

-FILED-

June 21, 2024

Cynthia Nests

CLERK

Sanders County District Court

STATE OF MONTANA

By: Lacy Wieckowski

DV-45-2024-0000062-OC

Mercer, John A.

1.00

Jennifer Christensen

56835 Little Bitterroot Rd.

Hot Springs, MT 59845

406-370-1085

Petitioner Pro Se

**MONTANA TWENTIETH JUDICIAL DISTRICT COURT
SANDERS COUNTY**

JENNIFER CHRISTENSEN,
Petitioner,

vs.

HOT SPRINGS SCHOOL DISTRICT,
Respondent.

Cause No. DV-45-2024-0000062-OC
Dept. No. **DEPT 2**

**PETITION TO VOID ELECTION
AND BRIEF IN SUPPORT**

COMES NOW, Jennifer Christensen, as a qualified voter, requests consideration of this Petition to Void Election and Brief in Support and that this honorable Court issue an order voiding the May 7, 2024 election on a school levy proposition. *Aff. Christensen ¶ 2.*

The Hot Springs School District (“the District”) conducted an election on a school levy proposition (“the Election”) on the 7th day of May, 2024. *Aff. Christensen ¶ 2.*

If a court finds that a violation of any provision of this title by any person probably affected the outcome of any election, the result of that election may be held void and a special election held at least 85 days after the finding.

The Election Administrator for the Election violated a provision of Title 13.

Mont. Code. Ann. § 13-13-205 states:

(1) Except as provided in subsection (2), the election administrator shall ensure that ballots for a polling place election are available as follows:

(a) for an election conducted on a primary or general election day:

(i) 30 days prior to election day for absentee voting in person;

(ii) 25 days prior to the election for mailing ballots to absentee voters; and

(b) 20 days prior to election day for a special purpose district or school district election, except that ballots for a conservation district election held on a primary or general election day must be available as provided in subsection (1)(a).

(2) A federal election ballot requested by an absent uniformed services or overseas elector pursuant to Title 13, chapter 21, must be sent to the elector as soon as the ballot is printed but not later than 45 days in advance of the election.

Mont. Code Ann. § 13-13-214 states:

(1) (a) Except as provided in **13-13-213** and in subsection (1)(c) of this section, the election administrator shall mail, postage prepaid, to each legally registered elector and provisionally registered elector from whom the election administrator has received a valid absentee ballot application under **13-13-211** and **13-13-212** whatever official ballots are necessary in a manner that conforms to postal regulations to require the return rather than forwarding of ballots.

(b) The election administrator shall mail the ballots in a manner that conforms to the deadlines established for ballot availability in **13-13-205**.

The Election Administrator failed to send out over 100 absentee ballots to

voters legally registered to vote in Hot Springs School District Elections. This was stated publicly in the Hot Springs School District Board of Trustees (“the Board”) May 15, 2024 meeting. *Aff. Christensen* ¶ 3 and ¶ 4. This is in violation of Mont. Code Ann. § 13-13-214 which requires absentee ballots be mailed to legally registered voters at least 25 days before the election as outlined in Mont. Code Ann. § 13-13-205.

Per the Board’s May 15, 2024 official canvass of the vote, the levy propositioned only passed by three (3) votes. *Aff. Christensen* ¶ 3. The failure to send out over 100 absentee ballots probably could have affected the outcome of the election since the levy only passed by three (3) votes.

Petitioner asks this Court for an Order voiding the May 7, 2024, Hot Springs School District election on a levy proposition. Petitioner does not request a special election be ordered.

Mont. Code Ann. § 20-20-105 states:

(1) Except as provided in subsection (5), the first Tuesday after the first Monday in May of each year is the regular school election day.

(2) Except as provided in subsections (4) and (5), a proposition requesting an increase in the over-BASE budget levy under **20-9-353** may be submitted to the electors only once each calendar year on the regular school election day.

This statute prevents a special election for the levy proposition be ordered.

Petitioner only requests that the election be void since the Election Administrator violated provisions in Title 13 of the Montana Code Annotated.

DATED this 21st day of June, 2024.

By: Jennifer Christensen
Jennifer Christensen