

## **Your Turn: Why GOP voter challenge is all wet**

*By Shahid and Katherine Haque-Hausrath - 10/07/08*

Jake Eaton, the executive director of the Montana Republican Party, has challenged the registrations of 6,000 voters, a significant number of whom are registered in Lewis and Clark County.

The basis for each of these challenges is the same: Eaton compared the U.S. Postal Service change of address database with the statewide voter database, and challenged anyone who appeared to have changed his or her address since registering.

We call on Lewis and Clark election administrators to deny all of these challenges as facially invalid and insufficient to meet the standards laid out in Montana statutes and regulations. By law, the challenger (Jake Eaton) must prove by a preponderance of the evidence that a challenged voter is not legally registered. This means that he must submit evidence demonstrating that it is “more likely than not” that the challenged individual is ineligible to vote.

Under the statute, election administrators are only allowed to accept a challenge if it is sufficient to cancel the challenged voter’s registration. Lewis and Clark election administrators can cancel a voter registration if they receive notice that the voter has registered in another state or county. Note that this requires registering in another county or state, not simply changing one’s address.

Eaton’s basic methodology is fatally flawed, because people often move or transfer their mail while remaining registered to vote in their home counties in Montana. For example, students and members of the armed services often move out of state while remaining eligible to vote in Montana. Eaton’s challenges fail to take this into account. Kevin Furey, a former state representative, was challenged by Eaton simply because he forwarded his mail to his parent’s house while being deployed to Iraq. For this reason, the USPS change-of-address list is not enough to support a voter challenge.

Eaton has also improperly challenged voters who forwarded mail from one address to another within the same county. Moving from precinct to precinct within the same county does not make you ineligible to vote. The law clearly states that a voter who has moved within the county can vote once in his or her old precinct. If this is the second time you are voting after moving, or if you moved to a different county, you can reregister at the county courthouse and vote at the same time.

When notice is sent to the challenged voter, we implore the Lewis and Clark election officials not to confuse matters by requiring the voter to return a notarized affidavit. Although the statute says the voter may fill out an affidavit, a notarized affidavit is not necessary to deny these challenges. Requiring an affidavit from the challenged voter is against Montana law and unfairly shifts the burden onto the voter.

For these reasons, all of Eaton’s challenges are insufficient to satisfy his burden of proof, and we call on Lewis and Clark election administrators to reject each and every one of these frivolous challenges.

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