Press release

Sandpoint, Idaho

10-28-2010

**County Clerk has “certified” absentee ballot signatures using staff, not election judges in violation of Idaho Statute. Election poll challenger arrives on designated day to find that certification of signatures has already been completed, and he is not allowed to compare the ballot envelope signatures to those on file.**

Idaho Code 34-1009 provides that designated election challengers are allowed to confirm that the signature on the outside of the absentee ballot matches the signature on file, but some clerks are pre-checking the signature using staff as the ballots are received. While this is allowed by 34-1005, no provision is being made to comply with the requirements that a designated poll challenger is allowed to challenge the signatures, and then have an election judge rule on their authenticity. Idaho Code 34-1009 reads as follows.

“34-1009.Challenging absentee elector’s vote. The vote of any absent elector may be challenged in the same manner as other votes are challenged and the receiving judges shall have power and authority to determine the legality of such ballot. If the challenge be sustained, ***or if the receiving judges determine, that the affidavit accompanying the absent elector’s ballot is insufficient***, or that the elector is not a qualified registered elector the envelope containing the ballot of such elector shall not be opened and the judges shall endorse on the back of the envelope the reason therefor.”

Without this section being followed, there is no ability for candidates or political parties to verify that that the ballots that will be counted are actually the same ballots that were sent back to the clerk, nor can it be ascertained that “rouge” ballots were not added to change the election results. In Bonner County, an election challenger who was properly appointed pursuant to Idaho code 34-304 by the Republican party chairman and the party secretary arrived at the designated time to find that the clerk had no intention of allowing him to complete his role as the signature verification section of the code was being ignored in the interest of expediency.

County Clerk Marie Scott explained to him that this is how she has always done it. When asked that the signatures on file be provided so they can be compared, Marie Scott refused, saying “These signatures that they are dealing with are already verified.”

As the process of writing the names into the poll book started, Marie Scott made it clear that even when the required seal on the ballot envelopes had been broken and the envelopes had been opened and then taped shut they would be counted as legitimate. “You are going to have to trust us” she said indicating that such tampering did not occur after the ballots were received back by her office. There is no way of knowing if a such tampering may have happened after the ballot was deposited in a rural mailbox or even by a person who handled it after it was received by the clerk’s office.

When it was pointed out that Idaho Code 34-1005 requires that the date and hour of return be stamped on the envelope, Marie ruled that it was not a valid challenge. Hundreds of the ballots lack a date stamp, and none have an “hour received” stamp. The clerk took possession of those without any date stamp and moved them to a different office so an office staff member could hand write dates on them.

The cumulative result is clear. Since the ballots in the possession of the clerk’s office have been ruled by her to be valid, even if the envelope was opened and then taped shut, it becomes a question of trust. Personally, I find it difficult to trust someone who is disregarding the requirements of the law in how the ballots are handled and certified, especially since the clerk is challenged in this election for her own seat.

Larry Spencer,

Bonner County GOP Designated Election Poll Challenger.