

Cook, Scott

From: Hendricksen-Scott, Shelley
Sent: Tuesday, May 19, 2026 2:58 PM
To: Cook, Scott
Subject: FW: Bennett v. Bohleen and Bennett v. Roascio

From: Alex Nixon <anixon@carbonmt.gov>
Sent: Monday, May 18, 2026 1:30 PM
To: Hendricksen-Scott, Shelley <Shelley.Hendricksen-Scott@mt.gov>; Gallus, Chris J. <Christopher.Gallus@mt.gov>
Cc: Elections Administrator <elections@carbonmt.gov>; Macque Bohleen <mbohleen@carbonmt.gov>; Angela Newell <anewell@carbonmt.gov>; Shannon Foley <sfoley@carbonmt.gov>
Subject: [EXTERNAL] Bennett v. Bohleen and Bennett v. Roascio

To: Chris Gallus, Commissioner
Shelley Hendricksen-Scott, Deputy Commissioner
Commissioner of Political Practices
PO Box 202401
Helena, Montana 59620-2401
Date: May 18, 2026
Re: *Bennett v. Bohleen*, COPP-2026-CFP-012 and *Bennett v. Roascio*, COPP-2026-CFP-013

Chris and Shelley,

I am in receipt of your letter dated May 11, 2026, and am writing on behalf of Carbon County Clerk and Recorder Macque Bohleen and Carbon County Elections Administrator Crystal Roascio. As the allegations appear to be the same, I am addressing both matters in the present response. Mr. Bennett's allegations are over three years old and have been thoroughly investigated. Because Mr. Bennett's allegations have been investigated and found to be unsupported, and because every applicable period of limitations related to the 2022 election has long since passed, I respectfully request that you dismiss the present complaints.

The initial allegation of vote shredding in 2022 has been thoroughly investigated. When the allegation was first made, local law enforcement requested the assistance of outside investigators, in order to avoid even the appearance of conflict. Two agents from the Montana Division of Criminal Investigation investigated the Bennetts' claims of document shredding and other alleged election irregularities. The agents compiled an investigative file which included interviews of the parties involved.

The investigative file was forwarded to the Prosecution Services Bureau of the Montana Attorney General's Office. The file was forwarded to the Attorney General's Office for two reasons: 1) to avoid the appearance of favoritism toward county employees and 2) statute requires county attorneys to forward unprosecuted claims of official misconduct to the Attorney General.

Prosecution Services ultimately did not prosecute the matter and returned the case file to my office for my review. By the time my office received the file, the one-year statute of limitations for misdemeanor offenses had run. I did speak with the investigating agents and confirmed there was, based on the facts, no request for felony prosecution. The general five-year statute of limitations for felony prosecution appears to be the only period of limitations that has not yet run. Nevertheless, the investigation failed to support criminal prosecution of any kind. Similarly, federal agents also timely investigated the present matter and prosecution was declined.

Because the present allegations were investigated by both the Montana Department of Justice and the F.B.I., because investigative files were reviewed, and because prosecution was previously declined, further criminal review by my office is not warranted.

Ultimately, the COPP must conduct its own investigation and respond accordingly. However, because Mr. Bennett's allegations are untimely, the general two-year statute of limitations applicable to your investigations has seemingly run.

After this incident, the Carbon County Clerk and Recorder's Office reviewed their policy on how to handle UOVOCA ballots and sought advice from the Secretary of State's office and other counties. Obviously, the integrity – and appearance of integrity- in our elections is of the utmost importance and is taken very seriously.

I would note that Carbon County has retained the ballots from the 2022 elections and will retain them pending conclusion of your investigation.

My hope is that this response will be sufficient to conclude your investigation. If it is not, I respectfully request additional time for Ms. Roascio and Ms. Bohleen to respond. Thank you both for taking the time to speak with me. Please do not hesitate to reach out if you have questions, concerns, or if you need additional documentation from the previous investigation.

Sincerely,
Alex

Alex Nixon
Carbon County Attorney
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