoted to the study of making comparisons between various quantities such as nation-states). In this case, I am using U.S. states as the unit of analysis. In some scenarios, comparative research relies on the selection of a specific set of cases for analysis, known as case study analysis. Here, I am utilizing the entire population of U.S. states. Doing so allows me to compare Montana to the remaining forty-nine states on a number of metrics associated with absentee ballot collection and return. To carry out this analysis, I systematically record observations on measures of interest for each state. Next, I group states into various categories based on specific characteristics of interest. It is the ability to classify, in turn, that allows one to make explicit comparisons between states.
regulation regarding this component of the absentee process. More specifically, states that do not place limitations on who can return an absentee ballot and in what quantity fall into the No Regulation category. Conversely, states that regulate who may return an absentee ballot and/or the quantities that may be collected fall into the Regulation category. In addition, I also classify states based on whether absentee by mail balloting requires an excuse (Excuse versus No Excuse). This is in recognition of the fact that absentee ballot usage in states that require an excuse is more limited compared to states where an excuse is not necessary.

In order to conduct this analysis, I relied on information posted by state agencies charged with the conduct of elections (e.g. the Secretary of State’s Office or the State Election Board). Many state websites contained detailed documentation concerning the absentee balloting process, with some including a step-by-step instruction guide for voters. After an initial sweep of documentation posted on such sites, I then located and read statutes applicable to the vote by mail or absentee ballot return process in state election codes. If any ambiguity remained after accessing these information sources, I contacted election officials so that I could correctly classify the state on this question. Out of an abundance of caution, if a state’s election code was silent on the manner in which an absentee ballot could be returned, the state in question was coded as having no specific regulations regarding absentee ballot return.

Table A contains the detailed results of my analysis, including a categorization based on the requirement for an excuse to vote absentee by mail and the presence of regulations concerning the return of an absentee ballot. The table also includes a short description of the process by which an absentee ballot may be returned, including any applicable regulations. Finally, specific state election webpages accessed and applicable provisions in state election code are also documented in this table.

Figure 1 categorizes states based on the presence of regulations concerning absentee-by-mail ballot collection (Regulation versus No Regulation). Montana falls into the Regulation category. Twenty-nine states (including Montana) have some restrictions in place relating to the manner in which absentee ballots may be returned. Almost three-fifths (58%) of the states then regulate this component of absentee balloting. Conversely, a minority of states (42%) do not limit the manner in which a voter may return their absentee ballot to election officials. The panel to the right in Figure 1 further classifies states based on absentee return regulations and whether an excuse is required to vote absentee. Only 18 states (36%) have both readily accessible (No Excuse) absentee balloting and do not regulate the collection of such ballots. The remaining states have limited access to absentee voting (excuse required) with no regulation (3); easy access with the return process regulated (15); or both limited access and regulations on the return of absentee ballots (14).

Montana and fourteen other states comprise the No Excuse, Regulation category. More specifically, in the case of Montana, an individual is limited in the number of absentee ballots they may return in-person to a designated drop-off location (e.g. a polling place). The ballot collector must also have a specific relationship to the voter (e.g. family member). Montana readily provides voters with access to absentee by mail ballots without the necessity for an excuse. Within this environment, the state legislature has crafted some common-sense regulations to safeguard the return of such ballots. The provisions surrounding the collection and
delivery of absentee ballots in Montana are in line with a majority of states that also choose to regulate this activity. Indeed, of those states that do regulate absentee ballot collection, many are actually more restrictive than Montana.\textsuperscript{33}

\textsuperscript{33} See descriptions found in Table A.
V. RESPONSE TO PROFESSOR STREET

Professor Kenneth Street submitted an expert report on behalf of the plaintiffs in this matter in which he opines on the effects of BIPA. In his report, Professor Street concludes that BIPA will produce negative effects on Montana’s election system in general, and Montana voters in particular. Professor Street, however, provides no direct evidence to support his opinion. Below, I respond to a number of specific claims made by Professor Street.

A. BIPA Outlaws Bulk Collection of Absentee Ballots

In his report, Professor Street makes the following claim: “BIPA ‘prohibits a person from collecting another voter’s ballot.’”34 This statement is a fundamental mischaracterization of the law. As outlined in Section III.C of this report, BIPA only applies to the in-person return of absentee ballots. It does not apply to absentee ballots returned through the USPS. As such, the bulk collection of absentee ballots by groups such as Western Native Voice and Forward Montana can continue unabated as long as such ballots are deposited at the post office. Anyone in Montana can collect an unlimited number of absentee ballots from any voter35 and return these ballots through the USPS.

As well, the six-person limit on absentee ballots returned in-person does not appear to be much of a hindrance for most Montana voters. Although the law is currently enjoined, there has been some data collected on BIPA forms submitted for various elections in 2019 and 2020. Using data from the Montana Commissioner of Political Practices one can estimate the ratio of ballots cast by the number of BIPA forms submitted. On average, the number of absentee ballots returned per form is 1.2.36 What this tells us is that, more often than not, a person submitting a BIPA form is returning an absentee ballot for only a single voter. This figure is far below the six-ballot maximum allowed under the law. The available BIPA data also reveals that 90% of absentee ballots returned in-person on behalf of another voter are returned by a family member.

B. BIPA and the Cost of Voting

In his report, Professor Street claims, “By prohibiting ballot collection, BIPA raises the cost of voting and, on the basis of existing research, can be expected to reduce turnout.”37 Professor Street’s ultimate conclusions are necessarily based on the premise that BIPA will serve as a major impediment for a sizable number of Montanans to return their voted absentee ballot, especially Native Americans. BIPA only affects the in-person, bulk delivery of absentee ballots. Voters can still return their absentee ballots through the mail or in-person to the county election office or satellite office; a designated place of deposit; or a polling place within their county of residence on election-day. Under BIPA, a family or household member, caregiver, or acquaintance can also return up to six ballots (not counting their own) in-person to election officials. Bulk collection of absentee ballots by any individual, regardless of relationship to the voter, can still be undertaken as long as such ballots are mailed. Even under BIPA, there are still many return options available to absentee voters.

35 The absentee voter need not have any relationship to the collector if mailed.
36 Calculated as Ballots Cast per BIPA Form/Number of BIPA Forms: 29,462/24,683≈1.19.
The only subset of voters that would be potentially affected by BIPA, therefore, would be those who had previously relied on third-party ballot collectors who deposited such ballots with election officials in-person. No one, however, knows anything about the size of this group.\(^{38}\) Not only is there no information on the size of this group, one must also make the assumption that a voter in this group would be unable to return their voted absentee ballot by any of the other mechanisms available to voters. The count of the number of voters who would fall into this category is also unknown, although it is logically smaller than those who may have simply used ballot collectors in the past for in-person return. Not having any knowledge of these groups of voters makes inferences concerning this particular subset of electors problematic. In the absence of such knowledge, one cannot simply infer that a whole class of voters will be adversely affected by BIPA.

C. Residents of Reservations versus Native Americans

Throughout his report Professor Street continuously conflates residents of Indian Reservations with Montana’s Native American population. While there is a heavy overlap between these two populations, they are not equivalent. In order to demonstrate a disparate racial impact, one needs to concentrate on the analysis of the racial group in question, not a geographic location.\(^{39}\)

The racial voting age population breakdown for Montana’s Indian Reservations is provided in Table 1 below. As one can see, not everyone living on a reservation is Native American. Four of seven reservations contain more than a fifth of residents who are non-Native American. The Flathead Reservation is less than a quarter Native American. These data raise real concerns about drawing incorrect inferences about Montana’s Native American population based on the population of residents living on Indian Reservations.

<table>
<thead>
<tr>
<th>Indian Reservation</th>
<th>% Native American VAP</th>
<th>% Other Race VAP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chippewa Cree Tribe of the Rocky Boy’s Reservation</td>
<td>93.9%</td>
<td>6.1%</td>
</tr>
<tr>
<td>Northern Cheyenne Tribe of the Northern Cheyenne</td>
<td>90.3%</td>
<td>9.7%</td>
</tr>
<tr>
<td>Fort Belknap Tribes of the Fort Belknap Reservation</td>
<td>89.3%</td>
<td>10.7%</td>
</tr>
<tr>
<td>Blackfeet Tribe of the Blackfeet Reservation</td>
<td>77.6%</td>
<td>22.4%</td>
</tr>
<tr>
<td>Crow Tribe of the Crow Reservation</td>
<td>75.5%</td>
<td>24.5%</td>
</tr>
<tr>
<td>Fort Peck Tribes of the Fort Peck Reservation</td>
<td>61.5%</td>
<td>38.5%</td>
</tr>
<tr>
<td>Confederated Salish &amp; Kootenai Tribes of the Flathead Reservation</td>
<td>24.1%</td>
<td>75.9%</td>
</tr>
</tbody>
</table>

Source: 2018 American Community Survey; U.S. Census Bureau

D. The BIPA Injunction

The most glaring issue with Professor Street’s analysis of BIPA and the 2020 primary concerns the fact that BIPA was enjoined by a Montana court on May 20, 2020.\(^{40}\) It was, therefore, not in

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\(^{38}\) The BIPA data that is available again shows that, on average, most collectors are returning the absentee ballot of a single voter, even though it is possible to return the ballots of up to six voters.

\(^{39}\) Unless these are essentially synonymous, which, in this case, they are not.

effect for the majority of the 2020 primary. It is difficult, if not impossible, to study the effects of a law prior to implementation. BIPA has never been fully in effect for a statewide election in Montana. For this reason, it is impossible to infer that an increase in the absentee ballot rejection rate for the 2020 statewide primary is a consequence of BIPA. Nor is it possible to infer that any differential in turnout was caused by BIPA. Professor Street attempts to link BIPA throughout his report to any potential detrimental effect related to the 2020 primary. For the reason documented, this assumption is untenable.

E. The 2020 Statewide Primary
The 2020 statewide primary is problematic to compare to previous elections, including previous primary elections, for other reasons also. A directive from Governor Bullock allowed counties to conduct the June 2020 primary election completely by mail.41 As all fifty-six counties choose this option, the 2020 primary was effectively an unprecedented statewide election conducted by absentee ballot.42 This also meant that an absentee ballot was sent to all active registrants in the state, which is a departure from how statewide elections are typically conducted. The directive also mandated that any county opting in to hold an all-mail election would provide postage for the return of absentee ballots through the mail.

Some voters who previously had preferred to vote in-person at their polling place on election-day did not have that option in the 2020 statewide primary.43 As well, some subset of these voters may have had little or no experience with absentee voting. This is one possible explanation that could account for an increase in the overall absentee ballot rejection rate in 2020—BIPA is not. Again, BIPA was enjoined during the 2020 primary.

F. Absentee Ballot Rejection Rates
Professor Street also examines absentee ballot rejection rates for the 2016, 2018, and 2020 primaries. He concludes, “that, under BIPA, the ballots of Native American voters are more likely to be rejected for reasons that ballot collectors could help to prevent.”44 There are a number of reasons that the absentee ballot rejection rate increased in the 2020 primary, but BIPA is not among these. Again, BIPA was not in effect during the 2020 primary. And, as referenced previously, the 2020 primary was a unique, all-mail statewide election. Based on past elections, some subset of voters prefers to vote in-person. Montanans did not have the choice to appear in-person and vote at their polling place on election-day. As such, there was a group of 2020 primary voters who were not experienced absentee voters. The 2020 primary election was also unique in that all active registrants were automatically mailed a ballot where postage-paid return was provided. Given this, it is quite possible that some registrants not typically predisposed to vote in a primary and who might be less experienced in voting absentee, nevertheless decided to cast a ballot.

42 Voters in the 2020 statewide primary could vote absentee early in-person, but voters could not choose to vote at their polling place on election-day. Mail ballot elections are not typically permitted under Montana’s election code for “a regularly scheduled federal, state, or county election.” See Mont. Code Ann. § 13-19-104(3)(a).
43 To the extent voters did vote in-person during the 2020 statewide primary, it was absentee in-person. See Mont. Code Ann. § 13-13-205(1)(a)(i).
Professor Street also makes a number of other unsubstantiated assumptions related to BIPA and the absentee ballot rejection rate in the 2020 primary. He again equates those living on reservations with being Native Americans. As previously discussed, such is not always the case. Second, Professor Street assumes ballot collectors could reduce the number of absentee ballots rejected. Not only do we not know anything about the number of absentee ballots collected in bulk, we certainly cannot assume that such a ballot collector would be able to necessarily help voters to reduce errors. Besides being late, the two other common reasons for absentee ballot rejection are unsigned certificates and certificates with signature mismatches. Assuming a ballot collector will return ballots on time, the only type of potential error that a ballot collector could alert a voter to would be the absence of a signature, as opposed to a signature mismatch. In fact, the most prevalent reason for rejection for absentee ballots on reservations is a signature mismatch—precisely the type of issue a ballot collector cannot alleviate.

G. Turnout and the 2020 Primary
Professor Street provides a number of turnout comparisons in his expert report, arguing that BIPA suppressed turnout among Native Americans. In one analysis he demonstrates that four counties with sizable Indian Reservations saw less increase in turnout from the 2016 primary to the 2020 primary, as compared to the other fifty-two counties. There are a number of issues, however, with these comparisons. First is the fact that BIPA was enjoined. As such, any effect on turnout across these comparison groups is not a consequence of BIPA.

Turnout itself is linked to a myriad of factors. For primary elections, these include the contests on the ballot and whether these offices are intra-party contested in addition to the actual candidates, their campaigns, and associated advertising. Voters may also be compelled to participate, or not, in primary elections based on local offices which they view as particularly salient. These local contests may garner even more attention when the outcome of the race is determined at the primary stage (i.e. there is no inter-party competition). For example, a county sheriff’s race where the winner of the Republican primary will be the de facto winner because there is no Democratic candidate. Across election-cycles, then, turnout will vary for a whole host of reasons, as will turnout geographically within a state. Professor Street’s analysis fails to control for any of these other known factors linked to voter turnout.

Second, the 2016 and 2020 primaries were completely different from an administrative standpoint. The 2020 primary was an all-mail election where a ballot was automatically sent to all active registrants. Postage for the return ballot was also prepaid, which is not the case in a regular statewide election. In-person polling place voting was also not available to electors during the 2020 primary.

Third, while these four counties may contain sizable Indian reservations, they are not racially homogenous. Table 2, below, details racial voting age population data for Big Horn, Blaine, Glacier, and Roosevelt Counties. A large proportion of the population in these counties is non-Native American, ranging from 40% to 55%. As discussed previously, making inferences concerning a particular racial group in these circumstances is not tenable.

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45 A signature match is based upon a determination of county election officials who compare the signature on the absentee ballot envelope to the signature on the voter’s absentee ballot application or registration form (Mont. Code Ann. § 13-13-241(1)(a)).
Table 2. Racial Voting Age Population of Select Counties

<table>
<thead>
<tr>
<th>County</th>
<th>% Native American VAP</th>
<th>% Other Race VAP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Big Horn</td>
<td>60.1%</td>
<td>39.9%</td>
</tr>
<tr>
<td>Blaine</td>
<td>45.1%</td>
<td>54.9%</td>
</tr>
<tr>
<td>Glacier</td>
<td>62.0%</td>
<td>38.0%</td>
</tr>
<tr>
<td>Roosevelt</td>
<td>51.5%</td>
<td>48.5%</td>
</tr>
</tbody>
</table>

Source: 2018 American Community Survey; U.S. Census Bureau

Professor Street also undertakes an individual-level analysis of turnout, comparing the 2016 and 2020 primaries. In order to carry out this analysis, he creates a panel by taking registrants on the permanent absentee list in 2016 who were also on the voter registration roll in 2020. He then compares the turnout behavior of this group from 2016 to 2020. Professor Street reports that turnout across these two election-cycles for those living on reservations fell by 3.5%, as compared to a drop of 0.2% for those not living on reservations. From this he concludes, “BIPA and the conditions of the 2020 primary election did indeed have a disparate impact on those living on reservations in Montana.”

This analysis, again, tells us little about the potential effects of BIPA. BIPA was enjoined for the 2020 primary. Even if BIPA had been in effect, demonstrating a turnout differential among habitual absentee voters living on and off reservations falls short of proving that BIPA caused a drop in turnout. Again, BIPA would only affect the bulk, in-person return of absentee ballots. One would need to provide evidence that some subset of Montana absentee voters is reliant upon the type of bulk collection prohibited by BIPA, and that this subset of voters is unable to use one of the many other return methods available. Further, one must also be able to substantiate the claim that BIPA is more likely to affect Native Americans than other racial groups in Montana. None of the aforementioned assumptions have been demonstrated by the plaintiffs to my knowledge. In fact, no one knows the extent of bulk collection that existed prior to BIPA or the number of voters who were totally reliant on such bulk collection. For these reasons, it is quite tenuous to conclude that BIPA dampened turnout in the 2020 primary.

VI. RESPONSE TO PROFESSOR MCCOOL

Professor Daniel McCool also submitted two expert reports on behalf of the plaintiffs in this matter in which he opines on the effects of BIPA. In his reports, Professor McCool concludes that BIPA will have a disparate impact, particularly on Montana’s Native American population. Professor McCool fails to provide any direct evidence of disparate racial impact. Below, I respond to a number of specific claims made by Professor McCool in his reports.

A. Voter Fraud in Montana

Professor McCool reports that there is a “complete absence of any evidence of voter fraud” in Montana. Fraud prevention measures do not have to be justified solely on the grounds that fraud is present and has been proven. Anti-fraud measures can also be forward looking. Whether past election fraud related to absentee ballot collection in Montana can be proven thus does not

46 Street Decl., p. 18, Western Native Voice v. Stapleton, DV 56-2020-377 (July 6, 2020). Professor Street did not report the results of any of his statistical models on which his results are based, nor did he disclose any of the data he relied upon for his analyses.

prevent the state from implementing changes in the election code designed to prevent future instances of fraud.\textsuperscript{48} Even in the absence of evidence of election fraud, the U.S. Supreme Court has concluded in \textit{Crawford et al. v. Marion County Election Board} that the states should be able to implement reasonable requirements to safeguard against future occurrences of voter fraud.\textsuperscript{49} Article IV, Section 3 of the Montana Constitution charges the Legislature with legislating “the requirements for residence, registration, absentee voting, and administration of elections.”\textsuperscript{50} With an affirmative duty to regulate conduct in this area, BIPA helps the Montana Legislature meet the goal of ensuring that elections in the state are fair and free of fraud.

\textbf{B. The Mechanics of BIPA}

In his reports, Professor McCool also makes a number of claims concerning BIPA that are false. More than once, Professor McCool indicates that BIPA prohibits the bulk collection of absentee ballots in Montana. For example, “[t]he negative impact of the legislation [BIPA] was that it eliminated the freedom of individuals to assist other voters by collecting and delivering their ballots.”\textsuperscript{51} This statement is a fundamental misunderstanding of the statute. BIPA only applies to the in-person return of absentee ballots. It does not apply to absentee ballots returned through the USPS. As such, the bulk collection of absentee ballots can continue as long as such ballots are deposited in the mail. In addition, bulk collection under this scenario can be undertaken by anyone, regardless of their relationship to the voter.

In fact, at another point in his report, Professor McCool describes this very situation:

\begin{quote}
One of the advantages of using the voluntary services of a ballot collector is that, first, they understand the deadline regarding when ballots must be delivered, and second, they can make sure the ballots are delivered to a post office in time to ensure that they will arrive on-time and be counted.\textsuperscript{52}
\end{quote}

As discussed, bulk collection of absentee ballots under this scenario may proceed unabated, on or off Indian reservations in Montana, if “the ballots are delivered to a post office.” Again, the confusion appears to be the product of a misunderstanding concerning the actual implementation of the law.

Along this line of reasoning, Professor McCool contends that, without “the service of a ballot collector, every voter must be able to pay for the following: a car, preferably with snow tires to

\begin{footnotesize}
\begin{enumerate}
\item Absentee ballot fraud has been documented in other states. For example, very recently the New Jersey Attorney General announced voting fraud charges against a city councilman and several others based on the allegation they tampered with absentee ballots which they collected from voters (“AG Grewal Announces Voting Fraud Charges Against Paterson Councilman Michael Jackson, Councilman-Elect Alex Mendez, and Two Other Men,” State of New Jersey, Office of the Attorney General, (June 25, 2020) https://www.nj.gov/oag/newsreleases20/pr20200625a.html). In North Carolina, the election for the 9th Congressional district was nullified in 2018 over allegations relating to absentee ballot fraud. In 2019, formal indictments were handed down in this matter (“NC Political Operative Indicted in Connection with Alleged Ballot-Tampering Scheme,” The Hill (February 27, 2019) https://thehill.com/homenews/campaign/431827-nc-political-operative-indicted-in-connection-with-alleged-ballot-tampering).
\item In \textit{Crawford}, the Court upheld the constitutionality of Indiana’s voter ID law, in part, based on this logic. 553 U.S. 181, 128 S. Ct. 1610 (2008).
\item Montana Constitution (https://leg.mt.gov/bills/mca/title_0000/chapters_index.html).
\end{enumerate}
\end{footnotesize}
deal with remote reservation roads in November; auto insurance; gas money; in some cases child care while the parent drives to and from an election office; and a substantial amount of time away from work.”53 This statement ignores the fact that voting in Montana does not need to take place in-person—one can also vote absentee by mail without an excuse. Even under BIPA, there are multiple methods a voter can use to return their ballot, as well as multiple return locations. A voter can return their ballot in-person to any polling place within their county on election-day, to the county election office (or a satellite office), or to a designated place of deposit. A voter can also deposit their ballot in the mail for return to county election authorities. A voter may also have a family or household member, caregiver, or acquaintance deliver their ballot. Finally, absentee voters may still use the services of a ballot collector as long as the ballots collected are returned through the mail. Contrary to Professor McCool’s claim, BIPA does not force a voter to transport themselves to a location to cast their absentee ballot.

Professor McCool also undertakes a discussion concerning the exact meaning of who qualifies as a “caregiver,” a “family member,” or an “acquaintance” under BIPA. Professor McCool posits two hypotheticals on this topic, and subsequently concludes that Native American voters “would have to decide a fine point of law, on the spot, to ensure they were not violating BIPA.”54 BIPA, however, does not require an election official to question a depositor about their relationship to the voter. Further, absentee ballots received in violation of BIPA will still be accepted and processed.55 Also germane to this discussion, bulk collection of absentee ballots for return through the mail can be undertaken by anyone, regardless of the relationship to the voter.

Finally, Professor McCool’s conclusion that “it is a serious crime to help someone deliver their ballot,”56 is not supported by the statutory language of BIPA. BIPA only imposes a fine.57 This penalty is more lenient than in many other states that regulate ballot collection, as it is not uncommon for criminal penalties to be associated with the violation of such provisions, with some states classifying these violations as felony matters.58

C. Postal Services
In his report Professor McCool conflates distances to county seats or tribal agencies with access to postal services for those voters residing on Indian reservations. For example, Professor McCool states:

The significant point is that tribal voters are dispersed over a large area, requiring significant driving distances to get to a post office, tribal offices, and election offices.

To gain a better understanding of the distances across reservations, Table 3 presents a sample of distances that a hypothetical voter on a reservation would have to drive to

get to either the tribal agency or the county courthouse. This is not a comprehensive listing of all possible driving distances—that would be nearly as numerous as there are tribal members. And it does not include distances from all seventeen counties that include reservation lands. However, it does illustrate how far some voters may drive to vote or access a mailbox or post office.

(Emphasis added.) However, hypothetical distances to a tribal agency or county courthouse does not illustrate how far voters must drive to access a mailbox or post office to vote by mail. Taking just the first example in Table 3 of his report, the town of Babb on the Blackfeet Reservation, Professor McCool reports a distance of 70 roundtrip miles from Babb to Browning (the reservation agency) and 139 miles to Cut Bank (the county seat). The mileage chart, however, only applies to the distance a voter would need to travel to return an absentee ballot in-person. In fact, there is a U.S. Post Office in Babb where a voter could deposit their absentee ballot.59

In Table 3 of his report, Professor McCool lists a total of 25 towns on Indian reservations and associated distances. There is a U.S. Post Office located in nine of these towns. The average distance to a post office across these 25 towns is 8.3 miles one-way (16.6 miles roundtrip). The previous discussion centered only on distances to post office locations. If a voter simply needed to deposit their absentee ballot in the mail, then the required distance for some subset of voters would certainly be less than the distance they would need to travel to a post office.60 Again, voters need not travel to their respective county seat or reservation agency to return their absentee ballot. This task can be accomplished by using the USPS as the means of conveyance for return.

Professor McCool also incorrectly links delivery of absentee ballots on Indian reservations to BIPA. On this topic he states, “it is difficult to deliver, via the mail, a mail-in ballot to someone who does not have a domicile.”61 While that may be true, the statement has nothing to do with BIPA, as the statue does not affect how Montana voters receive their absentee ballot. BIPA only regulates the bulk collection of absentee ballots returned in-person. This law did not alter any aspect of the process related to receiving an absentee ballot in Montana.

D. Non-Germane Issues
A not insignificant portion of Professor McCool’s reports are devoted to discussion of issues that are not germane to the matter at hand. Professor McCool attempts to draw conclusions about BIPA’s disparate impacts among Native Americans living on reservations by pointing to poor

59 Located at 4016 US Highway 89. According to the USPS website, the post office in Babb is open six days a week from 8–11 a.m. and 12:30–4:15 p.m. Monday through Friday, and from 11 a.m. to 12 p.m. on Saturday. See https://tools.usps.com/find-location.htm?location=1353832.
60 Here I am referring to the fact that most voters live in closer proximity to a mailbox or USPS drop box than a U.S. Post Office location.
broadband connectivity and theoretical voter ID issues. First, the lack of broadband service is irrelevant to Plaintiff’s challenges to BIPA, and while voter ID requirements are certainly relevant to electoral participation, Montana does not require a photo ID to vote in-person. Montana voters can use a wide variety of both photo and non-photo identification to vote in-person.

E. BIPA and Political Participation
Professor McCool also makes the claim that BIPA will disenfranchise some voters by prohibiting the bulk collection of absentee ballots. This claim is not supported by any empirical evidence and also mischaracterizes the law under challenge in this matter. BIPA does not apply to absentee ballots transmitted through the mail. As such, BIPA does not prohibit the bulk collection (in any number) of absentee ballots, or require a defined relationship with the voter, as long as such ballots are returned through the mail. Professor McCool’s claim also assumes that a voter who may have relied on a bulk collector for in-person return in the past is unable to utilize any of the other return options available.

F. The Coronavirus and the 2020 General Election
Professor McCool’s supplemental report also raises the issue of voting during a pandemic. At this date, no one knows what the future might hold as it relates to the Coronavirus pandemic and the 2020 presidential election. In my opinion, Montana is much better positioned to administer an election in this context than other states. The state already has a robust absentee voting system which has been in place for many years. The just-conducted 2020 primary also serves as an indicator that Montana is capable of holding an all-mail statewide election. Turnout for the 2020 primary was 55%, which is comparable to recent general election midterms. Turnout for the 2020 general will undoubtedly be higher, but Montana has demonstrated the state has the administrative capacity to conduct an all-mail election if circumstances dictate. One advantage of an all-mail election is that a voter may cast their ballot without any human-to-human contact by simply depositing their ballot in the mail. In-person drop-off, requiring minimal contact, would also be an available option. As well, a voter could rely on a family or household member, caregiver, or acquaintance to return their absentee ballot in-person. Even under BIPA, a voter could rely on the assistance of any individual, including bulk ballot collectors, as long as absentee ballots were being deposited in the mail.

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62 “[T]o participate equally in the electoral process in Montana, it is very helpful if not a necessity to live in an area that has broadband service, the ability to pay the monthly bill for service, and have access to a computer and a printer. This leaves out a substantial portion of the Native American community.” McCool Decl., p. 15, Western Native Voice v. Stapleton, DV 56-2020-377 (March 7, 2020).
63 “If a current photo ID with current mailing address would be required for voting, this would present a significant challenge to an aspiring voter.” McCool Decl., p. 15, Western Native Voice v. Stapleton, DV 56-2020-377 (March 7, 2020).
65 Montana Secretary of State: https://sosmt.gov/elections/voter-turnout.
VII. SUMMARY AND CONCLUSIONS

Montana’s election scheme offers voters a versatile set of options to cast a ballot. Included within the state’s election framework is a robust system of no-excuse absentee balloting and late (election-day) registration. Voters can cast an absentee ballot, by mail or in-person, or vote in-person at their polling place on election-day. For those electors who choose to vote absentee, a range of return options is available, including delivery through the mail or in-person to the county election office or satellite office, any polling location within the voter’s county of residence, or other designated place of deposit.

In 2019, BIPA was put in place in Montana. BIPA limits the in-person return of absentee ballots to the voter or a voter’s family member, household member, caregiver, or acquaintance. Voters returning absentee ballots for others are limited to a total of six ballots, not counting their own. BIPA does not limit the bulk collection of absentee ballots returned through the mail. As well, it should be noted that BIPA did not alter any other component of the procedures that govern absentee voting or in-person election-day voting in Montana.

In comparison to other state election regimes, Montana is well within the mainstream in regulating the return of absentee ballots. Nearly three-fifths of states regulate who and/or in what number absentee ballots may be returned. Many states, in fact, have even stricter regulations on the return of absentee ballots than Montana.

I do not agree with Professor Street’s conclusions in this matter—that BIPA increased absentee ballot rejection rates and decreased overall voter participation in the 2020 primary among Montana’s Native American population. Having examined Professor Street’s report in detail, it is my opinion that he provides no direct evidence to buttress these two claims. I also do not agree with Professor McCool’s opinions in this matter. Professor McCool fails to demonstrate that BIPA will produce any disparate impact among Montana voters in general, or among Native American voters in particular.

In conclusion, I have no reason to believe the election changes brought about by BIPA will have a detrimental impact on the ability of Montana voters to cast a ballot, including Native American voters. Instead, it is my opinion that BIPA can act as a prophylactic against fraud, while increasing voter confidence in the integrity of Montana’s election system.
VIII. DECLARATION

I declare under penalty of perjury under the laws of the State of Montana that the foregoing is true and correct to the best of my knowledge.


___________________________________
M.V. (Trey) Hood III

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E-mail: th@uga.edu
Appendix

Data Sources:
2016 General Absentee Voter File. Montana Secretary of State.
2018 General Absentee Voter File. Montana Secretary of State.
2020 Primary Absentee Voter File. Montana Secretary of State.


Interviews with State and Local Election Officials:
Mr. Dana Corson. Elections Director, Montana Secretary of State. July 1, 2020.

Mr. Stuart Fuller. Elections and Voter Services Manager, Montana Secretary of State. July 1, 2020.

Mr. Stuart Fuller. Elections and Voter Services Manager, Montana Secretary of State. July 14, 2020.

Documents Attached

Table A. State Comparison of Absentee Ballot Return Provisions

Montana Absentee Ballot Application

BIPA Ballot Collection Registry Form

Curriculum Vitae of M.V. Hood III
### Table A. State Comparison of Absentee Ballot Return Provisions

<table>
<thead>
<tr>
<th>State</th>
<th>Excuse Required</th>
<th>Collection Regulated</th>
<th>How Can an Absentee Ballot be Returned?</th>
<th>Applicable Statutes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama¹</td>
<td>Yes</td>
<td>Yes</td>
<td>Returned by voter in-person or via mail. A designee can be used only in case of medical emergency.</td>
<td>Ala. Code § 17-11-9 and § 17-11-18</td>
</tr>
<tr>
<td>Alaska²</td>
<td>No</td>
<td>No</td>
<td>Can be returned by mail or electronically. Return by someone other than the voter is not specifically prohibited.</td>
<td>Alaska Stat. § 15.20.081</td>
</tr>
<tr>
<td>Arizona³</td>
<td>No</td>
<td>Yes</td>
<td>Returned by voter in-person or via mail. Can also be returned by election official; U.S. postal worker; family member; household member; or caregiver. The cited statute is currently the subject of litigation.</td>
<td>A.R.S. § 16-1005</td>
</tr>
<tr>
<td>Arkansas⁴</td>
<td>Yes</td>
<td>Yes</td>
<td>Returned by voter in-person or via mail. A designated bearer can be used for medical reasons. A designated bearer is limited to returning two ballots. Bulk returns prohibited except from residential care facilities.</td>
<td>Ark. Code § 7-5-403 and § 7-5-411</td>
</tr>
<tr>
<td>California⁵</td>
<td>No</td>
<td>No</td>
<td>Returned by voter in-person or via mail. Can also be returned by an individual designated by the voter. Bulk collection is not specifically prohibited.</td>
<td>Cal. Elec. Code § 3017, § 3021, and § 18403</td>
</tr>
</tbody>
</table>

⁵“Voting by Mail.” California Secretary of State: ([http://www.sos.ca.gov/elections/voter-registration/vote-mail/#vote-by-mail](http://www.sos.ca.gov/elections/voter-registration/vote-mail/#vote-by-mail)).
<table>
<thead>
<tr>
<th>State</th>
<th>Can Vote by Mail</th>
<th>Can Someone Else Vote</th>
<th>Description</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colorado</td>
<td>No</td>
<td>Yes</td>
<td>Returned by voter in-person or via mail. A voter may authorize another individual to return their ballot. Outside of authorized election officials, no individual can collect more than 10 ballots per election.</td>
<td>C.R.S.A. § 1-7.5-107</td>
</tr>
<tr>
<td>Connecticut</td>
<td>Yes</td>
<td>Yes</td>
<td>Returned by voter in-person or via mail. A designee can also be used for medical reasons. Ballots can also be returned by immediate family members.</td>
<td>Conn. Gen. Stat. Ch. 145 Sec. 9-140b</td>
</tr>
<tr>
<td>Delaware</td>
<td>Yes</td>
<td>No</td>
<td>Returned by voter in-person or via mail. Return by someone other than the voter is not specifically prohibited, nor is bulk collection.</td>
<td>Del. Code tit. 15 § 5507</td>
</tr>
<tr>
<td>Florida</td>
<td>No</td>
<td>No</td>
<td>Returned by voter in-person or via mail. Return by someone other than the voter is not specifically prohibited, nor is bulk collection.</td>
<td>Fla. Stat. § 101.65</td>
</tr>
<tr>
<td>Georgia</td>
<td>No</td>
<td>Yes</td>
<td>Returned by voter in-person or via mail. Voters with a physical disability may have ballot returned by immediate family or a person residing in the same household.</td>
<td>Ga. Code § 21-2-385</td>
</tr>
<tr>
<td>Hawaii</td>
<td>No</td>
<td>No</td>
<td>Hawaii is a vote-by-mail state. Returned by voter in-person or via mail. Return by someone other than the voter is not specifically prohibited, nor is bulk collection.</td>
<td>Haw. Rev. Stat. § 15-9</td>
</tr>
</tbody>
</table>

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6“Voting by Mail FAQs.” Colorado Secretary of State: [https://www.sos.state.co.us/pubs/elections/FAQs/mailBallotsFAQ.html](https://www.sos.state.co.us/pubs/elections/FAQs/mailBallotsFAQ.html).
<table>
<thead>
<tr>
<th>State</th>
<th>Returned by Voter in-Person</th>
<th>Returned by Voter Via Mail</th>
<th>Return by Someone Other Than the Voter</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Idaho</td>
<td>No</td>
<td>No</td>
<td>Return by someone other than the voter is not specifically prohibited, nor is bulk collection.</td>
<td>Idaho Code § 34-1005</td>
</tr>
<tr>
<td>Illinois</td>
<td>No</td>
<td>No</td>
<td>Returned by voter in-person or via mail. A voter may authorize another individual to return their ballot.</td>
<td>10 ILCS 5/19-6</td>
</tr>
<tr>
<td>Indiana</td>
<td>Yes</td>
<td>Yes</td>
<td>Returned by voter in-person or via mail. Ballots can also be returned by immediate family members. Return by other individuals is prohibited.</td>
<td>Ind. Code § 3-11-10-1</td>
</tr>
<tr>
<td>Iowa</td>
<td>No</td>
<td>No</td>
<td>Returned by voter in-person or via mail. A voter may authorize another individual to return their ballot.</td>
<td>Iowa Code § 53.17</td>
</tr>
<tr>
<td>Kansas</td>
<td>No</td>
<td>No</td>
<td>Returned by voter in-person or via mail. A voter may authorize, in writing, another individual to return their ballot.</td>
<td>Kan. Stat. § 25-1124 and 25-1128</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Yes</td>
<td>No</td>
<td>Returned by voter through mail. Return by someone other than the voter is not specifically prohibited.</td>
<td>Ky. Rev. Stat. § 117.086</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Yes</td>
<td>Yes</td>
<td>Returned by voter in-person or via mail. A voter may authorize another individual to return their ballot. Outside of immediate family, no one is authorized to deliver more than one ballot.</td>
<td>La. Stat. § 18:1308</td>
</tr>
</tbody>
</table>

15*: "Absentee Voting by Mail." Iowa Secretary of State: ([https://sos.iowa.gov/elections/electioninfo/absenteemail.html](https://sos.iowa.gov/elections/electioninfo/absenteemail.html)).
17*: "Absentee Voter Information." Kentucky State Board of Elections: ([https://elect.ky.gov/Voters/Pages/Absentee-Voting.aspx](https://elect.ky.gov/Voters/Pages/Absentee-Voting.aspx)).
<table>
<thead>
<tr>
<th>State</th>
<th>Returned by voter in-person</th>
<th>Returned by voter via mail</th>
<th>Returned by another individual</th>
<th>Return by other individuals permitted</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maine</td>
<td>No</td>
<td>Yes</td>
<td>Returned by voter in-person or via mail. A voter may authorize another individual (outside of immediate family) to return their ballot. This individual must be the same individual who was designated in writing to pick up the ballot on behalf of the voter. An individual designated as an agent can only return up to five absentee ballots.</td>
<td>Me. Rev. Stat. 21A § 753-A, § 753-B, and § 754-A</td>
<td>[19]</td>
</tr>
<tr>
<td>Maryland</td>
<td>No</td>
<td>Yes</td>
<td>Returned by voter in-person or via mail. A voter may also authorize an agent to return their ballot. Both the voter and the agent must complete and sign the Designation of Agent form.</td>
<td>Md. Code, Elec. Law, § 9-307</td>
<td>[20]</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Yes</td>
<td>Yes</td>
<td>Returned by voter in-person or via mail. Ballots can also be returned by immediate family members.</td>
<td>Mass. Gen. Laws ch. 54 § 92</td>
<td>[21]</td>
</tr>
<tr>
<td>Michigan</td>
<td>No</td>
<td>Yes</td>
<td>Returned by voter in-person or via mail. Ballots can also be returned by family members, someone residing in same household, or election officials. Return by other individuals is prohibited.</td>
<td>Mich. Comp. Laws § 168.764a</td>
<td>[22]</td>
</tr>
<tr>
<td>Minnesota</td>
<td>No</td>
<td>Yes</td>
<td>Returned by voter in-person or via mail. Voters may allow an agent to return their ballot. Agents can only act on behalf of three other voters per election cycle. Voters in specific categories (nursing homes) may authorize an agent to pick up and return their ballot. This service requires completion of a form.</td>
<td>Minn. Stat. § 203B.08 and § 203B.11</td>
<td>[23]</td>
</tr>
</tbody>
</table>

22“What You Need to Know about Absentee Voting.” Michigan Department of State: (http://www.michigan.gov/sos/0,8611,7-127-1633-21037--,00.html).
23“Vote Early by Mail.” Minnesota Secretary of State: (http://www.sos.state.mn.us/elections-voting/other-ways-to-vote/vote-early-by-mail/).
<table>
<thead>
<tr>
<th>State</th>
<th>Can Request</th>
<th>Can Return</th>
<th>Return Method</th>
<th>Code Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Missouri</td>
<td>Yes</td>
<td>Yes</td>
<td>Returned by voter in-person or via mail. Ballots can also be returned by immediate family members. Return by other individuals is not allowed.</td>
<td>M. Stat. §115.291</td>
</tr>
<tr>
<td>Montana</td>
<td>No</td>
<td>Yes</td>
<td>Returned by voter in-person or via mail. A voter may authorize another individual to return their ballot, but no person may collect more than six ballots for in-person return. A designee returning more than their own ballot in-person must document such action with a specific form.</td>
<td>Mont. Code § 13-35-703</td>
</tr>
<tr>
<td>Nebraska</td>
<td>No</td>
<td>No</td>
<td>Returned by voter in-person or via mail. Return by someone other than the voter is not specifically prohibited, nor is bulk collection.</td>
<td>Neb. Rev. Stat. § 32-949</td>
</tr>
<tr>
<td>Nevada</td>
<td>No</td>
<td>Yes</td>
<td>Returned by voter in-person or via mail. Ballots can also be returned by immediate family members. Return by anyone except voter or immediate family is specifically prohibited. The only exception involves the use of a designee for an emergency (hospitalization).</td>
<td>Nev. Rev. Stat. § 293.330 and § 293.316</td>
</tr>
</tbody>
</table>

25“How to Vote.” Missouri Secretary of State: ([http://www.sos.mo.gov/elections/goVoteMissouri/howtovote#absentee](http://www.sos.mo.gov/elections/goVoteMissouri/howtovote#absentee)).
27“Absentee Voting.” Nebraska Secretary of State. ([https://sos.nebraska.gov/elections/early-voting-0](https://sos.nebraska.gov/elections/early-voting-0)).
<table>
<thead>
<tr>
<th>State</th>
<th>Allowed to Register to Vote</th>
<th>Enrolled as Voter</th>
<th>Return by</th>
<th>Absentee Ballot Return</th>
<th>Reference Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Hampshire</td>
<td>Yes</td>
<td>Yes</td>
<td>Returned by voter in-person or via mail. Ballots can also be returned by immediate family members, nursing home/residential care administrator, or an agent assisting a blind or disabled voter. An agent assisting a blind or disabled voter may not deliver more than four absentee ballots in a given election.</td>
<td>N.H. Rev. Stat. § 657:17</td>
<td></td>
</tr>
<tr>
<td>New Jersey</td>
<td>No</td>
<td>Yes</td>
<td>Returned by voter in-person or via mail. Ballots can also be returned by immediate family members. A voter may authorize a bearer to return their ballot, but an individual may not act as a bearer for more than three voters in an election-cycle.</td>
<td>N.J. Stat. § 19:63-27 and § 19:63-16</td>
<td></td>
</tr>
<tr>
<td>New Mexico</td>
<td>No</td>
<td>Yes</td>
<td>Returned by voter in-person or via mail. Ballots can also be returned by immediate family or a caregiver.</td>
<td>N.M. Stat. § 1-6-9, § 1-6-10.1, and § 1-20-7</td>
<td></td>
</tr>
<tr>
<td>New York</td>
<td>Yes</td>
<td>No</td>
<td>Returned by voter in-person or via mail. Return by someone other than the voter is not specifically prohibited, nor is bulk collection.</td>
<td>N.Y. Elec. Law § 8-410 and § 8-412</td>
<td></td>
</tr>
<tr>
<td>North Carolina</td>
<td>No</td>
<td>Yes</td>
<td>Returned by voter in-person or via mail. Ballots can also be returned by immediate family.</td>
<td>N.C. Gen. Stat. § 163-231(b)(1)</td>
<td></td>
</tr>
<tr>
<td>North Dakota</td>
<td>No</td>
<td>No</td>
<td>Returned by voter in-person or via mail. Return by someone other than the voter is not specifically prohibited, nor is bulk collection.</td>
<td>N.D. Cent. Code § 16.1-07-09</td>
<td></td>
</tr>
</tbody>
</table>

30. "Vote by Mail Ballot.” New Jersey Department of State: [http://www.state.nj.us/state/elections/voting-information-vote-by-mail.html](http://www.state.nj.us/state/elections/voting-information-vote-by-mail.html).
<table>
<thead>
<tr>
<th>State</th>
<th>Return by Voter</th>
<th>Return by Others</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ohio</td>
<td>No</td>
<td>Yes</td>
<td>Returned by voter in-person or via mail. Ballots can also be returned by immediate family. Return by other individuals is not allowed.</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>No</td>
<td>Yes</td>
<td>Ballot must be returned by voter through mail. No provision located for in-person return except in the case of a physically incapacitated individual or an emergency absentee request where a voter may designate an agent to return their ballot.</td>
</tr>
<tr>
<td>Oregon</td>
<td>No</td>
<td>No</td>
<td>Oregon is a vote-by-mail state. Returned by voter in-person or via mail. Return by someone other than the voter is not prohibited, nor is bulk collection.</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>No</td>
<td>Yes</td>
<td>Returned by voter in-person or via mail. Only the voter can return their absentee ballot. In the case of an emergency absentee ballot only, a voter may designate, by completing a form, an individual to return their ballot.</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>No</td>
<td>No</td>
<td>Returned by voter in-person or via mail. Return by someone other than the voter is not prohibited, nor is bulk collection.</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Yes</td>
<td>Yes</td>
<td>Returned by voter in-person or via mail. A voter can designate a representative to return their ballot. In such cases ballot must be accompanied by an authorization form. There is no limit on the number of ballots that can be returned as long as the authorization form for each ballot is present.</td>
</tr>
</tbody>
</table>

36v“Absentee Voting in Oklahoma.” Oklahoma State Election Board: [https://www.ok.gov/elections/Voter_Info/Absentee_Voting/](https://www.ok.gov/elections/Voter_Info/Absentee_Voting/).
39v“Vote by Mail.” Rhode Department of State: [http://www.sos.ri.gov/divisions/elections/Voters.vote-by-mail](http://www.sos.ri.gov/divisions/elections/Voters.vote-by-mail).
<table>
<thead>
<tr>
<th>State</th>
<th>In Person</th>
<th>Mail</th>
<th>Return Ballot by</th>
<th>Return Ballot By</th>
<th>Relevant Law(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Dakota</td>
<td>No</td>
<td>No</td>
<td>Returned by voter in-person or via mail. Return by someone other than the voter is not prohibited, nor is bulk collection. In the case of illness or disability a voter can designate an authorized messenger to pick up and return their ballot. Authorization must be in writing. If an individual is an authorized messenger for more than one voter, they must notify election officials.</td>
<td></td>
<td>S.D. Codified Laws § 12-19-7, § 12-19-2.1, and § 12-19-2.2</td>
</tr>
<tr>
<td>Tennessee</td>
<td>Yes</td>
<td>Yes</td>
<td>Ballot must be returned by voter through mail. No provision located for in-person return.</td>
<td></td>
<td>Tenn. Code § 2-6-202</td>
</tr>
<tr>
<td>Texas</td>
<td>Yes</td>
<td>Yes</td>
<td>Returned by voter in-person or via mail. Only the voter can return their ballot in-person. Another individual may collect and place the voter’s absentee ballot in the mail. In this case, certain information must be recorded to this effect on the absentee ballot carrier envelope.</td>
<td></td>
<td>Tex. Elec. Code § 86.006 and § 86.0051</td>
</tr>
<tr>
<td>Utah</td>
<td>No</td>
<td>No</td>
<td>Returned by voter in-person or via mail. Return by someone other than the voter is not specifically prohibited, nor is bulk collection.</td>
<td></td>
<td>Utah Code § 20A-3a-204(1)</td>
</tr>
<tr>
<td>Vermont</td>
<td>No</td>
<td>No</td>
<td>Returned by voter in-person or via mail. Return by someone other than the voter is not prohibited, nor is bulk collection. If an emergency absentee ballot is issued due to illness or disability then the ballot must be delivered and returned via justice of the peace.</td>
<td></td>
<td>Vt. Stat. tit. 17 § 2543</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>State</th>
<th>Accepts</th>
<th>Authorizes</th>
<th>Notes</th>
<th>Code References</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virginia</td>
<td>Yes</td>
<td>Yes</td>
<td>Returned by voter in-person or via mail. A voter cannot designate another individual to return their ballot. Only in the case of an emergency absentee application can a voter designate a representative to receive and deliver the ballot. An authorization form to use a representative is required.</td>
<td>Va. Code Ann. § 24.2-707 and § 24.2-705</td>
</tr>
<tr>
<td>Washington</td>
<td>No</td>
<td>No</td>
<td>Washington is a vote-by-mail state. Ballots can be returned by voter in-person or via mail. Return by someone other than the voter is not specifically prohibited, nor is bulk collection.</td>
<td>Wash. Rev. Code § 29A.40.091</td>
</tr>
<tr>
<td>West Virginia</td>
<td>Yes</td>
<td>Yes</td>
<td>Returned by voter in-person or via mail. For a given election, no individual may deliver more than two absentee ballots in-person.</td>
<td>W.Va. Code § 3-3-5</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>No</td>
<td>No</td>
<td>Returned by voter in-person or via mail. Return by someone other than the voter is not specifically prohibited, nor is bulk collection.</td>
<td>Wis. Stat. § 6.87</td>
</tr>
<tr>
<td>Wyoming</td>
<td>No</td>
<td>No</td>
<td>Returned by voter in-person or via mail. Return by someone other than the voter is not specifically prohibited, nor is bulk collection.</td>
<td>Wy. Stat. § 22-9-113</td>
</tr>
</tbody>
</table>

---

48a “Regular Absentee by Mail.” West Virginia Secretary of State: (https://sos.wv.gov/elections/Pages/AbsenteeVotingInformation.aspx).
# Application for Absentee Ballot

Including Absentee List Request, Election Specific Absentee Ballot Request, Request for Absentee Ballot Due to Illness or Health Emergency or to be removed from receiving an Absentee Ballot.

Fields marked with an asterisk (*) are required fields.

Please type or use black or blue pen only and print clearly. **COMPLETE FORM AND SUBMIT TO COUNTY ELECTION OFFICE BY NOON THE DAY BEFORE ELECTION DAY**

<table>
<thead>
<tr>
<th><strong>APPLICATION IDENTIFYING AND CONTACT INFORMATION</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Last Name*</td>
<td>First Name*</td>
</tr>
<tr>
<td>Birthdate* (MM/DD/YYYY)</td>
<td>Phone Number (Optional)</td>
</tr>
<tr>
<td>County where you reside and are registered to vote*</td>
<td>Montana Residence Address*</td>
</tr>
<tr>
<td>Mailing Address (required if differs from residence address*)</td>
<td>City and State</td>
</tr>
</tbody>
</table>

☐ Check if the mailing address listed above is for part of the year only and if so, complete the information below (for absentee ballot list only). Clearly print the complete mailing address(es) and specify the applicable time periods for address (add more addresses as necessary).

<table>
<thead>
<tr>
<th>Seasonal Mailing Address (Optional)</th>
<th>City and State</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th><strong>BALLOT REQUEST OPTIONS AND VOTER AFFIRMATION</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Yes, I request an absentee ballot to be mailed to me for ALL elections in which I am eligible to vote as long as I reside at the address listed on this application. I understand that if I file a change of address with the U.S. postal service, I must complete, sign, and return a confirmation notice mailed to me by the county election office;</td>
<td></td>
</tr>
<tr>
<td>☐ I hereby request an absentee ballot for the upcoming election (check only one):</td>
<td></td>
</tr>
<tr>
<td>☐ Primary  ☐ General  ☐ Municipal  ☐ Other ____________ election to be held on _______________</td>
<td></td>
</tr>
</tbody>
</table>

*By signing below, I understand that I am officially requesting an absentee ballot and affirm that I will have met the 30-day Montana residency requirement before voting my absentee ballot. (Also sign affidavit at bottom of page if requesting due to illness or health emergency.)*

*Signature of Elector*  *Date Signed*

**Optional** – Voter Information Pamphlet Request (An electronic version of this pamphlet can be found at sosmt.gov/elections.)

☐ Please send current Voter Information Pamphlet, if applicable to this election

**Optional** – Designate another person to pick up your absentee ballot

I, the elector who signed below, hereby designate ______________________________ to pick up my absentee ballot.

Receipt of absentee ballot by designee: I received the absentee ballot for the applicant on _______________.

Signature of Designee  Signature of Elector  Date Signed

**Optional** – Revert to Non-Absentee Voter (This would revert you to only voting at your local polling place.)

☐ Please check this box to affirm that you do NOT want to receive an absentee ballot and instead want to vote at your local polling place on election day.

**Optional** – Affidavit of elector (due to illness or health emergency)

*Optional: I hereby declare that I am prevented from voting at the polls due to illness or health emergency occurring between 5:00 p.m. on the Friday preceding the election and 8 p.m. on election day.*

Signature of Elector  Date Signed

*Updated September 10, 2019*
**Complete this form if you are delivering another person’s ballot.**

* **Note:** You do not need to complete this form to return your own ballot.

Your Last Name: ___________________________ Your First Name: ___________________________

Your Phone Number: ___________________________

Your Address: ___________________________________________

(Street or PO Box) (City) (Zip)

Your Signature: __________________________________ Date: __________________________

I declare under penalty of perjury that the information provided on this form is true and correct.

Please list below the name, address, and how you are related to each person whose ballot you are delivering. Please do not list yourself.

<table>
<thead>
<tr>
<th>Name of person(s) whose ballot I am returning, not including my own</th>
<th>Address of person whose ballot I am returning</th>
<th>Relationship (Definitions are provided below)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>If their address is the same as yours, you may leave this section blank.</td>
<td>□ Family Including Spouse □ Household □ Acquaintance □ Caregiver</td>
</tr>
<tr>
<td>2</td>
<td>If their address is the same as yours, you may leave this section blank.</td>
<td>□ Family Including Spouse □ Household □ Acquaintance □ Caregiver</td>
</tr>
<tr>
<td>3</td>
<td>If their address is the same as yours, you may leave this section blank.</td>
<td>□ Family Including Spouse □ Household □ Acquaintance □ Caregiver</td>
</tr>
<tr>
<td>4</td>
<td>If their address is the same as yours, you may leave this section blank.</td>
<td>□ Family Including Spouse □ Household □ Acquaintance □ Caregiver</td>
</tr>
<tr>
<td>5</td>
<td>If their address is the same as yours, you may leave this section blank.</td>
<td>□ Family Including Spouse □ Household □ Acquaintance □ Caregiver</td>
</tr>
<tr>
<td>6</td>
<td>If their address is the same as yours, you may leave this section blank.</td>
<td>□ Family Including Spouse □ Household □ Acquaintance □ Caregiver</td>
</tr>
</tbody>
</table>

Pursuant to 13-35-702, MCA the following definitions apply:

**Family member** means an individual who is related to the voter by blood, marriage, adoption, or legal guardianship.

**Household member** means an individual who resides at the same residence as the voter.

**Acquaintance** means an individual known by the voter.

**Caregiver** means an individual who provides medical or health care assistance to the voter in a residence, nursing care institution, hospice facility, assisted living center, assisted living home, residential care institution, adult day health care facility, or adult foster care home.

**For Election Office Use Only**

County: ___________________________ Election: ___________________________ Date of Receipt: ___________________________

Updated October 3, 2019
Curriculum Vitae
(July 2020)

M.V. (Trey) Hood III

Contact Information:
Department of Political Science
School of Public and International Affairs
180 Baldwin Hall
The University of Georgia

Office Phone: (706) 583-0554
Dept. Phone: (706) 542-2057
FAX: (706) 542-4421
E-mail: th@uga.edu

Athens, GA 30602

Academic Positions:
University of Georgia
Professor, 2013-present
Director, SPIA Survey Research Center, 2016-present
Director of Graduate Studies, 2011-2016
Associate Professor, 2005-2013
Assistant Professor, 1999-2005

Texas Tech University
Visiting Assistant Professor, 1997-1999

Education:
Ph.D. Political Science Texas Tech University 1997
M.A. Political Science Baylor University 1993
B.S. Political Science Texas A&M University 1991

Peer-Reviewed Books:
[Softcover version in 2014 with new Epilogue]

Peer-Reviewed Publications:


[Winner of the 2014 Hahn-Sigelman Prize]


Invited Publications:

Book Chapters:


**Book Reviews:**


**Other Publications:**


**Grant-funded Research (UGA):**

Co-Principal Investigator. “Georgia Voter Verification Study.” Budget: $52,060. 2020. (with Audrey Haynes). Funded by Center for Election Innovation and Research.


Curriculum Grants (UGA):

Dissertation:
“Capturing Bubba's Heart and Mind: Group Consciousness and the Political Identification of Southern White Males, 1972-1994.”

Chair: Professor Sue Tolleson-Rinehart

Papers and Activities at Professional Meetings:


“Capturing Bubba’s Heart and Mind: The Political Identification of Southern White Males.”

Areas of Teaching Competence:
American Politics: Behavior and Institutions
Public Policy
Scope, Methods, Techniques

Teaching Experience:
University of Georgia, 1999-present.
   Graduate Faculty, 2003-present.
   Provisional Graduate Faculty, 2000-2003.
   Distance Education Faculty, 2000-present.

Texas Tech University, 1993-1999.
   Visiting Faculty, 1997-1999.
   Graduate Faculty, 1998-1999.
   Extended Studies Faculty, 1997-1999.

Courses Taught:
Undergraduate:
   American Government and Politics, American Government and Politics (Honors), Legislative Process, Introduction to Political Analysis, American Public Policy, Political Psychology, Advanced Simulations in American Politics (Honors), Southern Politics, Southern Politics (Honors), Survey Research Internship

Graduate:
   Election Administration and Related Issues (Election Sciences), Political Parties and Interest Groups, Legislative Process, Seminar in American Politics, Southern Politics; Publishing for Political Science

Editorial Boards:
Social Science Quarterly. Member. 2011-present.


Professional Service:
Listed expert. MIT Election Data and Science Lab.

Keynote Address. 2020 Symposium on Southern Politics. The Citadel. Charleston, SC.
Institutional Service (University-Level):
University Promotion and Tenure Committee, 2019-2021.

University Program Review Committee, 2009-2011.
   Chair, 2010-2011
   Vice-Chair, 2009-2010.

Graduate Council, 2005-2008.
   Program Committee, 2005-2008.
   Chair, Program Committee, 2007-2008.


Search Committee for University Librarian and Associate Provost, 2014.