

David M.S. Dewhirst (MT Bar #65934132)

Solicitor General

Office of the Attorney General

P.O. Box 201401

Helena, MT 59620-1401

Telephone: (406) 444-2026

Austin Markus James (MT Bar #58422031)

Chief Legal Counsel

Office of the Secretary of State

P.O. Box 202801

Helena, MT 59620-2801

Telephone: (406) 444-6197

Dale Schowengerdt (MT Bar #30342848)

Ian McIntosh (MT Bar #4384)

Leonard H. Smith (MT Bar #3445)

CROWLEY FLECK PLLP

P.O. Box 797

Helena, MT 59624-0797

Telephone: (406) 449-4165

*Lead Attorneys for Defendant Christi Jacobsen, in her
official capacity as Montana Secretary of State*

**IN THE MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,
YELLOWSTONE COUNTY**

Montana Democratic Party and Mitch Bohn,

Plaintiffs,

Western Native Voice, *et al.*,

Plaintiffs,

Montana Youth Action, *et al.*,

Plaintiffs,

vs.

Christi Jacobsen, in her official capacity as
Montana Secretary of State,

Defendant.

Consolidated Case No. DV 21-0451

Hon. Michael Moses

**DEFENDANT'S REPLY BRIEF IN
SUPPORT OF MOTION TO
SUSPEND PRELIMINARY
INJUNCTION PENDING APPEAL**

**EXPEDITED REVIEW
REQUESTED**

Defendant Montana Secretary of State Christi Jacobsen respectfully submits this Reply Brief in Support of her Motion to Suspend Preliminary Injunction Pending Appeal in response to WNV's Brief in Opposition to Defendant's Motion to Suspend Preliminary Injunction Pending Appeal, MYA's Brief in Opposition to Defendant's Motion to Suspend Preliminary Injunction Pending Appeal, and MDP's Opposition to Defendant's Motion to Suspend Preliminary Injunction Pending Appeal.

Plaintiffs' concede this Court's injunction is overbroad. WNV Brief at 11; MYA Brief at 3; MDP Brief at 9. Thus, the question posed by this Motion is not whether the injunction should be modified, but what pieces of it should remain in force—if any—pending the Secretary's appeal to the Montana Supreme Court.

I. This Court incorrectly evaluated the status quo as of a date prior to passage of HB 176 and SB 169, rather than the date Plaintiffs' sought injunctive relief.

The limited, and only, purpose of a preliminary injunction is to preserve the status quo and minimize harm to all parties prior to a final resolution on the merits. *Driscoll v. Stapleton*, 2020 MT 247, ¶ 14, 401 Mont. 405, 473 P.3d 386 (citations omitted). Plaintiffs have led this Court down a path contrary to Montana law, and now attempt to redefine "status quo" in the context of a preliminary injunction proceeding ahead of review by the Montana Supreme Court.

In the context of a preliminary injunction, the status quo is "the last actual, peaceable, uncontested condition preceding the controversy at issue." *Davis v. Westphal*, 2017 MT 276, ¶ 24, 389 Mont. 251, 405 P.3d 73 (citation and internal quotations omitted). Plaintiffs contend the 'status quo' in this case is "the state of Montana law before the challenged enactments were passed." WNV Brief at 2. Plaintiffs argue that the laws at issue were "contested since their passage," and that these three lawsuits were "filed shortly thereafter." WNV Brief at 2. Thus,

Plaintiffs believe the status quo must be calculated as of the date the laws were passed, rather than as of the date they sought injunctive relief. And this Court agreed, finding the status quo as the conditions that existed prior to the Montana legislature passing HB 176 and SB 169. Dkt. 124, Findings of Fact, Conclusions of Law, and Order Granting Plaintiffs' Motions for Preliminary Injunctions at 22, 36, 56 (hereinafter "Preliminary Injunction Order").

But, under the Montana Supreme Court's interpretation of a district court's obligations when evaluating a preliminary injunction request—specifically, the Court's interpretation of the timeframe a district court must consider when evaluating the status quo—it is appropriate to evaluate the status quo as of the date the Plaintiffs sought injunctive relief.

For example, in *State v. BNSF Railway Company*, the Montana Supreme Court considered a dispute over the status quo in the context of a preliminary injunction. 2011 MT 108, ¶¶ 20–22, 360 Mont. 361, 254 P.3d 561. BNSF and the State had entered into a settlement agreement in September 1984. *Id.*, ¶ 20. Over twenty years later, a dispute arose as to the obligations BNSF owed to the State under that agreement. *Id.*, ¶ 20–22. The State filed suit in November 2009 and sought injunctive relief against BNSF on June 2, 2010. *Id.*, ¶¶ 8, 22. The district court found the status quo—the last peaceable condition—was the position BNSF and the State were in the day after the September 1984 agreement was signed and granted the State's motion on the basis that BNSF could render any final judgment ineffectual in the absence of a preliminary injunction. *Id.*, ¶ 20. The Montana Supreme Court reversed, finding the district court abused its discretion by failing to evaluate the status quo at the time the State sought the preliminary injunction. *Id.*, ¶¶ 22–23.

Consider, too, *Mustang Holdings, LLC v. Zaveta*, 2006 MT 234, 333 Mont. 471, 143 P.3d 456. There, the Court considered the status quo with respect to a dispute over whether Zaveta could use an irrigation ditch that crossed property owned by Mustang Holdings. *Id.*, ¶ 7. Mustang Holdings filed a complaint against Zaveta in July 2003 and destroyed the irrigation ditch at issue in late 2004. *Id.*, ¶¶ 5–9. Zaveta moved for a preliminary injunction in March 2005. *Id.*, ¶ 9. The district court granted the injunction and imposed an order requiring Mustang to restore the irrigation ditch. *Id.*, ¶ 13. The Court reversed, finding that mandatory injunctive relief was inappropriate. *Id.*, ¶ 16. As then-Justice Morris noted in dissent, the Court interpreted the status quo as the condition between the parties at the time of the filing of a motion for preliminary injunction, rather than at the time of the filing of a complaint. *Id.*, ¶ 39 (Morris, J., dissenting); see also *Bouma v. Bynum Irrigation District*, 139 Mont. 360, 364 P.2d 47 (Mont. 1961).

By adopting Plaintiffs’ argument wholesale, this Court gave short shrift to the nearly year-long gap between passage of HB 176 and SB 169 and its grant of injunctive relief. But more importantly, by evaluating the status quo as of a date prior to the passage of these laws, this Court did not adequately consider the fifty-two elections and 370,000 votes that were cast between the date the Montana Democratic Party filed the instant complaint and this Court enjoined these laws.

Perhaps most importantly, by evaluating the status quo as of a date prior to the passage of these laws, this Court did not give appropriate weight to the prima facie presumption of constitutionality that immediately applied to HB 176 and SB 169 upon enactment. *Powell v. State Compensation Ins. Fund*, 2000 MT 321, ¶ 13, 302 Mont. 518, 15 P.3d 877 (citing *Stratemeyer v. Lincoln County*, 259 Mont. 147, 150, 855 P.2d 506, 508–509 (Mont. 1993)) (“[t]he question of

constitutionality is not whether it is possible to condemn, but whether it is possible to uphold the legislative action[.]”). Once these laws were passed, they were presumed constitutional. By evaluating the status quo as of a date prior to the passage of HB 176 and SB 169, this Court necessarily avoided confronting the immediate change to the status quo that occurred upon passage of these laws.

II. The Secretary easily meets the four-factor *Hilton* test.

While Plaintiffs urge this Court to apply the four-factor test adopted by federal courts to determine whether to suspend the injunction pending appeal, WNV Brief at 2, that test has not been adopted by the Montana Supreme Court. Further, as the Ninth Circuit has noted, “[t]he standard for granting a stay is a ‘sliding scale.’” *Arizona Democratic Party v. Hobbs*, 976 F.3d 1081, 1086–87 (9th Cir. 2020) (quoting *Al Otro Lado v. Wolf*, 952 F.3d 999, 1007 (9th Cir. 2020)). To that end, the Montana Supreme Court has granted a stay in an election law case without analyzing the four-factor test Plaintiffs now offer (i.e. adopting the Secretary’s original analysis). See Order at 2–3, *Stapleton v. Thirteenth Judicial District Court*, OP 20–0293 (May 27, 2020) (hereinafter “Stapleton Order”). There, the Court granted the stay because “the injunction disrupts the status quo, is likely to cause voter confusion, and interferes with the ability of the State to administer an orderly general election process already under way.” *Id.*, at 2. As the Secretary asserts, and Plaintiffs’ do not persuasively contest, the same rationale applies here. Plaintiffs’ delay in filing their preliminary injunction motion disrupts the status quo, is likely to cause voter confusion at this late date given the State’s extensive voter-education, and the Court’s preliminary injunction interferes with the State’s ability to administer the fast-

approaching elections in an orderly way. As the Secretary has noted, that is precisely why the State explicitly requested Plaintiffs file their motion for preliminary injunction motion earlier:

The State has a strong preference that plaintiffs file their preliminary injunction motion earlier. Scheduling a hearing on a motion for preliminary injunction six months from now, and a year after the case is filed, is highly unusual. Typically in Montana a preliminary injunction motion is filed at the beginning of the case. I still don't understand the delay in filing the motion, **and the longer plaintiffs delay in filing it, the more difficult and prejudicial it is to the State. There is obviously a lot of work that goes into implementing the laws, which is already well underway.** But as I've said from the beginning of the case, it's your decision when you file it.

Doc. 105, Ex. 1 (emphasis added).

Plaintiffs nonetheless delayed filing their motion for preliminary injunction, forcing this Court to decide the motion just before the upcoming May and June elections.¹ The delay calls into serious question their alleged irreparable harm, and ignores the Montana Supreme Court's disfavor of preliminary injunctions on the eve of an election. *See Stapleton Order*, at 2–3.

But even if the four-factor test applied to motions to stay filed under Rule 22 of the Montana Rules of Appellate Procedure, Plaintiffs recite the wrong standard and ignore the impact their delay has on the analysis. The four factors under the federal test in determining whether to issue a stay include: “(1) whether [Defendants have] made a strong showing on the

¹ MDP cites a news article purporting to quote Secretary Jacobsen. Even if accurate, the Defendant's statement, in context, was referring to the chaos to the upcoming elections because the State has had “record turnover in the jobs of election officials with numerous new election officials trained to run their first election in the coming weeks. This decision destroys the training that they had just received over the past year to confidently run their upcoming elections.” Peter Christian, *Montana Secretary of State Plans to Fight Court's Election Decision*, Newstalk KGVO (April 11, 2022). And Secretary Jacobsen referred to the “big money political groups attempting to overthrow” Montana's election laws, not to the Court itself.

merits; (2) whether [Defendants] will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies.” *Leiva-Perez v. Holder*, 640 F.3d 962, 964, 967 (9th Cir. 2011) (citations omitted); *see also Hilton v. Braunskill*, 481 U.S. 770, 776 (1987).² The Secretary meets this test and Plaintiffs’ analysis suffers from several flaws.

A. Defendant has made a strong showing on the merits.

As a preliminary matter, as all Plaintiffs concede the scope of this Court’s injunction must be modified, it is indisputable that—absent action from this Court—the Secretary will prevail, at least in part, on appeal. To that end, Plaintiffs’ arguments that the Secretary has not made a strong showing on the merits is confusing at best.

But even absent Plaintiffs’ concession as to the overbreadth of this Court’s injunction, the Secretary has made a strong showing on the merits of Plaintiffs’ claims. Plaintiffs confuse the standard, arguing that the Secretary must prove a “likelihood of success on the merits.” WNV Brief at 3. As federal courts have reasoned, such a strict standard is not an accurate recitation of the test under the first prong and instead have used various formulations for this factor, including “reasonable probability,” “fair prospect,” “substantial case on the merits,” and “serious legal questions raised,” all of which are largely interchangeable. *Leiva-Perez*, 640 F.3d at 967-68. The bottom line is that the party requesting a stay must only show a “substantial case for relief on the merits,” i.e., “more than a mere possibility of success.” *Id.* The standard does not require the

² In support of their request for injunctive relief, Plaintiffs argued decisions from federal courts interpreting requests for injunctive relief were inapplicable. Dkt. 98 at 4–5. As the Secretary informed this Court, the federal courts generally treat long delays between filing a complaint and requesting injunctive relief negatively. Thus, it appears Plaintiffs’ only find federal law valuable when they believe it supports their position.

petitioners to show that “it is more likely than not that they will win on the merits.” *Id.* at 966. Under Plaintiffs’ proposed formulation of the standard, a district court would never grant a stay, having just concluded the opposite. In other words, the standard does not require this Court to essentially reverse itself to grant the stay. “When a request for a stay is made to a district court, common sense dictates that the moving party need not persuade the court that it is likely to be reversed on appeal. Rather, the movant must only establish that the appeal raises serious and difficult questions of law in an area where the law is somewhat unclear.” *Strobel v. Moran Stanley Dean Witter*, No. 04CV1069BEN, 2007 WL 1238709, *1 (S.D. Cal. Apr. 24, 2007) (citation and quotation omitted). The Secretary has met that standard, especially given that Plaintiffs’ theories are largely untested under Montana Supreme Court precedent.

First, as demonstrated above, this Court abused its discretion in evaluating the status quo as of a date prior to the passage of HB 176 and SB 169—as opposed to when the Plaintiffs’ sought injunctive relief. While the Montana Supreme Court has not directly addressed this precise question, recent decisions involving this issue distinguish between preliminary injunctions sought at the beginning of the case and those sought at a later date, as noted.

Second, the injunction is predicated on a novel question of law. If the decision on a preliminary injunction was based on legal conclusions, the Montana Supreme Court reviews those conclusions to determine if the district court’s interpretation of the law is correct. *City of Whitefish v. Bd. of Cty. Comm’rs of Flathead Cty.*, 2008 MT 436, ¶ 7, 347 Mont. 490, 199 P.3d 201. This Court found that the laws at issue subject to strict scrutiny because they “implicate[] the fundamental right to vote.” Dkt. 124, Preliminary Injunction Order at 35. But the Montana Supreme Court has held that “[t]he extent to which the Court’s scrutiny is heightened depends

both on the nature of the interest and the degree to which it is infringed.” *Wadsworth v. State*, 275 Mont. 287, 302, 911 P.2d 1165, 1173 (Mont. 1996) (citing *Memorial Hosp. v. Maricopa County*, 415 U.S. 250, 254-56, 94 S. Ct. 1076, 1080-81, 39 L.Ed.2d 306 (1974)). Thus, this Court’s Order describes a new theory: that any voting regulation is subject to strict scrutiny if it “implicates” the right to vote in any way. As all election-related regulations burden the right to vote to some extent, *Burdick v. Takushi*, 504 U.S. 428, 433–435 (1992), this Court’s determination is a departure from Montana Supreme Court precedent. *See also Driscoll v. Stapleton*, 2020 MT 247, ¶ 18, 401 Mont. 405, 473 P.3d 386 (“Strict scrutiny of a statute is required when the classification impermissibly interferes with the exercise of a fundamental right.”) (quoting *Wadsworth*, 275 Mont. at 302, 911 P.2d at 1173); *id.*, ¶ 39 (J. Sandefur, dissenting) (“Only statutes that substantially interfere with the ‘exercise of a fundamental right’ are subject to strict scrutiny.”). And Plaintiffs’ join that argument in full force. WNV Brief at 4 (“Any governmental infringement on a fundamental right cannot be justified unless strict scrutiny is satisfied.”). Accordingly—due to the novel and untested nature of the legal theory upon which this Court’s injunction is based—the Secretary has raised serious questions on the merits and has shown more than a mere possibility of success on appeal.

Third, the declarations relied upon by this Court in issuing the injunction are contradicted by the declarant’s own testimony, as is quickly becoming evident. For example, this Court cited the Declaration submitted by Ali Caudle in support of its finding of fact that Caudle had “difficulties registering in person due to the hours she is in school and commitments she has occupying her until after regular business hours.” Dkt. 124, Preliminary Injunction Order at 16. But at her deposition, Caudle admitted that she, in fact, registered in person after regular

business hours on October 29, 2022, and knew at the time she signed her declaration that her local county election office had extended hours of operation the week leading up to Election Day. Exhibit 1, Caudle Depo. 27:11–28:11.

Similarly, Amara Reese-Hansell submitted a Declaration which Plaintiffs relied on in support of their contention that classification of student IDs as a secondary form of identification “is a barrier for anyone who relies on their [student ID] as their sole or primary form of identification.” Dkt. 102, Youth Plaintiffs’ Reply Brief in Support of Application for Preliminary Injunction at 15. But, Reese-Hansell testified that at least some student IDs cannot be obtained without government-issued photo IDs and that she possessed the documentation necessary to vote in person as required by SB 169 when she first registered to vote in Montana. Exhibit 2, Reese-Hansell Depo. 39:5–8, 48:19–49:4, 100:20–101:11, 104:9–21, 105:4–20.

And Hailey Sinoff, whose Declaration Plaintiffs’ relied on as providing a “concrete example[]” of a person who had suffered a concrete constitutional injury due to the relegation of student IDs to a secondary form of ID, Dkt. 102, Youth Plaintiffs’ Reply Brief in Support of Application for Preliminary Injunction at 4, testified that she did not know she could vote with her student ID card until counsel informed her of the fact while preparing for her deposition, that she doesn’t view student ID as an “acceptable form of identification for something serious.” Exhibit 3, Sinoff Depo. 36:15–22. She also testified that she possessed documentation necessary to vote under SB 169 § 2 when she turned eighteen, including a passport. *Id.* at 52:8–53:11.

Additionally, Gavin Zaluski, whose Declaration was relied on by Plaintiffs in support of the premise that Election Day Registration had “already disenfranchised otherwise eligible voters,” Dkt. 57, MDP Memorandum in Support of Motion for Preliminary Injunction at 8,

testified that his statement in his Declaration that he registered to vote ahead of the November 2021 election was not true, and that he did not update his voter registration—which would have allowed him to vote in November 2021—because workers at a voter registration table incorrectly told him he was already registered. Exhibit 4, Zaluski Depo. 105:3–8, 117:24–118:5, 121:15–122:6, 122:14–22, 128:8–25.

Finally, Plaintiff Mitch Bohn, whose Declaration was relied on by this Court in support of its conclusion that HB 530 is unconstitutional, Dkt. 124, Preliminary Injunction Order at 14, testified he has never utilized election day registration in Montana or paid ballot collection, and that he had no preference as to whether his ballot was collected by a paid ballot collector or a volunteer. Exhibit 5, Bohn Depo. 28:25–29:3; 30:10–13; 31:13–17; 36:21–25; 38:19–23; 43:15–44:12.

These repudiations of the factual allegations made by Plaintiffs in support of their request for injunctive relief were obtained during the first depositions completed by the Secretary. The resulting inaccuracies in the factual representations made to this Court call into doubt not just the very foundation upon which this Court’s injunction against HB 176 and SB 169 is based, but the factual predicate for Plaintiffs’ claims in this case in general.

For these reasons, the Secretary has demonstrated substantial case on the merits in her appeal of the preliminary injunction to the Montana Supreme Court.

B. Montana voters will suffer irreparable harm in the absence of a stay.

The Western Native Voice Plaintiffs argue the Secretary cannot establish that irreparable harm will occur in the absence of a stay because election officials in Montana have administered election day registration previously, the Secretary “cannot be injured by an injunction,” and this

Court's determination that Plaintiffs' have not impermissibly delayed in seeking injunctive relief renders the Secretary's concerns regarding the timing of the injunction moot. WNV Brief at 6–7. For their part, the Montana Democratic Party Plaintiffs argue the concrete examples provided by the Secretary of the catalysts for potential voter confusion—for example, now-incorrect information on the voter registration cards—is “hypothetical, lack evidentiary support, and in any event, are insufficient to prove irreparable harm in the context of a motion to stay.” MDP Brief at 3–4. This argument is particularly incredible given both the Montana Democratic Party Plaintiffs and the Western Native Voice Plaintiffs refusal to identify a single voter allegedly harmed by SB 169 or HB 176. This Court based its preliminary injunction on, in part, alleged harm to seventeen voters in Gallatin County. Dkt. 124, Preliminary Injunction Order at 9. Voter registration cards that contain now-incorrect information regarding the documentation sufficient to vote have now been sent to every registered voter in Montana. It defies logic to argue that, out of the hundreds of thousands of individuals who have received this notice, less than seventeen will be rely to their detriment on the information provided by the card. Further, in a case where Plaintiffs contend they are seeking to vindicate voting rights, it is beyond the pale to argue that the risk of disenfranchisement as to these voters is less important than the risk of disenfranchisement to the voters Plaintiffs' represent. The harm to voters caused by the inability to inform them that “current and valid” photo IDs are now required in order to vote in person is imminent, almost certain to occur, and a direct result of this Court's injunction against SB 169 almost a year after it was passed.

But the late nature of this Court's injunction as to SB 169 also harms Montana's electoral system as well. Fergus County Clerk and Recorder Janel Tucek, who also serves as the local

Election Administrator, elaborated on this harm during her recent deposition. *See* Exhibit 6, Second Declaration of Janel Tucek. Ms. Tucek stated that, prior to this Court’s injunction, she had trained approximately one hundred and fifteen individuals to serve as poll workers in the upcoming primary election in June 2022. *Id.*, ¶ 3. Ms. Tucek testified she trained these poll workers on Montana’s election law as it existed prior to the injunction and that she had trained poll workers as to the documentation an individual may use to register to vote following passage of SB 169 and the documentation an individual may use to vote following passage of SB 169. *Id.*, ¶ 7. This Court’s injunction renders that training moot just before the upcoming elections and adds significant potential confusion.

Relatedly, Plaintiffs also completely miss the point of the harm caused by this Court’s injunction as to HB 176. Prior to this Court’s injunction, HB 176 alleviated serious administrative burdens on election administrators throughout Montana—particularly, those in rural counties. For example, Ms. Tucek also testified that, on Election Day in November 2020, she remained at the Petroleum County Courthouse until 11:30 p.m. at night—well after the last voter and her election staff had gone home—solely to be able to process issues relating to voter registration. Exh. 6, ¶ 8. In short, when processing a county-to-county change on election day, a local election administrator is required to confirm the voter’s information with the voter’s previous county. Thus, even though there were no lines in Petroleum County on Election Day 2020, Ms. Tucek was required to work late into the night specifically because of election day registration. *See id.*

As the Ninth Circuit recently reiterated, “[c]ourt orders affecting elections, especially conflicting orders, can themselves result in voter confusion,’ and the risk increases ‘[a]s an

election draws closer.’” *Mi Familia Vota v. Hobbs*, 977 F.3d 948, 952–54 (9th Cir. 2020) (quoting *Purcell v. Gonzalez*, 549 U.S. 1, 4–5, 127 S.Ct. 5, 166 L.Ed.2d 1 (2006)). With the June primary election less than two months away—and due, in particular, to the nature of the laws enjoined—this Court’s injunction will result in voter confusion and the injunction should be suspended pending appeal.

C. The State of Montana’s Compelling Interest in the Orderly Administration of Elections Easily Outweighs the Wholly Speculative Injuries Plaintiffs Claim Will Occur if a Stay is not Granted Pending Appeal.

The Court’s preliminary injunction order must be stayed to avoid injecting chaos into Montana election law. Montana’s statewide primary elections are scheduled to occur on June 7, 2022, a mere 53 days from today. Montana’s election officials already conducted elections in 2021 pursuant to HB 176 and SB 169; notably, Plaintiffs have failed to identify a **single** instance in which a Montanan was unable to vote in the 2021 elections because of those laws. What’s more, Montana’s election officials have trained election workers to conduct the 2022 elections pursuant to HB 176 and SB 169. Plaintiffs do not—and in fact cannot—dispute with evidence that forcing Montana election officials to retrain election workers pursuant to a set of different election laws prior to the 2022 elections would: (i) be all but impossible, given the limited time and financial resources available to Montana election officials; and (ii) inject confusion into Montana’s upcoming elections. Under these circumstances, Plaintiffs cannot establish “substantial injury” if additional elections are held pursuant to HB 176 and SB 169. And the State’s well-established interest in the orderly administration of election easily outweighs Plaintiffs’ alleged injuries, which are wholly speculative in nature.

1. *The Public's Interest In Election Administration Strongly Supports A Stay.*

The State of Montana's interest in the orderly administration of elections—standing alone—should compel the Court to grant Defendant's motion. It is blackletter law that states like Montana have a compelling public interest in election administration. *See, e.g., Purcell*, 549 U.S. at 4 (“‘A State indisputably has a compelling interest in preserving the integrity of its election process’” because “[c]onfidence in the integrity of our electoral processes is essential to the functioning of our participatory democracy”) (citations omitted); *see also Larson v. State By & Through Stapleton*, 2019 MT 28, ¶ 40, 394 Mont. 167, 434 P.3d 241 (“Montana has a compelling interest in imposing reasonable procedural requirements tailored to ensure the integrity, reliability, and fairness of its election processes.”). Appellate courts considering constitutional challenges to election laws consistently have concluded that orders enjoining election laws should be stayed pending appeal to avoid “throw[ing] a previously stable system into chaos.” *Lair v. Bullock*, 697 F.3d 1200, 1214–16 (9th Cir. 2012); *see also* Stapleton Order at 2–3 (staying order enjoining Montana election law because it would “interfere[] with the ability of the State to administer an orderly general election process”).

The public's interest in implementing and enforcing duly-enacted Montana laws is self-evident. *See Coal. for Econ. Equity v. Wilson*, 122 F.3d 718, 719 (9th Cir. 1997) (“a state suffers irreparable injury whenever an enactment of its people or their representatives is enjoined”). Citing the public's interest in election administration, the Ninth Circuit recently concluded an order enjoining election laws roughly “two months” before an election should be stayed pending appeal. *See Arizona Democratic Party*, 976 F.3d at 1084. The Ninth Circuit's reasoning is instructive:

And, as we rapidly approach the election, **the public interest is well served by preserving Arizona’s existing election laws, rather than by sending the State scrambling to implement and to administer a new procedure for curing unsigned ballots at the eleventh hour.** Indeed, the Supreme Court “has repeatedly emphasized that lower federal courts should ordinarily not alter the election rules on the eve of an election.” (citing cases)

Arizona Democratic Party, 976 F.3d at 1086–86 (quotations and citations in original) (emphasis added). The Ninth Circuit reached that same conclusion in a subsequent case. *Mi Familia Vota*, 977 F.3d at 953–954 (citation omitted) (“As to the fourth factor, the public interest favors orderly administration of the election” because “States have ‘an interest in protecting the integrity, fairness, and efficiency of their ballots and election processes.’”). The Ninth Circuit’s conclusion was supported by facts that are similar to those facing this Court. Specifically, the Ninth Circuit noted that the “administrative burdens” imposed on the State by the injunction were “significant,” including that the injunction “suddenly forced the County Recorders in local election offices—some with limited staffs of only two or three people in rural counties,” to oversee elections pursuant to a different set of election laws. *Id.* (emphasis added).

As established above, Montana’s election officials—including Defendant and Fergus County Clerk and Recorder Janel Tucek—have commented on the significant administrative burden the Court’s Order places on Montana election officials, especially those in rural counties with fewer resources, given the proximity of Montana’s 2022 elections. Accordingly, a stay of the Court’s preliminary injunction order is justified, both factually and legally, by the State of Montana’s compelling interest in election administration.

2. *A Stay Would Not Substantially Injure Plaintiffs.*

If the Court stays its preliminary injunction order, Montana voters would participate in Montana’s 2022 elections pursuant to the same election laws that governed Montana’s 2021

elections. Plaintiffs repeatedly have failed to show that HB 176 and SB 169 prevented any Montanan from voting. Accordingly, Plaintiffs' allegation that HB 176 and SB 169 will "substantially injure" Montanans in the 2022 elections is wholly speculative. *See Nat'l Urb. League v. Ross*, 977 F.3d 770, 781 (9th Cir. 2020) (granting stay of district court injunction when alleged "resulting injury" was "still speculative"). Moreover, Plaintiffs' inexplicable delay in seeking a preliminary injunction until the eleventh hour undermines their claims of irreparable injury if Montana's 2022 elections are conducted pursuant to HB 176 and SB 169. *Benisek v. Lamone*, 138 S. Ct. 1942, 1944 (2018).

The Court should disregard MDP's arguments to the contrary, which are circular and conclusory. MDP's position is that if the Court's conclusion that "SB 169 and HB 176 unconstitutionally burden the right to vote" is correct, then Plaintiffs necessarily would experience substantial injury if a stay is granted. MDP's Response, p. 8. But that merely restates MDP's analysis of the merits of the Court's preliminary injunction order (the first factor of the test proposed by MDP), without providing any factual support for MDP's position that Montanans will be "substantially injured" if a stay is issued pending appeal. Staying enforcement of the Court's preliminary injunction order would not harm—let alone "substantially injure"—any Montanans.

Conclusion

For these reasons, the Secretary respectfully requests this Court suspend its preliminary injunction entered April 6, 2022, as to SB 169 and HB 176. Additionally, because it is undisputed that this Court's preliminary injunction is overbroad, the Secretary requests the injunction be

suspended as to the portions of HB 176, HB 506, HB 530, and SB 169 that Plaintiffs did not challenge in these preliminary injunction proceedings.

Dated this 15th day of April, 2022.

/s/ Dale Schowengerdt

CROWLEY FLECK PLLP

Attorneys for Defendant Christi Jacobsen, in her
official capacity as Montana Secretary of State

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EXHIBIT 1

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IN THE MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,
YELLOWSTONE COUNTY

Montana Democratic Party, et al. Cause No.: DV-56-2021-451
Plaintiffs,
WESTERN NATIVE VOICE, Montana Native Vote,
Blackfeet Nation, Confederated Salish and
Kootenai Tribes, Fort Belknap Indian Community
and Northern Cheyenne Tribe,
Plaintiffs,
Montana Youth Action, Forward Montana
Foundation, and Montana Public Interest Group,
Plaintiffs,
vs.
Christi Jacobsen, in her official capacity as
Montana Secretary of State,
Defendant.

VIDEOCONFERENCE VIDEO-RECORDED DEPOSITION OF ALI CAUDLE

Taken at:
Nordhagen Court Reporting
1734 Harrison Avenue
Butte, Montana
April 6, 2022
8:32 a.m.

1 APPEARANCES OF COUNSEL (by videoconference):
2
3 FOR THE PLAINTIFFS MONTANA YOUTH ACTION, FORWARD
4 MONTANA FOUNDATION, and MONTANA PUBLIC INTEREST GROUP:
5 RYLEE SOMMERS-FLANAGAN
6 RYAN AIKIN
7 Attorneys at Law
8 Upper Seven Law
9 P.O. Box 31
10 Helena, MT 59624
11 rylee@uppersevenlaw.com
12 ryan@aikinlawoffice.com
13
14 FOR THE DEFENDANT CHRISTI JACOBSEN:
15 WILLIAM (MAC) MORRIS
16 Attorney at Law
17 CROWLEY FLECK, PLLP
18 P.O. Box 797
19 Helena, MT 59624-0797
20 wmorris@crowleyfleck.com
21
22 Also present:
23 Jacob Linfesty, Impact Associate, Upper Seven
24 Law
25

Page 3

1 APPEARANCES OF COUNSEL (by videoconference):
2
3 FOR THE PLAINTIFF MONTANA DEMOCRATIC PARTY:
4 PETER MICHAEL MELOY
5 Attorney at Law
6 MELOY LAW FIRM
7 P.O. Box 1241
8 Helena, MT 59624
9 mike@meloylawfirm.com
10
11 FOR THE PLAINTIFFS WESTERN NATIVE VOICE, MONTANA
12 NATIVE VOTE, BLACKFEET NATION, CONFEDERATED SALISH AND
13 KOOTENAI TRIBES, FORT BELKNAP INDIAN COMMUNITY and
14 NORTHERN CHEYENNE TRIBE:
15 JACQUELINE DE LEÓN
16 Attorney at Law
17 NATIVE AMERICAN RIGHTS FUND
18 1506 Broadway
19 Boulder, CO 80302-6296
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24
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1 ALI CAUDLE
 2 APRIL 6, 2022; BUTTE, MONTANA
 3 ---
 4 BE IT REMEMBERED THAT, pursuant to Notice, the
 5 Deposition of Ali Caudle was taken at the time and
 6 place and with the appearances of counsel hereinbefore
 7 noted before Jonny B. Nordhagen, Court Reporter -
 8 Notary Public for the State of Montana.
 9 It was further stipulated and agreed by and
 10 between counsel for the respective parties that this
 11 deposition was taken pursuant to the Montana Rules of
 12 Civil Procedure.
 13
 14 The following proceedings were had:
 15
 16 COURT REPORTER: The time is 8:32 a.m. We
 17 are on the record.
 18 This is the Videoconference Video-Recorded
 19 Deposition of Ali Caudle taken by the attorneys for
 20 the defendant in the matter of Montana Democratic
 21 Party, et al., Plaintiffs, vs. Christi Jacobsen, in
 22 her official capacity as Montana Secretary of State,
 23 Defendant.
 24 This is Cause No.: DV-56-2021-451 in the
 25 Montana Thirteenth Judicial District Court,

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1 Yellowstone County.
 2 This deposition is being taken on
 3 Wednesday, the 6th day of April, 2022, from Nordhagen
 4 Court Reporting, 1734 Harrison Avenue in Butte,
 5 Montana.
 6 My name is Jonny Nordhagen. I am the
 7 court reporter and recording operator.
 8 Counsel will now introduce themselves,
 9 after which I will swear in the witness.
 10 MR. MORRIS: This is Mac Morris on behalf
 11 of Christi Jacobsen.
 12 MS. SOMMERS-FLANAGAN: This is Rylee
 13 Sommers-Flanagan --
 14 MR. MELOY: Mike Meloy on --
 15 MS. SOMMERS-FLANAGAN: Mike, you go ahead.
 16 MR. MELOY: No, you go ahead.
 17 MS. SOMMERS-FLANAGAN: This is Rylee
 18 Sommers --
 19 MR. MELOY: Mike Meloy on behalf of the
 20 Montana Democratic -- there's a delay.
 21 MS. SOMMERS-FLANAGAN: I think there's a
 22 delay in your connection, Mike. So, I'm sorry, I
 23 spoke over you again.
 24 MR. MELOY: I don't think -- I think --
 25 Jonny, did you hear me?

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1 COURT REPORTER: I did. Thank you, Mike.
 2 MR. MELOY: Okay, we're good.
 3 MS. SOMMERS-FLANAGAN: This is Rylee
 4 Sommers-Flanagan on behalf of Plaintiffs Montana Youth
 5 Action, the Montana Public Interest Research Group,
 6 and Forward Montana Foundation.
 7 And I have with me today off camera Jacob
 8 Linfesty.
 9 And I'm representing Ali Caudle.
 10
 11 ALI CAUDLE,
 12 having been called as a witness by the
 13 defendant, being first duly sworn, was
 14 examined and testified as follows:
 15
 16 EXAMINATION
 17 BY MR. MORRIS:
 18 Q. Hi. Good morning, Ali. My name is Mac
 19 Morris. I want to thank you for being here. I do
 20 have -- could you just state your name for the record?
 21 A. Yeah. My name is Ali Caudle.
 22 Q. And you live in Missoula; is that right?
 23 A. Yes, I do.
 24 Q. And what's your address?
 25 A. 1609 Angelina Way.

Page 7

1 Q. How long have you lived at that address?
 2 A. I've lived there for almost exactly five
 3 years.
 4 Q. Okay. And I think you probably heard Ms.
 5 Sommers-Flanagan at the beginning. She said that she
 6 was representing you today. Did you hear that?
 7 A. Yes, I did hear that.
 8 Q. You don't have like a lawyer-client
 9 relationship with Ms. Sommers-Flanagan, do you?
 10 A. Not besides this case.
 11 Q. And you haven't sort of made an
 12 arrangement with her where she's representing you
 13 today, have you?
 14 A. No, I have not.
 15 Q. Have you ever had your deposition taken
 16 before?
 17 A. No, I have not.
 18 Q. Okay. So there's a few sort of guideposts
 19 on this. And you're doing a great job and maybe
 20 you've discussed these with someone before, but just
 21 so you're aware, during this deposition, everything's
 22 being taken down and you're under oath. And the court
 23 reporter is taking down everything everyone says, so
 24 it's important that we try not to talk over one
 25 another. Okay?

Page 8

1 A. Okay.

2 **Q. And if you just let me finish the question**

3 **and I will strive to let you finish your answer, that**

4 **way the court reporter can get everything down. Do**

5 **you understand that?**

6 A. Hm-hmm [affirmative], okay.

7 **Q. All right. And in depositions like this**

8 **with a court reporter, we can't always use sort of**

9 **head nods or hm-hmm's or uh-uh's. So I'm not trying**

10 **to be rude, but if you say "hm-hmm" or something like**

11 **that, I might say, "Is that a 'yes'?" just so that the**

12 **record is clear. And it's the same thing like with an**

13 **"uh-uh" or -- you know, I might say, "Is that a 'no'?"**

14 **Okay?**

15 A. Okay.

16 **Q. And is there any reason why you can't tell**

17 **the truth today and give complete and honest**

18 **testimony?**

19 A. No.

20 **Q. And what I'm getting at, you're not on any**

21 **sort of medication or something that would affect your**

22 **memory or your ability to tell the truth this morning,**

23 **right?**

24 A. No, I'm not.

25 **Q. One important thing is: If I ask you a**

Page 9

1 conference room in the school.

2 **Q. Okay. And so do you typically have a**

3 **class that you attend at this hour; that is, in the**

4 **morning around 8:30 on a Wednesday?**

5 A. I would be entering IB history as my class

6 first period.

7 **Q. Okay. I'm sorry, what did you say? "IV**

8 **history"?**

9 A. "IB," international baccalaureate.

10 **Q. Okay. And typically --**

11 A. It's a different version of AP,

12 essentially.

13 **Q. Got you, all right. And typically on a**

14 **Wednesday morning, you would be attending that class**

15 **at this hour; is that right?**

16 A. Yes, that is correct.

17 **Q. And how were you able to be out of class**

18 **at this hour today?**

19 A. I emailed my teachers and some

20 administrative members here at the school, the

21 principal and the counselors, and let them know that I

22 had to do this, and asked if there was a private place

23 I could go, and informed them that I would have to

24 miss class. It's the fourth quarter of my senior

25 year, so it's pretty easy at this point.

Page 11

1 **question and you don't understand the question, will**

2 **you please just ask me -- or tell me that you don't**

3 **understand the question?**

4 A. Okay, I can do that.

5 **Q. All right, thanks. So you said you've**

6 **been in Missoula for about five years. Where did you**

7 **grow up before Missoula?**

8 A. I grew up in San Francisco, California.

9 **Q. And since moving to Montana, have you**

10 **always had the same address?**

11 A. Yes.

12 **Q. And what prompted the move from San**

13 **Francisco to Montana?**

14 A. My mother got a new job here in Missoula.

15 **Q. Okay. What does your mother do?**

16 A. She runs a healthcare conversion

17 foundation.

18 **Q. A healthcare -- I'm sorry, what did you**

19 **say?**

20 A. A healthcare conversion foundation,

21 Headwaters.

22 **Q. And you're in high school, right?**

23 A. Yes. I'm a senior in high school.

24 **Q. And are you at a high school right now?**

25 A. Yes, I am. I'm sitting in a closed

Page 10

1 **Q. Got you. And so Hellgate is on a quarter**

2 **system; is that right?**

3 A. Yes, although we only report grades at

4 semesters.

5 **Q. What did you say?**

6 A. We only report grades at semesters.

7 **Q. I see. And so is this an excused absence**

8 **today for you to appear for this deposition?**

9 A. Yes, it is.

10 **Q. You gave me your address, but now I can't**

11 **remember it. Do you live close to school, to Hellgate**

12 **High School?**

13 A. It depends how you define "close." It's

14 about a 15- to 20-minute drive.

15 **Q. Okay. And do you drive to school?**

16 A. Yes, I do.

17 **Q. And where do you park?**

18 A. It depends on where there are parking

19 spots. Hellgate does not have a parking lot, so we

20 all just parallel park on the neighborhood streets

21 around here.

22 **Q. I see. Do you have to have like a parking**

23 **pass to do that, or something?**

24 A. No.

25 **Q. And has that been your practice, to drive**

Page 12

1 to school and park close by this whole year, school
2 year?

3 A. Yes.

4 Q. Tell me, how did you get involved in this
5 lawsuit?

6 A. I serve as a board member for Montana
7 Youth Action, one of the plaintiffs, and I run several
8 programs for them, and so that's how I was informed of
9 this case. And Montana Youth Action's initiatives
10 chair, Scout McMahon, connected me with Rylee
11 Sommers-Flanagan.

12 Q. Okay. And how long have you been doing
13 that --

14 A. I began --

15 Q. -- that is, serving as a board member on
16 Montana Youth Action?

17 A. I began serving in the summer of 2020.

18 Q. Okay. And did you say that someone within
19 Montana Youth Action got in touch with Ms.
20 Sommers-Flanagan?

21 A. Yes, our initiatives chair.

22 Q. Got it. I did not know that you were on
23 the board.

24 Have you ever been a witness in any other
25 lawsuits?

Page 13

1 A. No, I have not.

2 Q. And have you ever submitted a declaration
3 like the one you did in this case in any other
4 lawsuits?

5 A. No, I have not.

6 Q. Okay. Since we're over Zoom, I'm going to
7 show you some documents.

8 MR. MORRIS: Jonny, let's mark this one, I
9 believe it should be Deposition Exhibit 34.

10 (Document subsequently marked Deposition
11 Exb. 34 for identification.)

12 Q. (By Mr. Morris) Can you see the first page
13 of your declaration on the screen?

14 A. Yes, I believe I can see your computer
15 view.

16 Q. Okay. And I'm just going to scroll
17 through this so that you can see it.

18 All right. Deposition Exhibit 34 is a true and
19 correct copy of the declaration that you submitted in
20 this case, correct?

21 A. Yes, it is.

22 Q. And you said you've never signed a
23 declaration like this before in any other lawsuit,
24 right?

25 A. No, I have not.

Page 14

1 Q. You signed this under penalty of perjury.

2 Do you see that on my screen?

3 A. Yes, I do.

4 Q. And what does that mean to you?

5 A. That means perjury is lying under oath,
6 and it's a crime.

7 Q. What did you believe was the purpose of
8 this declaration that you signed?

9 A. Can you clarify what you're asking by
10 that?

11 Q. Yeah. Well, what was your expectation
12 about how your declaration would be used in this
13 lawsuit?

14 A. I was hoping it would provide a
15 perspective from someone who was actually affected,
16 who was 18 years old and attempted to vote in the
17 state of Montana.

18 Q. And did you expect that your declaration
19 would be submitted to the Court in this case?

20 A. Yeah, I did.

21 Q. And did you expect that the Court would
22 potentially rely on the statements in your declaration
23 in making decisions about this case?

24 A. Yes, I was aware that was possible.

25 Q. Did Ms. Sommers-Flanagan explain to you

Page 15

1 that she would be submitting this declaration to the
2 Court?

3 A. Yes, she did.

4 Q. And did she, did Ms. Sommers-Flanagan warn
5 you that you needed to be careful and make sure that
6 everything in it was accurate?

7 A. Yes, she did.

8 Q. Did you draft this declaration, Deposition
9 Exhibit 34?

10 A. Can you clarify what you mean by the word
11 "draft"?

12 Q. Yeah. Did you sit down at your computer
13 and type out the words that are on Deposition
14 Exhibit 34?

15 A. No, I did not.

16 Q. So how was this declaration put together?

17 A. I called Rylee Sommers-Flanagan and her
18 colleague, Jake Linfesty, and told them my story over
19 a Zoom call. They took notes and drafted a
20 regulation. I did not write it because I had never
21 done this before and did not know what it should look
22 like. After they drafted it, they sent it to me to
23 review and make sure everything was accurate. I
24 informed them of a couple changes, they made the
25 changes, and then it was finalized.

Page 16

1 Q. And did you have any concerns about
2 anything in this declaration in terms of the accuracy
3 of its content?

4 A. No, I did not.

5 Q. And as you sit here right now, do you have
6 any concerns with the accuracy of anything in the
7 declaration?

8 A. No, I do not.

9 Q. Okay. Did you vote in the fall -- I'll
10 take this down, I'm sorry. Ms. Caudle, do you have a
11 copy of this declaration with you, by chance?

12 A. I do.

13 Q. Okay, great. I might get you to refer to
14 that. I'm going to stop sharing my screen for a
15 second.

16 A. Okay.

17 Q. Sorry. I was asking you: Did you vote in
18 the fall 2021 municipal election in Missoula?

19 A. Yes, I did, as it says in the declaration.

20 Q. And how did you find out about the fact
21 that there was a municipal election in the fall of
22 2021?

23 A. I would consider myself very informed and
24 connected to a lot of people who were engaged in the
25 civic engagement sphere, and so I just knew that there

Page 17

1 candidates?

2 A. At first through social media and then
3 through reading articles online.

4 Q. Did you attend any of the debates or
5 presentations for that mayoral seat in Missoula?

6 A. No, I did not.

7 Q. Did you follow any of the candidates on
8 social media?

9 A. I did not "follow" them in the term that
10 you like click that button that says "follow," but I
11 have looked at their pages multiple times.

12 Q. Okay. And are you referring to Facebook
13 pages?

14 A. Instagram, primarily.

15 Q. I see. What about Twitter?

16 A. I do use Twitter, and I believe I did use
17 Twitter to look at both candidates.

18 Q. And did you feel strongly about voting for
19 Mr. Engen instead of Mr. Elder?

20 A. Yes, I did.

21 Q. And so were you looking forward, then, to
22 voting in the 2021 election?

23 A. Yes, both for that reason and because it
24 was going to be the first election I was eligible to
25 vote in.

Page 19

1 was going to be an election.

2 Q. So talking with other people sort of in
3 your peer group? Is that what you're saying?

4 A. Yes, both within my peer group and people
5 I know who are older than me.

6 Q. Okay. And did you read any news articles
7 about the municipal election?

8 A. Yes, I'm sure I did.

9 Q. When did you learn that there was going to
10 be a municipal election in the fall of 2021?

11 A. I cannot recall a specific moment. I'm
12 assuming -- I knew months in advance.

13 Q. And were there candidates or issues that
14 you were interested in voting for or against?

15 (Interruption in proceedings.)

16 THE WITNESS: Apologies, that's the bell
17 ringing.

18 Q. (By Mr. Morris) That's okay.

19 A. There were, yes.

20 Q. And who were those candidates or issues
21 that you were interested in?

22 A. There were several examples. I suppose
23 one significant one was for mayor of Missoula. I was
24 interested in voting for John Engen over Jacob Elder.

25 Q. Okay. And how did you find out about the

Page 18

1 Q. Got it. And you said that you are pretty
2 active, so you knew you needed to register to vote
3 before you could vote in the 2021 election?

4 A. Yes, I did know that voter registration
5 was required in Montana.

6 Q. And do you recall seeing any information
7 from the candidates on Instagram or Twitter about
8 voting or registering to vote?

9 A. I don't remember anything specific, but
10 I'm sure they must have posted something.

11 Q. Do you recall any of the candidates
12 encouraging voters to get registered to vote?

13 A. I do not recall that.

14 Q. Do you recall seeing any information in
15 newspapers about the deadline to register to vote?

16 A. I may have read an article about it, yes.

17 Q. Did you encounter anyone in Missoula
18 asking you if you were registered to vote?

19 A. Yes, I did.

20 Q. And who is that?

21 A. Frequently, people at like a booth on the
22 street or in my high school.

23 Q. And anyone in your friend group that you
24 recall offering to help you register to vote or asking
25 if you were registered to vote?

Page 20

1 A. No.

2 **Q. Okay. When you encountered someone in**
 3 **Missoula at a booth or at your school asking you if**
 4 **you are registered to vote, what did you tell them?**

5 A. Often that was before I was 18, and so I
 6 would say, "I'm not 18 yet."

7 **Q. Do you recall any conversations with**
 8 **anyone about that?**

9 A. No, I do not.

10 **Q. Okay. So you turned 18 on October 3,**
 11 **2021, right?**

12 A. Yes, that is correct.

13 **Q. And you wanted to register to vote on that**
 14 **day.**

15 A. Yes, that is correct.

16 **Q. And I think you said that you realize now**
 17 **that you could have registered before your 18th**
 18 **birthday, but back then you didn't realize that.**
 19 **Right?**

20 A. Yes, that is correct.

21 **Q. And did you just assume that you couldn't**
 22 **register before you were eligible to vote?**

23 A. Yes. That was just what I had assumed.
 24 It seemed to me like one of those things like when you
 25 turn 18, you can buy a lottery ticket, you can

Page 21

1 Exhibit 35.

2 (Document subsequently marked Deposition
 3 Exb. 35 for identification.)

4 **Q. (By Mr. Morris) Let's see, let's go back**
 5 **to your declaration, Deposition Exhibit 34. And you**
 6 **just sort of alluded to this, but you say on**
 7 **Paragraph 5 of your declaration, you say:**
 8 **"after filling it out, I realized that**
 9 **voter registration forms must be mailed to the**
 10 **Elections Office at least 30 days before the**
 11 **election."**

12 **Right? Do you see that?**

13 A. Yes.

14 **Q. And so when you were filling out that**
 15 **voter registration form, were you planning to mail it**
 16 **in via the mails, like the U.S. mails?**

17 A. Yes. Because it had been available online
 18 and because that date was still 30 days before the
 19 election, there was nothing that said it was too late
 20 to be mailed at that time.

21 **Q. Okay. After mailing your registration**
 22 **form in, how were you going to vote? What was your**
 23 **plan in terms of voting after you had mailed your**
 24 **registration form in?**

25 A. I had requested an absentee ballot.

Page 23

1 register to vote, you can sign a permission slip
 2 without your parents.

3 **Q. And did you believe that you couldn't vote**
 4 **on a ballot before you turned 18 as well?**

5 A. Yes. I was unaware of how that worked.

6 **Q. So what did you do to attempt to register**
 7 **to vote on your 18th birthday?**

8 A. That night, I looked up "registering to
 9 vote in Montana" online, and I found an online form
 10 that you could fill out. And I printed it out, I
 11 filled it out, and then I set it on my desk because I
 12 realized I could not mail it in.

13 **Q. Okay. Did you have anyone help you with**
 14 **that?**

15 A. No, I did not.

16 **Q. And you said you went online. Did you go**
 17 **to the Secretary of State's web page to get that form?**

18 A. I do not remember the specific website.

19 **Q. Okay. Ms. Caudal, I've just shared my**
 20 **screen with you. Can you see what's on my screen?**

21 A. Yes, I can.

22 **Q. And does this appear to be the type of**
 23 **form that you found online?**

24 A. Yes, it is.

25 MR. MORRIS: We'll mark that Deposition

Page 22

1 **Q. Okay. So, and how did you do that?**

2 A. There was an option on the form I
 3 submitted.

4 **Q. Okay.**

5 A. Or I filled out.

6 **Q. So you were going to -- and, I'm sorry,**
 7 **I'm sharing my screen with you and we're looking back**
 8 **now at Deposition Exhibit 35. And there's this option**
 9 **on the form where it says "Receive Your Ballot in the**
 10 **Mail," and you had filled it out to say: "Yes, I**
 11 **request an absentee ballot."**

12 **And so that was your plan?**

13 A. Yes, that was.

14 **Q. Okay. I'm showing you back your**
 15 **declaration at Paragraph 7, and you say -- you're**
 16 **talking in Paragraph 7 about being worried that your**
 17 **registration form may get lost in the mail or not**
 18 **accepted. Do you recall being worried about that?**

19 A. Yes, I do.

20 **Q. And tell me about that.**

21 A. I was concerned because I knew that I had
 22 requested an absentee ballot. And especially since
 23 the pandemic, the post service has not always been the
 24 speediest, and I was not sure if it would get there in
 25 time to receive that absentee ballot sent back to me.

Page 24

1 Q. With your concerns about sort of the
2 timing of the mailing, were you contemplating turning
3 in your registration form in person then?

4 A. No, because I was not aware that that was
5 possible.

6 Q. Okay. So in Paragraph 8 of your
7 declaration, you say:

8 Because I was unable to mail my
9 registration form, I needed to register in person at
10 the Missoula County Elections Office.

11 Do you see that?

12 A. Yes, I do see that.

13 Q. And how did you learn that that's what you
14 needed to do?

15 A. Because I found it online as well.

16 Q. Okay. And where did, where did you go
17 online for that information?

18 A. I cannot recall a specific web site.

19 Q. Okay.

20 A. It might have been the Missoula County
21 Elections Office page because I do remember I
22 referenced that multiple times.

23 Q. Got you. And is that the same as Missoula
24 Votes? Is that the same web page or is that something
25 different?

Page 25

1 on November 1st until noon to register?

2 A. Yes, I was aware of that.

3 Q. And so did you try to pencil in a time in
4 your schedule where you could make that trip?

5 A. Yes, I did try. I was hoping that I could
6 make it one day after school, but I'm an incredibly
7 busy high school senior, and especially in the fall
8 when I have commitments such as soccer practice, Model
9 UN, Academic WorldQuest, it just was really hard to
10 find the time.

11 Q. Okay. Isn't it true that in the week
12 before the election, the Election Office actually had
13 extended hours?

14 A. Yes. Ultimately, that was the only reason
15 I was able to make it in time.

16 Q. Well, the Missoula Election Office
17 actually was open on Saturdays before -- between
18 October 5th and the election, right?

19 A. I was not aware of that.

20 Q. Okay. Did you know that in the week
21 leading up to the election, that the Election Office
22 was open from 7 a.m. to 6 p.m. on Thursday and Friday?

23 A. Yes, I did know that.

24 Q. And did you know that on Monday through
25 Wednesday of that week, it was open from 8 a.m. to 6

Page 27

1 A. I am not sure.

2 Q. In Paragraph 9 of your declaration, you
3 say:

4 I then discovered that the Missoula County
5 Elections Office would only be open Monday through
6 Friday between 9 a.m. and 5 p.m.

7 Do you see that?

8 A. Yes, I do see that.

9 Q. And how did you learn that information?

10 A. That would also be from the Elections
11 Office website.

12 Q. Okay. And so did you -- so you learned,
13 sort of at the same time that you need to go to the
14 Elections Office to register, that you learned of its
15 hours, when it was open?

16 A. Yes.

17 Q. What day was that? Do you know?

18 A. I am guessing it was probably October 4th
19 or October 5th, that Monday or Tuesday.

20 Q. So at that point, you needed to just
21 figure out a time, sometime between October 5th and
22 October 29th between 9 a.m. and 5 p.m., that you could
23 go to the Elections Office and register, correct?

24 A. Yes.

25 Q. And were you aware that you could also go

Page 26

1 p.m.?

2 A. Yes, I believe I knew that.

3 Q. And you actually utilized those extended
4 hours; is that right?

5 A. Yes, I did.

6 Q. So you voted after 5:00 p.m. on October
7 29th; is that right?

8 A. Yes.

9 MS. SOMMERS-FLANAGAN: Objection; asked
10 and answered.

11 THE WITNESS: Yes, I did.

12 Q. (By Mr. Morris) Okay. And why didn't you
13 mention those extended hours in your declaration?

14 A. Can you clarify what you mean?

15 Q. Sure. Your declaration says that: I then
16 discovered that the Missoula County Elections Office
17 would only be open Monday through Friday between 9
18 a.m. and 5 p.m.

19 Right?

20 A. (Nodding head affirmatively.)

21 Q. But in actuality, the Missoula County
22 Election Office was open more hours than that between
23 October 4th and Election Day, right?

24 A. Yes, at -- after the moment I realized
25 that I would need to register in person, those were

Page 28

1 the only hours listed on the website.

2 **Q. Yeah. And you wrote this declaration**
3 **after you voted, right, after you were aware of those**
4 **extended hours, right?**

5 A. Yes, I did.

6 **Q. And you actually wrote an article for your**
7 **school newspaper where you mentioned those extended**
8 **hours, right?**

9 A. Yes, I did.

10 **Q. And in that article, you discussed the**
11 **fact that you voted at 5:45 p.m. on October 29th,**
12 **right?**

13 A. Yes, I did.

14 **Q. But your declaration says that you**
15 **discovered that the Missoula County Election Office**
16 **would only be open Monday through Friday between nine**
17 **and five.**

18 MS. SOMMERS-FLANAGAN: Objection;
19 mischaracterizes the declaration.

20 THE WITNESS: I would point out that the
21 verb "I then 'discovered'" implies that it's what
22 happened at that moment. That is what I knew at that
23 moment.

24 **Q. (By Mr. Morris) Okay. And nowhere,**
25 **nowhere in your declaration do you acknowledge the**

Page 29

1 **fact that that's only half true that it was only open**
2 **between nine and five, right?**

3 MS. SOMMERS-FLANAGAN: Objection; form.

4 THE WITNESS: The declaration does not say
5 that, that is correct.

6 **Q. (By Mr. Morris) I mean, I don't know, do**
7 **you think that that's sort of misleading to not**
8 **include the fact that the Missoula County Election**
9 **Office was actually open at times other than Monday**
10 **through Friday between 9 and 5 p.m.?**

11 A. No, I don't think it's necessarily
12 misleading.

13 **Q. Okay. Were you encouraged by anyone to**
14 **leave that fact out of your declaration?**

15 A. No, I was not.

16 **Q. So when you signed your declaration, were**
17 **you aware of the fact the Missoula County Election**
18 **Office was actually open on Saturday, October 23rd,**
19 **and Saturday, October 30th of 2021?**

20 A. No, I was not aware of that.

21 **Q. Okay. So the Missoula County Elections**
22 **Office is just off Russell Street on Wyoming Street,**
23 **right?**

24 A. Yes, that is the correct location.

25 **Q. And how far is that from your house?**

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1 A. I don't know the exact distance. I would
2 guess it's about a 10-, 15-minute drive.

3 **Q. And so when you went on October 29th and**
4 **registered, you registered and you voted at the same**
5 **time, right?**

6 A. Yes, that is correct. I was the last
7 person remaining in the Elections Office that day.

8 **Q. Okay. And did you sign up to vote**
9 **absentee?**

10 A. Yes, I did, for future elections.

11 **Q. Okay, thank you. And how did you get to**
12 **the Elections Office?**

13 A. I drove there.

14 **Q. And from where did you drive?**

15 A. That's a little complicated. I recall
16 that that day, I got out of school at 3:55.

17 Then I would have driven my little brother home
18 to our house, which takes about 25 minutes, or so,
19 with the traffic after school at that time.

20 After that, I had to go to the grocery store to
21 pick up desserts to take to an event that NHS, the
22 National Honor Society I am a part of here at Hellgate
23 High School, was hosting.

24 So I went to the grocery store to pick up
25 muffins, then I drove back to Hellgate High School to

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1 drop off those muffins for the event, and to check in
2 with our coordinator and say that I had to go vote so
3 I would have to miss the event.

4 And then I drove from Hellgate to the Elections
5 Office.

6 **Q. Got you. So from school is where you**
7 **ultimately departed to get to the Election Office.**

8 A. Yes, that is correct.

9 **Q. And how long was it of a drive from**
10 **Hellgate to the Elections Office?**

11 A. Also probably between 10 and 15 minutes.

12 **Q. And what was the National Honor Society**
13 **event that you were able to attend?**

14 A. It was a Halloween movie night that we
15 were hosting for the community, and the proceeds were
16 benefitting Watson's Children's Shelter, which is a
17 nonprofit here in Missoula.

18 **Q. And what was your role in that event?**

19 A. As a National Honor Society member, we're
20 required to plan all these group and individual
21 projects and then attend them.

22 **Q. Okay. So were all the other members, to**
23 **your knowledge, of the Honors Society at Hellgate in**
24 **attendance that night?**

25 A. Yes, to my knowledge.

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1 Q. And did anyone go with you to the Missoula
2 County Elections Office to register and vote?
3 A. No. I went on my own.
4 Q. And once you arrived, how long did it take
5 you to register and vote?
6 A. The entire process probably took about 15
7 minutes.
8 Q. Okay. So from the time you left Hellgate
9 High School to the time you completed voting, it took
10 about 30 minutes, including registration, right?
11 A. Yes.
12 Q. In Paragraph 10 of your declaration -- you
13 said you have a copy of that in front of you?
14 A. Yeah, I do.
15 Q. You say: "I am in school from 8 am to
16 3:55 pm."
17 Do you see that?
18 A. Yes, I do.
19 Q. And is that accurate?
20 A. Yes, that is.
21 Q. And what is your current school schedule?
22 A. Currently, my schedule has changed. Since
23 the semester switch, I dropped a couple of classes. I
24 have -- how detailed would you like me to explain
25 this?

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1 Q. And at what time did you have to be
2 present at school to, to attend that class?
3 A. 8 a.m.
4 Q. And was that every single day of the week?
5 A. Yes, it was.
6 Q. I understand that there were other
7 students that typically started their day at, what,
8 8:50 or something like that?
9 A. Yes. IB theory of knowledge is considered
10 a zero period.
11 Q. A zero period, got it. And did you have
12 an early release on any days?
13 A. No, I did not.
14 Q. And did you have a late start on any days
15 of the week?
16 A. Officially, Hellgate High School runs on a
17 late start on Thursdays; however, theory of knowledge
18 would run at the same time.
19 Q. Okay. And did you have any free periods
20 in the fall of 2021?
21 A. No, I did not.
22 Q. Did you have a lunch hour?
23 A. Yes, I did.
24 Q. And are kids allowed to leave Hellgate
25 High School during their lunch hour to go get a bite

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1 Q. Well, actually, just what's your first
2 class?
3 A. IB history.
4 Q. Okay. The bell rings for that at what
5 time?
6 A. 8:50.
7 Q. And is there some other class that you
8 have to be present at school to attend before 8:50?
9 A. In the fall, it's IB theory of knowledge.
10 Q. Okay. So that's what you were saying, is
11 that when the semester switched --
12 A. Yes.
13 Q. -- you now start later?
14 A. Yes, I start later.
15 Q. Okay.
16 A. But I do not take another class, so I have
17 a free period between 11:30 and 12:15.
18 Q. So currently, you have a free period
19 between 11:30 and 12:15; is that right?
20 A. Yes, that is correct, but that is only as
21 of January 21st.
22 Q. All right. So let's talk, then, about
23 your school schedule in October. What was the first
24 class you had to attend in October of 2021?
25 A. IB theory of knowledge.

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1 in downtown Missoula or anything like that?
2 A. Yes, they are.
3 Q. And do you ever leave school to do that?
4 A. Yes, occasionally I will.
5 Q. Did you ever ask anyone in October about
6 leaving school during your lunch hour or otherwise to
7 go register and vote?
8 A. No, I did not.
9 Q. Do you take like a government class -- or
10 were you taking a government class in the fall of 2021
11 or a social sciences or -- I'm trying to think of like
12 what you take and --
13 A. Yes. I am taking an AP government class,
14 I am also taking IB history and IB philosophy, which
15 are all social sciences.
16 Q. Okay. And did your teacher in government
17 offer to allow you guys time to go and register to
18 vote or vote?
19 A. No, she did not.
20 Q. Okay.
21 MS. SOMMERS-FLANAGAN: Hey, Mac?
22 MR. MORRIS: Yeah.
23 MS. SOMMERS-FLANAGAN: Could we just take
24 a five-minute break?
25 MR. MORRIS: Sure.

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1 **Q. (By Mr. Morris) So, Ms. Caudle, are you**
 2 **still needing to leave this deposition right at 10:30?**

3 A. No, I don't have to.

4 MR. MORRIS: Okay. Sure, let's take a 5
 5 -- or however long of a break. We can go off the
 6 record.

7 COURT REPORTER: The time is 9:19 a.m. We
 8 are off the record.

9 (A brief recess was taken.)

10 COURT REPORTER: Okay. The time is 9:27
 11 a.m. We are on the record.

12 BY MR. MORRIS:

13 **Q. Ms. Caudle, we just took a really short**
 14 **break. And we were talking about your school**
 15 **schedule, but I wanted to go back just a little bit.**
 16 **I'm going to share my screen with you again.**
 17 **Can you see what's on my screen?**

18 A. Yes, I can.

19 MR. MORRIS: And let's mark this
 20 Deposition Exhibit 36.

21 (Document subsequently marked Deposition
 22 Exb. 36 for identification.)

23 **Q. (By Mr. Morris) Deposition Exhibit 36 is a**
 24 **true and correct copy of a Facebook post from Missoula**
 25 **Votes. Have you ever seen this before?**

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1 newspaper.

2 **Q. Okay, sure. And how did you find out**
 3 **about the extended hours?**

4 A. From the official Missoula County
 5 Elections Office website.

6 **Q. Okay. So did you call the Missoula County**
 7 **Elections Office?**

8 A. No, I did not.

9 **Q. Did you go to the web page of the Missoula**
 10 **County Elections Office?**

11 A. Yes, I did.

12 **Q. And information about the extended hours**
 13 **was posted on their web page; is that right?**

14 A. Yes, that is correct.

15 **Q. And when did you learn about the extended**
 16 **hours?**

17 A. I believe it was that final week of
 18 October.

19 **Q. So when you saw that there were extended**
 20 **hours as posted on the Missoula County Elections**
 21 **Office web page, you were aware that from 7 a.m. to 6**
 22 **p.m. on Thursday and Friday, you could go and register**
 23 **and vote; is that right?**

24 A. Yes, that is right.

25 **Q. And you're also aware that you could go**

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1 A. No, I have not.

2 **Q. And did you follow or look at the Facebook**
 3 **page for the Missoula County Elections Office or**
 4 **Missoula Votes?**

5 A. No, I did not.

6 **Q. Okay. And do you read the newspaper in**
 7 **Missoula?**

8 A. Occasionally I'll look at it, but I don't
 9 like thoroughly read it.

10 MR. MORRIS: Let me see, and let's mark
 11 this Deposition Exhibit 37.

12 (Document subsequently marked Deposition
 13 Exb. 37 for identification.)

14 **Q. (By Mr. Morris) Deposition Exhibit 37 is a**
 15 **copy of a newspaper article in Missoula from October**
 16 **25, 2021. Do you see that?**

17 A. I do see it.

18 **Q. And this also has information about the**
 19 **extended hours at the Missoula County Elections**
 20 **Office. Do you recall reading stories in the**
 21 **newspaper about the extended hours for the Missoula**
 22 **County Elections Office in October of 2021?**

23 A. No, I do not remember seeing any of these.

24 But I would also like to point out that this is
 25 from KPAX, which is our broadcast service, not the

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1 **and register and vote anytime between 8 a.m. and 6**
 2 **p.m. that week, right?**

3 A. Yes, that is right.

4 **Q. And you're just saying that you don't**
 5 **recall seeing posted on the Missoula County Election**
 6 **Office website information about their Saturday hours?**

7 A. Yes, I said I did see that on their
 8 website.

9 **Q. Oh, I'm sorry. So you were aware that on**
 10 **Saturday, October 30th, you could go and register and,**
 11 **and vote.**

12 A. Oh, no, I had no idea that Saturday was
 13 open. I saw the adjusted hours Monday through Friday.

14 **Q. Okay. And did you not notice, when you**
 15 **saw extended hours posted on the Missoula County**
 16 **Election Office website, information about their**
 17 **Saturday hours on October 30th?**

18 A. No, I did not notice that.

19 **Q. Do you think that that information about**
 20 **Saturday hours wasn't -- didn't appear on the web**
 21 **page?**

22 A. I am not sure, I might have. I may not
 23 have seen it, it might have been in a different spot.
 24 I do not know.

25 **Q. Okay. In the fall, I understand you play**

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1 soccer. Is that right?

2 A. Yes, that is correct.

3 Q. And are you on the Hellgate High soccer
4 team?

5 A. Yes.

6 Q. And is that a varsity team?

7 A. Yes.

8 Q. And do you have practice every day after
9 school?

10 A. Yes, except for days that we have games.

11 Q. Got you. And how long is practice?

12 A. Practice is an hour and a half on pregame
13 and two hours otherwise.

14 Q. You mentioned in your declaration that you
15 also have other commitments besides soccer. And what
16 are those other commitments?

17 A. For starters, it's all of my work with
18 journalism. I am the editor of the Hellgate newspaper
19 and also volunteer as part of the Peace Corps for
20 Student Voice, which is a national education
21 nonprofit. I compete in multiple different Hellgate
22 activities such as Model UN and Academic WorldQuest.
23 I am part of NHS and I serve on the executive board
24 for our Key Club. Also at that time of year, I was
25 completing my college applications.

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1 not you had school on October 21st or 22nd of 2021?

2 A. Seeing it there, I'm sure we most likely
3 did not, but I still don't remember that specifically.

4 Q. Okay. Was there some reason why you
5 couldn't go and register and vote on those days when
6 you didn't have school in October?

7 A. I do not recall. October was a blur for
8 me.

9 Q. And was there some reason on Thursday or
10 Friday, the week before the election, that you
11 couldn't have gone before school when the Election
12 Office was open at seven?

13 A. No, but I do have to take my little
14 brother into school, so it would have required some
15 re-arranging of my schedule.

16 Q. And you agree you could have gone to the
17 Election Office to register and vote during your lunch
18 hour one day?

19 A. Possibly; however, in October, I do have a
20 lot of commitments during my lunch hour. For example,
21 Model UN competition is over Thanksgiving break, so
22 until Thanksgiving break I have a club meeting for
23 Model UN every Friday at lunch; Thursdays at lunch, I
24 had Key Club meetings; Tuesdays at lunch, I had NHS
25 meetings. So it was not always possible.

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1 Q. Were there any other ones that you were
2 referring to in your declaration besides the ones that
3 you were just telling me about?

4 A. I believe those are the primary ones
5 besides just ordinary parts of being a teenager and
6 helping out with my family.

7 Q. So did you have school on October 21st or
8 22nd of 2021?

9 A. I do not recall.

10 MR. MORRIS: We'll mark this Deposition
11 Exhibit 38.

12 (Document subsequently marked Deposition
13 Exb. 38 for identification.)

14 Q. (By Mr. Morris) And Deposition Exhibit 38
15 is a true and correct copy of the Missoula County
16 Public Schools 2021 through 2022 school calendar,
17 including for Hellgate, correct?

18 A. Yes.

19 Q. And you can see that there is a box there
20 showing the school schedule in October of 2021, right?

21 A. Yes.

22 Q. And on October 21st and 22nd, there are
23 these boxes around it which indicates that that was a
24 staff development/prep day and there was no school.
25 Does that refresh your recollection about whether or

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1 Q. Okay. Did you say you had -- I think you
2 maybe just cut out for a second. Did you say you had
3 something on Fridays at one? Is that what you said?
4 I just --

5 A. Fridays --

6 Q. -- didn't hear you.

7 A. Fridays, I had Model United Nations
8 meetings --

9 Q. Okay.

10 A. -- during the lunch hour.

11 Q. Got you. If you look at Paragraph 15 of
12 your declaration, you say: After school on Friday,
13 October 29th, was my last chance to register to vote
14 without missing school.

15 And you now recognize that that's not
16 necessarily the case because the Election Office was
17 open on Saturday, right?

18 A. At this moment, yes.

19 Q. Okay. And you say that's because of the
20 new law that illuminated Election Day registration.
21 Do you see that?

22 A. Yes, I do. And I believe what I was
23 referring to is that it was my last convenient chance
24 because I had to go after school. Before school was
25 just too difficult, and considering it stopped at noon

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1 on Monday, there was no opportunity to go after school
 2 on Monday.
 3 **Q. Okay. I can't remember, could you have**
 4 **gone over there on Monday before school?**
 5 MS. SOMMERS-FLANAGAN: Objection; asked
 6 and answered.
 7 THE WITNESS: I do not recall if I
 8 could --
 9 **Q. (By Mr. Morris) Okay.**
 10 A. -- but again, it would have been extremely
 11 difficult to arrange. My family also only has two
 12 cars, and there are six of us who live together.
 13 **Q. And were you aware of the deadline to**
 14 **register to vote in October of 2021?**
 15 A. Yes.
 16 **Q. And you were able to comply with the**
 17 **registration deadline.**
 18 A. Yes.
 19 **Q. Do you know anyone else in your school**
 20 **that voted in the 2021 municipal elections?**
 21 A. Currently in my school, no, but I do know
 22 other people or people who graduated last year.
 23 **Q. And you talk about some of your**
 24 **extracurricular -- a lot of your extracurricular**
 25 **activities that you engage in. And I understand you**

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1 November 1st because I applied early decision to
 2 school.
 3 **Q. And did you get your application in on**
 4 **time?**
 5 A. Yes, I did.
 6 **Q. What about the UN activity? How much time**
 7 **do you spend each week engaging in that?**
 8 A. Usually, only about an hour or two each
 9 week until the competition week when it's like all
 10 day.
 11 **Q. And so compared to kind of all those**
 12 **commitments, the time you spent registering to vote**
 13 **and voting was a lot less of a commitment. Do you**
 14 **agree with that?**
 15 A. Yes, that is true.
 16 **Q. Can you go to Paragraph 14 of your**
 17 **declaration, please?**
 18 So you say: "I would have preferred to have
 19 more time with my ballot, but because my birthday was
 20 during the late registration period, even if I had
 21 pre-registered to vote, I am not sure whether I would
 22 have received my absentee ballot in time to return it
 23 by mail."
 24 **Did I read that correctly?**
 25 A. Yes, you did.

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1 **make time for those things in your life. Right?**
 2 A. Yes, I do.
 3 **Q. And you do that because those things are**
 4 **important to you, correct?**
 5 A. Yes, I do.
 6 **Q. And voting is one of those things that's**
 7 **important to you, right?**
 8 A. Yes.
 9 **Q. During the soccer season, how much time do**
 10 **you think you dedicate each week to soccer?**
 11 A. Oh, so much. On a usual week, we would
 12 have two games, usually a Saturday and a Tuesday or
 13 Thursday. On travel game days, we leave at noon and
 14 we don't come back until like 8 p.m. I would spend at
 15 least two hours every day, no matter what, with
 16 practice and team dinners.
 17 **Q. And how much time each week do you**
 18 **dedicate to the school newspaper?**
 19 A. Besides in-class time, usually a few extra
 20 hours as well, probably eight-ish hours.
 21 **Q. You said that you spent time applying for**
 22 **college. How long did you spend engaging in, you**
 23 **know, sort of that application process?**
 24 A. Countless time. It wasn't even really
 25 measured. My first deadline and my only deadline was

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1 **Q. So I'm just -- what are you saying there?**
 2 **I'm just kind of confused by what you mean there.**
 3 A. I mean that I got to the Elections Office
 4 at approximately 5:45 when they closed at 6:00, and
 5 elections officer -- like the people who worked there
 6 were leaving as I was still there, and they closed the
 7 doors immediately after me. I felt that I had, I had
 8 to vote while I was there, so I registered and then I
 9 sat down with my ballot and took like five minutes to
 10 fill it out without -- I mean, I knew who I wanted to
 11 vote for in certain races, but I felt I hadn't done
 12 sufficient research to my satisfaction for some of the
 13 other ones.
 14 **Q. Okay. When you went to the Election**
 15 **Office on October 29th and you registered, was it your**
 16 **understanding that you could have taken your ballot**
 17 **with you, gotten a ballot and then taken it back home**
 18 **with you after you were registered?**
 19 A. That was not explained to me.
 20 **Q. Okay. No one told you that you couldn't**
 21 **do that, right?**
 22 A. No, I was not told that I couldn't. I was
 23 given a ballot and told to fill it out at that moment.
 24 **Q. Okay, all right. And you said that you**
 25 **already knew some of the candidates and who you wanted**

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1 to vote for, like I guess Mr. Engan, right?

2 A. Yes, that is correct.

3 Q. And before you went on October 29th, did
4 you try to figure out what else was going to be on the
5 ballot besides the mayoral race?

6 A. Yes. I knew that city council
 7 representatives would be on the ballot, I knew there
 8 were several ballot initiatives, I knew -- I can't
 9 remember the exact name of the position, but something
 10 to do with the judicial system here.

11 Q. Okay. How did you get that information
12 about what else was going to be on the ballot?

13 A. From talking to people, talking to my
 14 parents.

15 Q. And did you read any news articles or
16 anything online or talk to anyone about any of the
17 candidates?

18 A. I likely did.

19 Q. And so besides Mr. Engan, did you already
20 know any other candidates that you were going to vote
21 for when you arrived?

22 A. Yes. I knew who I would vote for, for our
 23 city council representative for my district.

24 Q. Do you recall anything else that was on
25 the ballot?

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1 A. I think there was something to do with the
 2 city bus system.

3 Q. And did you have a sense of how you would
4 vote on either of those initiatives before you arrived
5 at the Election Office?

6 MS. SOMMERS-FLANAGAN: Objection; asked
 7 and answered.

8 THE WITNESS: I did not necessarily.

9 Q. (By Mr. Morris) Was there something --
10 well, let me ask you this: The city bus system
11 initiative, was that one that you were uncertain of?

12 A. Yes. I did not know much about it ahead
 13 of time.

14 Q. And were you also -- did you have some
15 uncertainty about the marijuana one?

16 A. I was a little more certain about that
 17 one. That one was implementing the tax on medical and
 18 nonmedical use.

19 Q. And the city bus initiative, do you recall
20 how you voted on that?

21 A. Not at this moment. If I saw it again, I
 22 would.

23 Q. Okay. Do you know if you left it blank?

24 A. No, I believe I voted.

25 Q. All right. So in Paragraph 14, one of the

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1 A. I believe I answered that already. There
 2 was a judge position or judicial position and there
 3 were the ballot initiatives.

4 Q. And before you arrived, did you look at --
5 I'm sorry, before you arrived at the Election Office,
6 did you look at the candidates for that judge position
7 or those ballot initiatives and what they were about?

8 MS. SOMMERS-FLANAGAN: Objection --

9 THE WITNESS: I --

10 MS. SOMMERS-FLANAGAN: Sorry. Objection;
 11 asked and answered.

12 THE WITNESS: I had heard about them, yes.

13 Q. (By Mr. Morris) And did you know who you
14 were going to vote for, for that, the judge position?

15 A. I was fairly sure, yes.

16 Q. And did you know how you were going to
17 vote with respect to the ballot initiatives?

18 A. Not ahead of time. I made my decision in
 19 the voting booth.

20 Q. And do you recall what those ballot
21 initiatives were?

22 A. I believe it was legalization of
 23 marijuana, was one of them.

24 Q. Do you recall any others that were on the
25 ballot?

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1 things you say is -- sorry, let me get back to it.

2 You say - it's sort of after the second comma there -
3 you say:

4 "even if I had pre-registered to vote, I
5 am not sure whether I would have received my absentee
6 ballot in time to return it by mail."

7 Do you see that?

8 A. I do see that.

9 Q. And what do you -- what's the concern
10 there?

11 A. That was similar to what I referenced
 12 earlier on. I just, I did not have the most trust in
 13 the postal service at that time.

14 Q. Okay. Anything else that you're sort of
15 referencing or talking about in that part of that
16 paragraph in terms of preregistration other than your
17 concern with the postal service?

18 A. I just did not know very much about how
 19 preregistration worked. It was not explained as a
 20 common option to me.

21 Q. Understood. And you know now, obviously,
22 that preregistration is this thing where you can
23 register to vote so long as you're going to be 18 in
24 the next election, right?

25 A. Yes.

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1 Q. And so that means -- I think you said that
2 you knew about this fall of 2021 municipal election
3 several months before it occurred, right?

4 A. Yes, that is correct.

5 Q. And so under Montana law, you could have
6 preregistered to vote as soon as you learned about
7 that election because you knew you were going to be 18
8 by the time it came around, right?

9 MS. SOMMERS-FLANAGAN: Objection; form.

10 THE WITNESS: If I had been aware of
11 preregistration, yes.

12 Q. (By Mr. Morris) Yeah, yeah. That's --
13 sorry, I should have said that.

14 Yeah, if you had been aware when you learned of
15 it, the law would have allowed you to preregister.
16 That's something that you recognize now that you
17 didn't back then, right?

18 A. Yes.

19 Q. And in terms of preregistration, is it
20 your understanding that you can do that by mail?

21 A. I still don't know very much about how it
22 works.

23 Q. Okay. So let me, let me just -- I want to
24 go back because I think what you're saying in
25 Paragraph 14 is like "I'm concerned that, I am

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1 concerned that even if I had preregistered, I wouldn't
2 have received my ballot in time to return it in the
3 mail." Right?

4 A. Yes.

5 Q. Okay. And so as you sit here today, you
6 remain concerned that even if you had preregistered,
7 you might not have been able to return that, your
8 absentee ballot, via the mail; is that accurate?

9 A. Yes, that is accurate.

10 Q. So explain to me what, what you are
11 concerned about in that regard.

12 A. Can you clarify? That's kind of a vague
13 question.

14 Q. Sure, yeah. I just don't understand why
15 you, why you are concerned that even if you had
16 preregistered, you wouldn't have received your ballot
17 in time to return it by the mail.

18 A. I think a key part is because my birthday
19 was so close to the deadline and I wasn't sure how
20 mailing them out worked. I didn't know how any of
21 that happened. And so I was worried that if they
22 mailed them out ahead of time, I would not be 18 by
23 that date so I would not be sent an absentee ballot
24 until later on, and if I was sent one later on, I
25 would receive it late.

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1 Can you see where I was concerned?

2 Q. Sort of, yeah. And I guess I'm -- I just
3 want to make sure: Are you still concerned about
4 that, or was that something that you were concerned
5 about and you kind of have worked through it and you
6 no longer are?

7 A. I don't see how it's applicable now
8 considering that like it's something that happened in
9 the past. So it's strange to be concerned currently
10 about something in the past, but yes, I was concerned
11 in the past.

12 Q. Okay, all right. So I think I see what
13 you're saying. But your birthday, I think you
14 mentioned the fact that your birthday has something to
15 do with this concern that you had, that even if you
16 preregistered, you wouldn't have maybe been able to
17 return your ballot in time. Am I hearing that right?

18 A. Yes.

19 Q. And what about your birthday makes you
20 concerned about that?

21 MS. SOMMERS-FLANAGAN: Objection; asked
22 and answered.

23 THE WITNESS: Because my birthday is so
24 close to the deadline. And for me, it was 30 days
25 before, but I have friends with birthdays October

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1 12th, October 18th. And so at that point, even if
2 you've preregistered to vote, are you going to get a
3 ballot in time?

4 Q. (By Mr. Morris) Well, do you know when the
5 Missoula County Election Office mailed out ballots in
6 the fall, the 2021 election?

7 A. No, I do not.

8 Q. And let me just show you this.

9 MR. MORRIS: And we'll mark this
10 Deposition Exhibit 39.

11 (Document subsequently marked Deposition
12 Exb. 39 for identification.)

13 Q. (By Mr. Morris) And can you see what's on
14 my screen, Ms. Caudle?

15 A. Yes, I can.

16 Q. Okay. And this is a Facebook post from
17 Missoula Votes dated October 12, 2021. Do you see
18 that?

19 A. I do.

20 Q. And it says that the Missoula County
21 Elections Office will mail approximately 73,506
22 ballots for the November 2nd general election on
23 Wednesday, October 13th. Do you see that?

24 MS. SOMMERS-FLANAGAN: Hey, Mac, could you
25 just zoom in a little bit? I'm sorry, I'm just having

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1 trouble seeing it.

2 MR. MORRIS: Yeah, of course. I think I
3 can. I don't know why it's -- hang on, I think I can
4 just do this.

5 MS. SOMMERS-FLANAGAN: Oh, thank you.

6 MR. MORRIS: Yeah.

7 **Q. (By Mr. Morris) Can you see that okay, Ms.**
8 **Caudle?**

9 A. Yes, I can.

10 **Q. Okay. So if you were preregistered to**
11 **vote and the ballots were mailed out on October 13th,**
12 **then your ballot would have gone out with all the rest**
13 **of them on October 13th. That all adds up and makes**
14 **sense to you, right?**

15 A. Yes, it does.

16 **Q. Okay. So given that the ballots in this**
17 **election were mailed out on October 13th, 10 days**
18 **after your birthday, do you still, as you sit here**
19 **today, have the same concerns about being able to**
20 **return your ballot in time even if you're**
21 **preregistered?**

22 A. No, not for myself.

23 **Q. Okay. Do you know the last four digits of**
24 **your Social Security number?**

25 A. I did in October, and I have forgotten

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1 license?

2 A. In January 2020.

3 **Q. Okay. And how did you go about getting a**
4 **Montana driver's license?**

5 A. I took the drivers' ed course offered
6 through my high school the summer between my freshman
7 and sophomore year, and then six months later I went
8 to the DMV and took the test and got my license.

9 **Q. Do you have a passport?**

10 A. Yes, I do.

11 **Q. When did you get a passport?**

12 A. Long before I can remember, probably when
13 I was one year old - two years old.

14 **Q. Do you have a bank account?**

15 A. Yes, I do.

16 **Q. And is that a Montana bank account?**

17 A. Yes, it is.

18 **Q. Do you receive a paycheck or do you work**
19 **and receive a paycheck from anyone?**

20 A. Yes, I did.

21 **Q. Okay. And how long have you been**
22 **receiving a paycheck?**

23 A. I started receiving a paycheck from my
24 first job in May 8, 2019, and then I got my last
25 paycheck -- I quit my second job last August, so I

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1 them at this moment.

2 **Q. And do you have access to your Social**
3 **Security card?**

4 A. Yes, I do.

5 **Q. And do you have your last four digits of**
6 **your Social Security number saved somewhere, on your**
7 **phone or anything like that?**

8 A. I do not have it saved on my phone.

9 **Q. Where do you keep your Social Security**
10 **card?**

11 A. In a folder in my house with all of our
12 important documents.

13 **Q. And did you need your Social Security**
14 **number in order to apply for college?**

15 A. Yes, I did.

16 **Q. And I assume there wasn't any difficulty**
17 **in, in getting that number for that college**
18 **application. Is that right?**

19 A. Yeah, that is correct, it was not
20 difficult. And that is why I still had it memorized
21 at the time I went to register to vote.

22 **Q. Got you. And do you have a Montana**
23 **driver's license?**

24 A. Yes, I do.

25 **Q. When did you get a Montana driver's**

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1 haven't received one since then.

2 **Q. Where did you work?**

3 A. My first job was at Dairy Queen and my
4 second one was as a lifeguard for the City of Missoula
5 at our pools.

6 **Q. Dairy Queen gets busy in Missoula.**

7 A. (Nodding head affirmatively.)

8 **Q. It's good stuff, though. Do you have a**
9 **student ID card from Hellgate High School?**

10 A. Yes, I do.

11 **Q. And did you get a voter registration card**
12 **when you registered to vote?**

13 A. I don't recall getting one, actually.

14 **Q. Are you familiar with the My Voter Page on**
15 **the Secretary of State's website?**

16 A. No, I'm not.

17 **Q. Okay. Do you know a way that you can find**
18 **out whether or not your vote or ballot has been**
19 **accepted by the election officials?**

20 A. No, I'm not sure how you would do that.

21 **Q. Do you know a way to check whether or not**
22 **your registration is up to date or accurate, your**
23 **voter registration?**

24 A. No. I have not been informed of a way to
25 do that.

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1 **Q. Can you tell me a little bit about what**
 2 **you do as a board member at -- I'm sorry, is it**
 3 **Montana Youth Action?**

4 A. Yes, it is.

5 **Q. Okay, sorry. Can you tell me about what**
 6 **you do as a board member at Montana Youth Action?**

7 A. Yeah. Well, I attend the monthly board
 8 meetings and participate in all regular board duties.
 9 For example, I went to our board retreat, I believe it
 10 was last October or September.

11 Then I also am the Amplify chair. Amplify
 12 Montana Youth is a little side project that the
 13 nonprofit started in 2020. And I launched it with a
 14 friend, and that -- interviewed a bunch of candidates
 15 for office ahead of the 2020 elections and basically
 16 coordinated a social media presence. So a lot of the
 17 work I do with Montana Youth Action is related to
 18 social media - we have a podcast on Spotify - and just
 19 that side of engagement stuff, especially as it
 20 relates to my interests in journalism.

21 **Q. Yeah. What's sort of your -- well, what**
 22 **do you take to be sort of the goals of -- or the**
 23 **mission of Montana Youth Action?**

24 A. Montana Youth Action is a nonprofit that
 25 -- a nonpartisan nonprofit that aims to educate youth

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1 future?

2 A. Not currently.

3 **Q. You said you edited some YouTube videos**
 4 **for Montana Youth Action.**

5 A. (Nodding head affirmatively.)

6 **Q. And what were those about?**

7 A. Like, for example, there was one that we
 8 released just ahead of the 2020 election that was a
 9 little bit about voting, what the election was, and
 10 just kind of like a general breakdown of like:
 11 "Here's why elections matter."

12 **Q. And can you recall any other videos since**
 13 **that 2020 election that you've helped out at for**
 14 **Montana Youth Action?**

15 A. That was the main one that I put the most
 16 time into.

17 **Q. In terms of social media content, I think**
 18 **you said that you've helped out with some of that. Is**
 19 **that right?**

20 A. Yes, that is correct.

21 **Q. And what social media content do you**
 22 **recall working with?**

23 A. We attempted to start a Tiktok; we posted
 24 a lot on Instagram; we have both a Montana Youth
 25 Action Instagram page and an Amplify Montana Youth

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1 - we usually define it as like middle school, high
 2 school, college-age students - throughout the state of
 3 Montana about civic engagement, voting, just how to
 4 engage with politics in the state.

5 **Q. And what's your focus in terms of your**
 6 **work or engagement with Montana Youth Action? Is it**
 7 **focused on voting issues or something else?**

8 A. Primarily, content creation. So a lot of
 9 the stuff I was doing was contacting candidates for
 10 different offices and requesting an interview with
 11 them. I would do it over Zoom. And then we would
 12 record them, and edit them, and post them on YouTube
 13 and Instagram for people to watch if they were curious
 14 about candidates.

15 The other work I've done is I've edited together
 16 YouTube videos, for example, that just kind of
 17 describe information about different issues that will
 18 be on the ballot.

19 **Q. Did you interview any of the candidates in**
 20 **the 2021 municipal election?**

21 A. No, I did not. We concluded our series of
 22 interviews after the 2020 general election. We did
 23 both the primaries and the generals that year.

24 **Q. And do you have any interviews with any**
 25 **sort of political candidates lined up in the near**

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1 specific page, so just all sorts of content for both
 2 of those.

3 **Q. And is some of that content related to**
 4 **voting?**

5 A. Some of it is, yes.

6 **Q. And is it related to the process of voting**
 7 **in terms of registration, how to do it, voting, and**
 8 **what the requirements are?**

9 A. I'm sure some of it is, but we also keep
 10 in mind that our audience starts at like 12 years old.
 11 So it's not all "here's how to register to vote"
 12 centered, it's more about making them interested in
 13 political engagement.

14 **Q. And have you worked on social media**
 15 **content that's sort of specifically related to how you**
 16 **register to vote?**

17 A. I don't believe so.

18 **Q. Have you worked on social media content**
 19 **about deadlines for registering to vote?**

20 A. No.

21 MS. SOMMERS-FLANAGAN: Objection; asked
 22 and answered.

23 THE WITNESS: No.

24 **Q. (By Mr. Morris) Have you worked on social**
 25 **media content about the deadline to vote?**

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1 A. No.

2 **Q. Okay. So when you talk about social media**
3 **content, are you referring to -- well, what social**
4 **media outlets are you referring to?**

5 A. Primarily Instagram.

6 **Q. Can you tell me a little bit more about**
7 **Amplify Montana Youth and what you do, like kind of**
8 **what the focus of that is and what your involvement in**
9 **that is?**

10 A. That was a project launched during spring
11 of 2020 and carried out through summer, and it's
12 continued until now. It was in coordination with
13 Isaac Nehring, who is the former executive director of
14 Montana Youth Action and currently one of the key
15 leaders of the board; and Gilly Sherrill, who
16 graduated from Hellgate High School in 2021 and was a
17 high school junior at the time I was a high school
18 sophomore.

19 And it was during quarantine, and we realized a
20 lot of events for candidates to just voice their
21 thoughts and their policies and what they stood for
22 had been canceled, and so we wanted to have some way
23 to like provide that opportunity for them to share
24 their platforms. And so we started emailing people,
25 calling people, and asking if they wanted to do an

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1 the people in the organization aren't even eligible to
2 vote.

3 MR. MORRIS: Okay, all right. I'm going
4 to look over my notes and take a quick break, but I
5 think we're pretty much done. So we can go off the
6 record.

7 COURT REPORTER: Okay. The time is 10:17
8 a.m. We are off the record.

9 (A brief recess was taken.)

10 COURT REPORTER: The time is 10:28 a.m.
11 We are on the record.

12 MR. MORRIS: Ms. Caudle, I don't have any
13 more questions for you at this time, so thanks very
14 much for your time. I'm not sure if Ms.
15 Sommers-Flanagan does.

16 MS. SOMMERS-FLANAGAN: I believe that
17 actually Mr. Meloy has a couple of questions he'd like
18 to ask.

19 MR. MELOY: I just turned my camera back
20 on.

21
22 BY MR. MELOY:

23 **Q. Ali, I'm Mike Meloy. I represent the**
24 **Montana Democratic Party in the consolidated cases of**
25 **which Montana Youth Action is a part.**

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1 interview with us.

2 **Q. Very cool. And is Isaac Nehring -- where**
3 **does he go to high school?**

4 A. He lives in Helena. He goes to Helena
5 High.

6 **Q. Okay, okay. And do you know who the**
7 **current executive director of Montana Youth Action is?**

8 A. We restructured the organization at the
9 start of this fiscal year, so instead of having an
10 executive director position, we have three board
11 chairs. So he is one of the three board chairs, but
12 he works with two other people now.

13 **Q. Are you one of the board chairs or just**
14 **board members?**

15 A. I am just a board member.

16 **Q. Okay. How many board members are there?**

17 A. Approximately 15.

18 **Q. And are there board members -- are all the**
19 **board members young people?**

20 A. Yes. You age out once you graduate high
21 school, and you cannot serve on the board once you've
22 graduated.

23 **Q. Oh, okay. I didn't realize that.**

24 A. We're a completely youth-run organization.
25 That's kind of the whole point. So actually, most of

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1 **I have to say that I am totally blown away by**
2 **the number of activities in which you've been involved**
3 **as a high schooler, and my faith in the future of**
4 **democracy has been renewed.**

5 **Where are you --**

6 MR. MORRIS: I'll just object to the
7 sidebar.

8 MR. MELOY: Well, that's fine. I think
9 you'd probably join me with that comment, wouldn't
10 you, Mac?

11 **Q. (By Mr. Meloy) But where are you going to**
12 **school in the fall?**

13 A. I'm going to Northeastern University in
14 Boston.

15 **Q. And while you're back there, are you**
16 **planning on keeping your Montana residency?**

17 A. Yes, that is the plan.

18 **Q. And will you continue to vote in Montana?**

19 A. Yes, most likely; yeah.

20 **Q. Did you -- the Hellgate High soccer**
21 **team -- (interruption in proceedings.)**

22 A. Oh, apologies. It's the announcements
23 right now.

24 **Q. Uh-oh.**

25 A. It should be over in just a minute. Okay.

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1 Q. So Hellgate High trains -- do they train
2 up on the Rattlesnake Field?

3 A. Yes, we do.

4 Q. And how far -- how long does it take you
5 to get from high school up to those fields?

6 A. Usually, like 10 -- it's like a 10-minute
7 drive, but that doesn't count time getting from your
8 classes, getting your soccer stuff, getting in your
9 car, and then walking from the parking lot across
10 where you start.

11 Q. If you can get up there in 10 minutes, you
12 must be driving pretty fast.

13 A. Yeah, yeah. It depends on traffic, too.
14 If you get stuck behind a school bus, it can take you
15 like 20.

16 Q. And what time does practice start?

17 A. 4:30.

18 Q. And you go for two hours except for
19 pre-games?

20 A. Yes.

21 Q. So what time do you typically get -- and
22 that's Monday through Friday, right?

23 A. Yes, hm-hmm.

24 Q. And so what time, what time do you, do you
25 get back home after practice?

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1 6, 2022. We are off the record.
2 (Signature reserved.)

3 * * * * *

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1 A. Oh, usually like 7:15 to 7:30.

2 Q. And that's for the entire season, which
3 ends the end of October; is that right?

4 A. Yes, hm-hmm. Our final -- we were
5 eliminated in the semifinals on October 26th.

6 Q. And Hellgate High had as a goal to make it
7 to the state championship and to win the state
8 championship; isn't that right?

9 A. Yes, that is correct.

10 Q. And so the training sessions must have
11 been pretty, pretty stressful, particularly toward the
12 playoff weeks, correct?

13 A. Hm-hmm, yes.

14 Q. How did you manage to do everything and
15 still, and still pay attention to soccer during that
16 late October time period?

17 A. It was, it was definitely difficult. I
18 developed a bad habit of going to bed around 2 a.m.

19 MR. MELOY: Well, thanks. I think that's
20 all I had.

21 MR. MORRIS: I don't have any follow-up.

22 COURT REPORTER: Okay, all right. This
23 concludes the Videoconference Video-Recorded
24 Deposition of Ali Caudle.

25 The time is 10:33 a.m. The date is April

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1 STATE OF MONTANA)

: ss.

2 County of Silver Bow)

3

4 I, Jonny B. Nordhagen, Court Reporter - Notary
5 Public in and for the County of Silver Bow, State of
6 Montana, do hereby certify:

7

8 That the witness in the foregoing deposition,
9 Ali Caudle, was by me first duly sworn according to
10 law in the foregoing cause; that the deposition was
11 then taken before me at the time and place herein
12 named; that the deposition was reported by me in
13 machine shorthand and later transcribed by computer,
14 and that the foregoing seventy-one (71) pages contain
15 a true record of the witness, all done to the best of
16 my skill and ability.

17 IN WITNESS WHEREOF, I have hereunto set my hand
18 and affixed my notarial seal this ____ day of
19 _____, 2022.

20

21

22

23

24

25

(NOTARIAL SEAL)

expires May 8, 2022.

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1 DEPOSITION OF: ALI CAUDLE
2 DEPOSITION DATE: APRIL 6, 2022
3 IN RE: MONTANA DEMOCRATIC PARTY, et al.,
4 vs. JACOBSEN
5 COURT REPORTER: JONNY B. NORDHAGEN
6 I have read my deposition and make the following
corrections or additions:

7
8 PAGE # LINE CORRECTION

9
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24
25

Signed under penalty of perjury this _____ day
of _____, _____.

ALI CAUDLE

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RETRIEVED FROM DEMOCRACYDOCKET.COM

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EXHIBIT 2

RETRIEVED FROM DEMOCRACYDOCKET.COM

IN THE MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,
YELLOWSTONE COUNTY

Montana Democratic Party, et al. Cause No.: DV-56-2021-451
Plaintiffs,
WESTERN NATIVE VOICE, Montana Native Vote,
Blackfeet Nation, Confederated Salish and
Kootenai Tribes, Fort Belknap Indian Community
and Northern Cheyenne Tribe,
Plaintiffs,
Montana Youth Action, Forward Montana
Foundation, and Montana Public Interest Group,
Plaintiffs,
vs.
Christi Jacobsen, in her official capacity as
Montana Secretary of State,
Defendant.

VIDEOCONFERENCE VIDEO-RECORDED DEPOSITION OF AMARA REESE-HANSELL

Taken at:
Nordhagen Court Reporting
1734 Harrison Avenue
Butte, Montana
April 6, 2022
1:06 p.m.

1 APPEARANCES OF COUNSEL (by videoconference):

2

3 FOR THE DEFENDANT CHRISTI JACOBSEN:

4 WILLIAM (MAC) MORRIS

5 Attorney at Law

6 CROWLEY FLECK, PLLP

7 P.O. Box 797

8 Helena, MT 59624-0797

9 wmorris@crowleyfleck.com

10

11

12

13

14

15 Also present:

16 Jacob Linfesty, Impact Associate, Upper Seven

17 Law

18

19

20

21

22

23

24

25

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1 APPEARANCES OF COUNSEL (by videoconference):

2

3 FOR THE PLAINTIFF MONTANA DEMOCRATIC PARTY:

4 PETER MICHAEL MELOY

5 Attorney at Law

6 MELOY LAW FIRM

7 P.O. Box 1241

8 Helena, MT 59624

9 mike@meloylawfirm.com

10

11 FOR THE PLAINTIFFS MONTANA YOUTH ACTION, FORWARD

12 MONTANA FOUNDATION, and MONTANA PUBLIC INTEREST GROUP:

13 RYLEE SOMMERS-FLANAGAN

14 RYAN AIKIN

15 Attorneys at Law

16 Upper Seven Law

17 P.O. Box 31

18 Helena, MT 59624

19 rylee@uppersevenlaw.com

20 ryan@aikinlawoffice.com

21

22

23

24

25

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Page 4

1 AMARA REESE-HANSELL
 2 APRIL 6, 2022; BUTTE, MONTANA
 3 - - -
 4 BE IT REMEMBERED THAT, pursuant to Notice, the
 5 Deposition of Amara Reese-Hansell was taken at the
 6 time and place and with the appearances of counsel
 7 hereinbefore noted before Jonny B. Nordhagen, Court
 8 Reporter - Notary Public for the State of Montana.
 9 It was further stipulated and agreed by and
 10 between counsel for the respective parties that this
 11 deposition was taken pursuant to the Montana Rules of
 12 Civil Procedure.
 13
 14 The following proceedings were had:
 15
 16 COURT REPORTER: The time is 1:06 p.m. We
 17 are on the record.
 18 This is the Videoconference Video-Recorded
 19 Deposition of Amara Reese-Hansell taken by the
 20 attorneys for the defendant in the matter of Montana
 21 Democratic Party, et al., Plaintiffs, vs. Christi
 22 Jacobsen, in her official capacity as Montana
 23 Secretary of State, Defendant.
 24 This is Cause No.: DV-56-2021-451 in the
 25 Montana Thirteenth Judicial District Court,

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1 Yellowstone County.
 2 This deposition is being taken on
 3 Wednesday, the 6th day of April, 2022, from Nordhagen
 4 Court Reporting, 1734 Harrison Avenue in Butte,
 5 Montana.
 6 My name is Jonny Nordhagen. I am the
 7 court reporter and recording operator.
 8 Counsel will now introduce themselves,
 9 after which I will swear in the witness.
 10 And we can start with Mac.
 11 MR. MORRIS: Okay. This is Mac Morris on
 12 behalf of the Montana Secretary of State.
 13 COURT REPORTER: And Rylee?
 14 MS. SOMMERS-FLANAGAN: This is Rylee
 15 Sommers-Flanagan. I represent Plaintiffs Montana
 16 Youth Action, Forward Montana Foundation, and the
 17 Montana Public Interest Research Group.
 18 COURT REPORTER: Okay, and Mike.
 19 MR. MORRIS: Mike Meloy for the Montana
 20 Democratic Party.
 21
 22
 23
 24
 25 ///

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1 AMARA REESE-HANSELL,
 2 having been called as a witness by the
 3 defendant, being first duly sworn, was
 4 examined and testified as follows:
 5
 6 EXAMINATION
 7 BY MR. MORRIS:
 8 Q. Good afternoon. And I'm going to
 9 pronounce your name "Amara Reese-Hansell." Is that
 10 right?
 11 A. Yes.
 12 Q. Okay. And can you tell me your address,
 13 please?
 14 And should I refer to you as "Ms.
 15 Reese-Hansell"? Is that how you'd like to be referred
 16 to during the deposition?
 17 A. "Ms. Reese-Hansell" or "Amara" is just
 18 fine.
 19 Q. Okay, thanks. What's your address?
 20 A. It's 2220 Remington Way, Apartment 213, in
 21 Bozeman. And the ZIP code is 59718.
 22 Q. Have you ever had your deposition taken
 23 before?
 24 A. I have not.
 25 Q. So you might have gone over all these with

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1 someone already, but there's some kind of rules or
 2 guideposts.
 3 We'll try our best, during the course of this
 4 deposition, not to talk over one another. The reason
 5 for that is obviously we have a court reporter here
 6 who's trying to take down everything we say. And even
 7 though you might know exactly what I'm asking before I
 8 finish my question and even though I know what you're
 9 going to say, for purposes of the record, if we could
 10 just give a pause and try not to talk over one
 11 another. Okay?
 12 A. (Nodding head affirmatively.)
 13 Q. And you realize, obviously, that you're
 14 under oath during the course of this deposition,
 15 correct?
 16 A. I do.
 17 Q. And is there any reason why you can't give
 18 accurate and truthful testimony today?
 19 A. No.
 20 Q. Okay. And what I'm asking is: You're not
 21 on any sort of medication or anything like that that
 22 would affect your memory or otherwise impair your
 23 ability to give accurate, truthful testimony, right?
 24 A. I'm not.
 25 Q. Okay. If I ask you a question in the

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1 deposition and you don't understand it, will you tell
 2 me that you don't understand my question?
 3 A. Yes.
 4 Q. All right. When did you move to -- oh,
 5 let me just tell you one other thing. And Rylee is
 6 really good about this, but if you need a break during
 7 the deposition at all, just say so, and we can take a
 8 break, you know, for whatever reason, typically. The
 9 only exception to that is like if I ask you a
 10 question, I'll usually get you to answer the question
 11 before we go on a break. Okay?
 12 A. Okay.
 13 Q. All right. When did you move to Montana?
 14 A. About, it will be nine years ago this
 15 summer, so nine years ago in August, but eight years.
 16 Q. So was that August of 2013?
 17 A. Yes, I believe so.
 18 Q. And since moving to Montana, have you
 19 always lived in Gallatin County?
 20 A. I have.
 21 Q. Where did you live before moving to
 22 Montana?
 23 A. I lived in Wisconsin.
 24 Q. Where in Wisconsin?
 25 A. I lived in Fort Atkinson, which is kind of

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1 A. She did not.
 2 Q. What do you mean when you say your family
 3 splits time between various places?
 4 A. Yeah. So my grandparents who have a
 5 residence here, they also reside other places parts of
 6 the year. They spend a lot of time in California,
 7 Mexico, places like that. They don't reside here
 8 year-round.
 9 Q. And did you live with your grandparents
 10 when you first moved to Bozeman?
 11 A. I did for a few months.
 12 Q. And were you intending to start college
 13 in, in Bozeman after you first moved here?
 14 I didn't intend to when I first moved here. I
 15 took a year off and then I went to college after
 16 living in Bozeman for a year.
 17 Q. Did you have a job in Bozeman when you,
 18 when you moved out here?
 19 A. Not really. I was doing some odd jobs,
 20 babysitting a little bit, things like that; mostly
 21 just spending time with my family, though.
 22 Q. When did you get sort of your first job
 23 after moving to Bozeman?
 24 A. It would have been when I was an intern at
 25 Forward Montana, which I think was maybe my second

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1 in between Madison and Milwaukee.
 2 Q. What brought you to Montana?
 3 A. I always wanted to move. I have some
 4 family here, so it just seemed like a good natural fit
 5 after high school.
 6 Q. And you didn't move out with your entire
 7 family. You moved out after finishing high school; is
 8 that right?
 9 A. Yes.
 10 Q. You said you have some family here?
 11 A. I do.
 12 Q. And what of your family members live in
 13 Bozeman?
 14 A. Most of my family splits their time
 15 between here and other places, but I have -- I guess
 16 they would technically be my step-grandparents still
 17 live here, I have an aunt that lives here, some other
 18 distant relatives, maybe a great-aunt.
 19 Q. And have your parents ever lived in
 20 Montana?
 21 A. Yeah. My mom grew up here.
 22 Q. And where did she grow up?
 23 A. In the Bozeman area.
 24 Q. And did she live in the Bozeman area when
 25 you first moved to Montana in August of 2013?

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1 year of college.
 2 Q. And that would have been 2015, maybe?
 3 Somewhere in there?
 4 A. Yeah, that sounds right. It's hard to say
 5 the exact, but yeah, that sounds right.
 6 Q. And you started school at MSU in the fall
 7 of 2014?
 8 A. Yes.
 9 Q. So between August of 2013 and the start of
 10 school in 2014, what were you doing in Bozeman?
 11 A. Yeah. Again, mostly just spending time
 12 with my family, things like that. I hadn't seen them
 13 in a very long time. So just taking it easy, getting
 14 ready for school to start, things like that.
 15 Q. Are you a skier or a snowboarder?
 16 A. I am not.
 17 Q. So did you ever go up and ski or snowboard
 18 that year?
 19 A. No.
 20 Q. Missed opportunity.
 21 A. Totally.
 22 Q. Did you have a car when you moved to
 23 Montana?
 24 A. Not my own, no. I had grandparents at the
 25 time who let me borrow their vehicle for a little bit

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1 and I did ultimately acquire that vehicle as my own,
2 but I wouldn't say it was until maybe, maybe 2015 that
3 that happened. I couldn't be totally sure.

4 **Q. Did you fly out from Wisconsin to Bozeman,**
5 **then?**

6 A. I did.

7 **Q. Did you have a lot of luggage?**

8 A. No, I didn't.

9 **Q. Those were the days. Did you get a**
10 **driver's license after moving to Montana?**

11 A. I did, but not when I first lived here.
12 It would have been just whenever my license needed to
13 be renewed, which I honestly think could have been
14 when I was turning 21, but I could be wrong. I could
15 have gotten one before then, but I certainly didn't
16 have it when I first moved here and not within my
17 first year or two.

18 **Q. How did you get around Bozeman and other**
19 **places after you moved to Bozeman in August of 2013?**

20 A. Sorry, maybe I should clarify. I did have
21 a driver's license, I had a Wisconsin driver's
22 license. I didn't receive a Montana driver's license
23 until I had been living here, but I did have a
24 driver's license.

25 So like I said, I used my grandparents' vehicle

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1 longer, but yeah, at the time.

2 **Q. Okay, yeah. And so when you got that car**
3 **from your grandparents, did you register it in your**
4 **name and title it in your name?**

5 A. Yes, when it officially became my vehicle.

6 Like I said, I was sharing it for awhile, and then it
7 became kind of mine fully in school. And, yes, it was
8 registered and titled in my name.

9 **Q. After you moved to -- did your parents**
10 **ever -- or your grandparents ever talk to you about a**
11 **requirement in Montana law that after you've been**
12 **residing in Montana for 60 days, you need to get a**
13 **Montana driver's license in order to drive in Montana?**

14 A. No, my grandparents never talked to me
15 about that.

16 **Q. And are you aware, as you sit here today,**
17 **that Montana law requires people who have resided in**
18 **Montana for 60 days to get a Montana driver's license?**

19 A. I'm not aware of that, no.

20 **Q. And you said you registered your vehicle**
21 **once you purchased it from your grandparents. And do**
22 **you know whether or not your vehicle registration**
23 **shows your name and current address?**

24 MS. SOMMERS-FLANAGAN: Objection; form.

25 THE WITNESS: I don't have the vehicle

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1 at the time, walked, things like that, had friends
2 come and pick me up.

3 **Q. When did you acquire your -- did you say**
4 **you acquired your grandparents' vehicle in 2015?**

5 A. I can't be exactly sure. 2015 sounds
6 right. Yeah, somewhere within kind of my first or
7 second year, that became my personal vehicle.

8 **Q. And why did you get a vehicle at that**
9 **time?**

10 A. Like I said, I had been borrowing it. It
11 kind of was shared between a bunch of different family
12 members, kind of just an extra car that they had. And
13 then like I said, they kind of started spending more
14 time in other areas, not being in Montana so often, so
15 they thought it would be a good natural fit for me to
16 continue using it.

17 **Q. Were you a student at the time that you**
18 **acquired that vehicle?**

19 A. I think so, yeah. Again, it's really hard
20 for me to define the exact date in which, you know,
21 the car became mine, but I was definitely in school
22 when it happened.

23 **Q. Is the car registered and titled in your**
24 **name at this time?**

25 A. At that time, yes. I don't have it any

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1 anymore so it's hard for me to say, but yes, I imagine
2 that it would have.

3 **Q. (By Mr. Morris) Do you have --**

4 A. I --

5 **Q. I'm sorry, go ahead.**

6 A. I was just going to say, I know that there
7 was -- it was an older vehicle, so it had a permanent
8 registration. Again, I'm not like very familiar with
9 cars and how those things work, but I guess I don't
10 know when I would have had to reregister it.

11 **Q. Do you have a car right now?**

12 A. I do.

13 **Q. And you obviously have that registered in**
14 **Montana, right?**

15 A. I do.

16 **Q. And do you know whether or not that**
17 **vehicle registration shows your name and current**
18 **address?**

19 A. I just moved a few months ago, so no, it
20 does not.

21 **Q. Okay. It shows your name and previous**
22 **address before you moved?**

23 A. Yes.

24 **Q. When did you, when did you say you got a**
25 **Montana driver's license?**

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1 A. I cannot be sure. I want to say that it
2 would have been the next time you like needed to have
3 it renewed, so when my license was like about to
4 expire.

5 From my recollection, I think that would have
6 been when I turned 21 because I remember getting the
7 printed-out license so I could go out with my friends.
8 But again, I'm not very familiar with like those types
9 of laws. So had it expired before then, I certainly
10 would have gotten it renewed, but I can't recall.

11 **Q. And when you turned 21, you had been**
12 **living in Montana for three years?**

13 A. Yes.

14 **Q. And it never occurred to you that you may**
15 **need to get a Montana driver's license after living in**
16 **Montana for that long of a period of time?**

17 MS. SOMMERS-FLANAGAN: Objection; asked
18 and answered.

19 THE WITNESS: Not necessarily, no. And
20 again, maybe I did, but I just can't recall.

21 **Q. (By Mr. Morris) You don't recall thinking**
22 **to yourself that you might need to get a Montana**
23 **driver's license, seeing as how you had been in**
24 **Montana for more than two years?**

25 MS. SOMMERS-FLANAGAN: Objection; asked

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1 BY MR. MORRIS:

2 **Q. Did you register to vote in 2014 in**
3 **Montana?**

4 A. It is really hard for me to remember when
5 I first registered to vote. It would have been 2014
6 or when I became an intern at Forward Montana and
7 realized how important it was. So it would have been
8 2014 or 2015, but my first experience registering to
9 vote is not very memorable to me.

10 **Q. Were you registered to vote in Wisconsin?**

11 A. I was not. My birthday was in May and I
12 knew that I was moving, so I didn't register within --
13 you know, just there wasn't an election happening in
14 that time before I moved.

15 **Q. The first time that you voted in Montana,**
16 **do you recall any of the candidates that were on the**
17 **ballot?**

18 A. Not from my first election, no. More
19 recent elections, the candidates are very memorable to
20 me, but not for my first election.

21 **Q. Do you recall registering to vote in**
22 **Montana, though?**

23 A. Definitely.

24 **Q. And how did you register to vote?**

25 A. Yeah. So I've typically registered to

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1 and answered.

2 THE WITNESS: Again, I can't recall. It
3 was a really long time ago. It feels like a long time
4 ago to me.

5 **Q. (By Mr. Morris) Did anyone ever say to you**
6 **anything about that, like "Hey, you need to get a**
7 **Montana driver's license since you've been living here**
8 **for this long"?**

9 A. Not that I can recall.

10 **Q. You don't take the position that students**
11 **who reside in Montana for more than 60 days are exempt**
12 **from Montana driver's license or Montana vehicle**
13 **registration laws, do you?**

14 A. Can you repeat just the first half of that
15 question?

16 **Q. Yeah.**

17 MR. MORRIS: Jonny, can you read that back
18 for me, please?

19 (The record was read back as follows:

20 "QUESTION: You don't take the position
21 that students who reside in Montana for more than 60
22 days are exempt from Montana driver's license or
23 Montana vehicle registration laws, do you?"

24 THE WITNESS: I do not agree that those
25 folks should be exempt.

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1 vote through Forward Montana each time using either my
2 Montana driver's license once I had it or the last
3 four of my Social Security number; definitely used the
4 last four of my Social Security number more times,
5 though.

6 **Q. And the first time that you registered to**
7 **vote in Montana, you did that with the assistance of**
8 **Forward Montana?**

9 A. I believe so.

10 **Q. And you believe you used your Social**
11 **Security number or the last four digits of your Social**
12 **Security to do that?**

13 A. Yes.

14 **Q. And did you sign up for no-excuse absentee**
15 **voting?**

16 A. I did.

17 **Q. And you've always voted absentee?**

18 A. I have.

19 **Q. Do you agree that absentee voting is a**
20 **convenient option for voting in Montana?**

21 A. Yeah, convenient and necessary,
22 definitely.

23 **Q. When you vote absentee, you don't need to**
24 **show any identification when you actually vote if you**
25 **vote at a polling place, right?**

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1 MS. SOMMERS-FLANAGAN: Objection; form.
 2 THE WITNESS: Can you repeat the question?
 3 **Q. (By Mr. Morris) Yeah. When you vote**
 4 **absentee, you don't need to show any ID, correct?**
 5 A. Right, if you just stick it in your
 6 mailbox or drop it off, yeah.
 7 **Q. And do you always mail your absentee**
 8 **ballot in when you vote?**
 9 A. I don't. I've probably mailed it in half
 10 the time, walked it over to my County Elections Office
 11 the other half. I usually miss the mail deadline, so
 12 I've got to walk it in.
 13 **Q. And have you ever used like a polling**
 14 **place drop-box location?**
 15 A. I don't know if the Gallatin County
 16 Elections Office would be considered a polling place
 17 drop-off location. It's not my polling place, it just
 18 is a drop-off location, so I don't know, but I've
 19 definitely seen polling place drop-off locations.
 20 **Q. Yeah. Do you always drop yours off at the**
 21 **Gallatin County Election Office?**
 22 A. (Nodding head affirmatively.)
 23 **Q. That's been what you used where you've**
 24 **dropped off your ballot?**
 25 A. Yes. When I've dropped it off, I've used

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1 A. Right; although, the window would then,
 2 you know, become shorter for you to mail it in.
 3 **Q. Yeah, or drop it off, or whatever.**
 4 A. Right.
 5 **Q. So one of the things that I think you've**
 6 **said in your declaration is that you like the absentee**
 7 **voting because you can spend some time researching and**
 8 **understanding the options on your ballot, right?**
 9 A. That is correct.
 10 **Q. And besides looking at your own personal**
 11 **ballot -- (interruption in proceedings.) I'm sorry.**
 12 **Sorry about that.**
 13 **Besides looking at your own personal ballot, are**
 14 **you aware of other ways that a voter in Montana can**
 15 **learn about what's on the ballot before Election Day**
 16 **or before they go to the Election Office to do early**
 17 **voting?**
 18 A. Yeah. I'm aware of some resources that
 19 exist. Organizations like my own may put out a voter
 20 guide, sometimes your local papers may do profiles on
 21 the candidates, there may be candidate forums that you
 22 can attend. Are those the things that you're
 23 referring to?
 24 **Q. Sure, yeah, all of those. And are there**
 25 **others besides that that you're aware of?**

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1 the Gallatin County Elections Office drop box.
 2 **Q. Do you know anything about the option to**
 3 **do early voting in Montana?**
 4 A. I know a little bit about it, yeah.
 5 **Q. And how does that work?**
 6 A. It's my understanding that you can go in
 7 early; once the absentee ballots are ready to go, that
 8 you're able to vote and kind of cast it all at the
 9 same time. And I think that opens up around a month
 10 prior to Election Day.
 11 **Q. And you can register and vote during that**
 12 **early voting period starting about 30 days before the**
 13 **election. That's your understanding, right?**
 14 A. That is my understanding.
 15 **Q. And if you do the early voting like that,**
 16 **you can, you can go to the Election Office, and pick**
 17 **up your ballot, and take it home with you, and then**
 18 **mail it in or return it, right?**
 19 A. That is my understanding if you've like,
 20 you know, got enough buffer time to get it back in the
 21 mail, yeah.
 22 **Q. Right. Like if you wanted to really kind**
 23 **of study your ballot or anything like that, you could**
 24 **go pick up your ballot during that early voting period**
 25 **and take it home. That's your understanding, right?**

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1 A. I'm sure there are lots of things that I'm
 2 not aware of. Those are the things that I've
 3 typically used, but I don't know the breadth of
 4 programming that other organizations may do in that
 5 space.
 6 **Q. Are you familiar with the My Voter Page**
 7 **with the Montana Secretary of State?**
 8 A. I am.
 9 **Q. And are you familiar with the option to**
 10 **access a sample ballot through the My Voter Page on**
 11 **the Secretary of State's website?**
 12 A. I am aware of that option. I didn't -- I
 13 don't have the understanding that they cover all
 14 elections. I thought maybe it was only federal and
 15 statewide elections in which you could view a sample
 16 ballot. That's my understanding. I could be wrong.
 17 **Q. So you said Forward Montana provides a**
 18 **voter guide?**
 19 A. That has been a historic part of our
 20 programming, yes.
 21 **Q. So do you do that for, in Bozeman at**
 22 **least, all the elections?**
 23 A. No, not all the elections. It depends on
 24 kind of the staff capacity that we have, you know, if
 25 we can maybe identify races that we think would be

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1 more low information. We're more inclined to cover
2 statewide races, but yes, we have definitely covered
3 some Bozeman local issues when possible.

4 **Q. Did Forward Montana put out an information**
5 **or a voter guide relating to the fall 2021 municipal**
6 **elections?**

7 A. We did, we did.

8 **Q. And did you do that for municipal**
9 **elections in Bozeman -- and, I'm sorry, I said "you,"**
10 **but I meant "did Forward Montana?"**

11 A. Yes. It's really hard for me to recall -
12 we do a lot of these - but, yes, I believe that we did
13 it in Bozeman, Billings, and Missoula.

14 **Q. You've lived in Bozeman how long? Is it**
15 **eight years? Is that right?**

16 A. Hm-hmm [affirmative].

17 **Q. And you said you've moved a number of**
18 **times?**

19 A. Yes, a ton of times.

20 **Q. A ton. So it's a --**

21 A. (Nodding head affirmatively) -- it feels
22 like it.

23 **Q. How many times have you moved?**

24 A. Oh, man, it would be hard to say. I think
25 I'm on maybe my sixth move.

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1 **right, in the mail?**

2 A. Right. It makes sense to me, as someone
3 who's got a lot of understanding of election and
4 voting rights.

5 **Q. You recognize that even after passage of**
6 **one of the laws that's at issue in this case, SB 169,**
7 **a person can update their voter registration if they**
8 **move within a county even on Election Day. You**
9 **understand that?**

10 MS. SOMMERS-FLANAGAN: Objection; calls
11 for a legal conclusion.

12 THE WITNESS: I think --

13 **Q. (By Mr. Morris) And just to be clear, I'm**
14 **just asking about what your understanding is of SB**
15 **169, which is one of the laws at issue in this**
16 **lawsuit.**

17 A. Sorry. To clarify, you're asking about my
18 understanding of 169?

19 **Q. Correct.**

20 A. Yeah. My understanding of SB 169 is that
21 it removes one of the no-cost photo ID options
22 available for young people and students.

23 **Q. I'm sorry, I'm not asking you about SB**
24 **169; I'm asking you about HB 176.**

25 **Are you familiar with HB 176?**

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1 **Q. Sixth?**

2 A. Yeah. I think at the time that my
3 declaration was submitted, I have moved four times,
4 and I've moved twice since submitting that
5 declaration.

6 **Q. You must like to move. So you think**
7 **you've moved twice since January 12th of 2022?**

8 A. I would have moved once right before
9 submitting the declaration, and then I've just
10 recently moved again a few months ago.

11 **Q. Got you. In all the places you've moved,**
12 **has it always been within the city limits of Bozeman?**

13 A. I believe so, yes.

14 **Q. And you've updated your voter registration**
15 **when you've moved to a new address in Bozeman each**
16 **time?**

17 A. Yes.

18 **Q. And does that make sense to you, that a**
19 **person should update their voter registration when**
20 **they move?**

21 A. It makes sense to me, as somebody who's
22 got a lot of understanding of election law.

23 **Q. Well, especially since you are voting**
24 **absentee, it makes sense that you'd need to update**
25 **that so that you can receive your absentee ballot,**

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1 A. Yes.

2 **Q. Okay, sorry. That was really confusing,**
3 **and that was my fault.**

4 **Do you recognize that even after passage of HB**
5 **176, a person can update their voter registration if**
6 **they move within the county? Even on Election Day,**
7 **they can update that registration.**

8 A. I don't know that that is my specific
9 understanding. I thought that it was potentially
10 within your precinct, which may or may not include
11 your whole county; I may have that wrong, though.

12 **Q. Okay. Have you looked into that since**
13 **this, since HB 176 was passed, whether or not a person**
14 **can update their registration on Election Day if**
15 **they've moved within the county?**

16 A. Our organization has looked into that, to
17 some degree, to be able to offer voters guidance. I
18 don't know that that's something I've personally
19 looked into. Again, my understanding is within a
20 precinct.

21 **Q. Okay. And have you provided information,**
22 **in your capacity as a program director for Forward**
23 **Montana, about that issue to voters or trainees at**
24 **Forward Montana?**

25 A. Yes, I would have.

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1 Q. And about that specific issue as to
2 whether or not voters could update their voter
3 registration on Election Day if they've moved within a
4 county -- within the county?

5 A. I would have during election time and so
6 would other members of our team.

7 Q. And do you have any recollection of what
8 you, with Forward Montana, have informed voters about
9 that issue?

10 A. We would have informed them with whatever
11 is legally accurate.

12 Q. And as you sit here today, do you know
13 whether or not you would tell a voter, if they've
14 moved within the county, if they can update their
15 registration on Election Day?

16 A. We would and we have.

17 Q. And you would tell those voters, "Even
18 after passage of HB 176, it's okay for you to go and
19 update your registration on Election Day if you've
20 changed address within the county"; is that right?

21 MS. SOMMERS-FLANAGAN: Objection; form.

22 THE WITNESS: Yes, we would have, but from
23 my recollection, that is a very small amount of people
24 who had that circumstance.

25 Q. (By Mr. Morris) You would be one of those

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1 the dorms to some other location in Missoula, what
2 would you advise students about whether or not they
3 could update their registration on Election Day?

4 MS. SOMMERS-FLANAGAN: Objection; form.

5 THE WITNESS: Again, we would advise them
6 to do whatever is most accurate and applicable to
7 their circumstance. If that is doing an in-county
8 voter registration update, that is what we would
9 advise.

10 Q. (By Mr. Morris) When you say "that," what
11 are you saying?

12 A. Sorry, when I say what?

13 Q. When you say "that is what we would
14 advise," what are you -- what does "that" mean?

15 A. Whatever is most legally accurate for
16 their situation. If that's utilizing, in county, a
17 voter registration update to their address and that's
18 what they're able to do on Election Day, that is what
19 we would advise.

20 Q. And it's your understanding that Forward
21 Montana would advise that updating in-county voter
22 registration on Election Day is still possible for
23 voters, correct?

24 A. Right, if that specific set of
25 circumstances applied to them.

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1 people, potentially, because all the moves that you've
2 done have been within the county, right?

3 A. Right.

4 Q. Okay. And so for students who may move
5 from the dorms to another place in Bozeman or within
6 Gallatin County, they can still update their
7 registration with a new address even on Election Day,
8 correct?

9 MS. SOMMERS-FLANAGAN: Objection; calls
10 for a legal conclusion, and I think asked and
11 answered.

12 THE WITNESS: Yes. In this specific set
13 of circumstances, yes, that sounds right to me.

14 Q. (By Mr. Morris) And the same would apply
15 and you would advise people, as part of Forward
16 Montana, if they were at the dorms of University of
17 Montana in Missoula and they moved to another address
18 off campus in Missoula County, that would also be true
19 for them as well, right?

20 MS. SOMMERS-FLANAGAN: Objection; form.

21 THE WITNESS: Right. We would advise
22 people on what is most legally accurate for their
23 specific set of circumstances.

24 Q. (By Mr. Morris) Yeah. And for that
25 specific set of circumstances with a voter moving from

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1 Q. When you started school at MSU in the fall
2 of 2014, you say in your declaration that you were
3 issued a student ID at that time. Do you recall that?

4 A. Can you point me to where exactly I say
5 that?

6 Q. For sure. You have a copy of your
7 declaration in front of you, right?

8 A. I do.

9 Q. Let's mark your declaration as Deposition
10 Exhibit 40.

11 (Document subsequently marked Deposition
12 Exb. 40 for identification.)

13 MS. SOMMERS-FLANAGAN: Mac, if you have an
14 easy copy of it that you can drop in the chat so that
15 -- I don't know if Mike -- unless, Mike, if you have
16 one handy, no big deal, but just in case Mike wants to
17 follow along.

18 MR. MELOY: I'm good. I've got it.

19 MS. SOMMERS-FLANAGAN: Okay.

20 MR. MELOY: Thanks.

21 Q. (By Mr. Morris) Okay. You have Deposition
22 Exhibit 40 in front of you, right?

23 A. (Nodding head affirmatively.)

24 Q. And that's a copy of the declaration that
25 you submitted in this case, and it's dated January 12,

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1 2022, right?

2 A. Yes.

3 Q. And you have a complete copy of that in
4 front of you, right?

5 A. Yes.

6 Q. Okay. So I was referring to Paragraph 11
7 of your declaration, and it says:

8 I started school at Montana State
9 University the following year, in 2014. I was then
10 issued a student ID at that -- a student ID.

11 A. (Nodding head affirmatively.)

12 Q. So do you recall what you had to do in
13 order to get the student ID?

14 A. You had to be a registered student taking
15 some level of classes at the university, and then you
16 had to attend the orientation period in which they
17 were putting these together and handing them out.

18 Q. Did you have to go anywhere to get the
19 student ID?

20 A. I picked mine up on campus. That's my
21 recollection, and I'm not aware of any other way that
22 you can receive it other than picking it up.

23 Q. And where did you go on campus to pick it
24 up?

25 A. It's hard for me to say exactly, but I

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1 Montana, but I can't, I can't recall.

2 Q. Look at Paragraph 12 of your declaration.

3 And Paragraph 11 says: I started school the
4 following year in 2014.

5 And Paragraph 12 says: "At that point, I had
6 also established an account with a local bank."

7 Is that still your recollection, that at that
8 point, in the fall of 2014, you had established a
9 local bank -- an account with a local bank?

10 A. That sounds correct to me. Again, I would
11 have used my bank back home, I guess, for the first
12 year that I lived here.

13 Q. Okay. And that local bank account
14 reflected your address in Bozeman, right?

15 A. Yes; not probably my current address as I
16 moved within my first year of starting at MSU, but it
17 did reflect a Bozeman address, yes.

18 Q. Why did you get an account with a local
19 bank in the fall of 2014 or thereabouts?

20 A. I can't recall. I know that my bank back
21 home in Fort Atkinson actually closed, so that might
22 have been the catalyst for needing a different bank,
23 but I can't remember the exact reason.

24 Q. Do you remember what bank it was?

25 A. Yes, First Interstate.

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1 know it was in the Strand Union Building, kind of like
2 the student hub, and it was one of the offices on the
3 ground floor. But again, that was in 2014. I'm not
4 sure if that office has moved or still remains in the
5 same place.

6 Q. Do you recall whether there was a fee
7 associated with obtaining your student ID?

8 A. In my recollection, there was no fee
9 associated. Again, that may have changed since 2014.

10 Q. Do you recall whether you had to show any
11 ID in order to get your student ID?

12 A. I cannot recall. I do remember them
13 verifying your information in some way, but I can't
14 say what that could have been.

15 Q. You don't recall whether or not you had to
16 show like your Wisconsin driver's license or something
17 along those lines in order to get your student ID?

18 A. I do not recall.

19 Q. When you started school in the fall of
20 2014, you had established an account with a local bank
21 in Montana?

22 A. It's hard to say when I would have
23 established an account with a local bank in Montana as
24 I did continue banking with my bank that was in Fort
25 Atkinson. It felt like several years after I moved to

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1 Q. And was it more convenient to have, since
2 you were living in Montana, to have a local bank?

3 A. I don't know that it was more convenient.
4 It was just a debit card.

5 Q. Could you avoid like ATM fees, and stuff,
6 by going to the local bank in order to withdraw funds?

7 A. I really cannot recall the last time I've
8 used an ATM and been charged ATM fees. Again, I've
9 mostly just always used a debit card.

10 Q. And you can't recall really any reason,
11 then, that you established a local bank account in
12 Bozeman; is that right?

13 A. I think that's right. Maybe I needed some
14 more checks to pay rent. I can't recall.

15 Q. You didn't have a job when you started
16 school at MSU in the fall of 2014; is that right?

17 A. I didn't.

18 Q. I think you said your first job was with
19 Forward Montana as an intern. Right?

20 A. Right, and that wasn't an official job. I
21 didn't receive a paycheck. I received a stipend but
22 not a paycheck, or anything.

23 Q. What was the form of the -- what was the
24 stipend? Can you tell me about that?

25 A. It was my recollection it was a very small

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1 amount. It might have been \$250 paid in two checks at
2 the beginning and end of the internship. That sounds
3 right to me. My memory could be mistaken. It was a
4 very small amount.

5 **Q. And so was it like in the form of a check**
6 **that you received those funds?**

7 A. I think it would have been a check;
8 potentially a direct deposit, but I think a check.

9 **Q. Where did you live your freshman year at**
10 **MSU?**

11 A. It's my recollection that I lived part of
12 the year still at my grandparents', but then I think I
13 moved, at some point my freshman year, to an
14 apartment. I could not be recalling that. It could
15 have been maybe my second year of school. It's hard
16 to say.

17 **Q. That's okay. Did you ever live in the**
18 **dorms when you were at MSU?**

19 A. No, thankfully not.

20 **Q. What's wrong with the dorms?**

21 A. Smelly.

22 **Q. So I want to talk to you again about the**
23 **first election that you voted in in Montana. And I**
24 **take it that you can't piece together right now when**
25 **your internship with Forward Montana started. Is that**

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1 way?

2 A. I don't know that I've always found voting
3 to be low commitment, but generally I would say that's
4 correct.

5 **Q. And what I mean is a relatively low**
6 **time-commitment way.**

7 A. Again, I would say that voting is not
8 always a low time commitment, but yes, generally.

9 **Q. And that was your impression about your**
10 **first voting in Montana, correct?**

11 A. I believe so, yeah.

12 **Q. So, I'm sorry, how old are you?**

13 A. I'm 26. I'm 27 next month.

14 **Q. And do you know the last four digits of**
15 **your Social Security number?**

16 A. I do; I didn't always, though.

17 **Q. When do you think you put that to memory?**

18 A. That's a great question.

19 **Q. That's what I'm good at.**

20 A. It's hard to say. I mean, I know that,
21 which I don't think you're supposed to do this, but I
22 did have it like on a note in my phone to reference
23 when I needed it, and I remember doing that for a very
24 long time.

25 It was -- yeah, I would say probably throughout

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1 right?

2 A. That is right. I could find out, but I
3 don't know off the top of my head.

4 **Q. How would you find out?**

5 A. I would imagine that Forward Montana has,
6 in their records somewhere --

7 **Q. Sure.**

8 A. -- when my internship was.

9 **Q. Okay. And I don't want you to guess, but**
10 **do you think it's more likely that it was the second**
11 **semester of your freshman year or that it was in your**
12 **sophomore year?**

13 A. If I can't guess, I don't know that I can
14 answer. I'm really not sure.

15 **Q. That's okay.**

16 A. Sorry. I had a very nontraditional
17 college experience, so it's sometimes hard for me to
18 recall these things.

19 **Q. You're okay. So, but in any event, you**
20 **voted absentee at your first election in Montana,**
21 **right?**

22 A. Right.

23 **Q. And was it your impression, after voting**
24 **that first time, that voting was a way for you to show**
25 **up for your community in a relatively low-commitment**

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1 the duration of my college experience, I utilized that
2 note. And even sometimes now, I feel like when I'm
3 asked to recall it, I'm like, Wait a second, is it in
4 this order or that order?

5 So, yeah, I would say I certainly have it
6 memorized now. I did not always, probably until I was
7 maybe well into my college experience and I had been
8 utilizing it pretty often.

9 **Q. Okay. Do you recall if you needed your**
10 **Social Security number in order to apply for college?**

11 A. I believe that you did, yes.

12 **Q. And you got access to your Social Security**
13 **card and number for that purpose, right?**

14 A. I did not have access to a Social Security
15 card. I actually had to get a new one several years
16 ago when I was getting my passport because I didn't
17 have it. But, yes, I asked my mom for it, and she
18 gave it to me.

19 **Q. And you have a passport?**

20 A. I do now. I didn't when I first moved to
21 Montana, not for several years after living here.

22 **Q. How long, how long have you had the**
23 **passport?**

24 A. When I was a -- oh, man, when I was maybe
25 a junior, I wanted to go to Australia, so I got a

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1 passport then, I believe.

2 **Q. Did you go to Australia?**

3 A. I did. It was really fun.

4 **Q. Sounds awesome. And do you receive**
5 **utility bills?**

6 A. I do now; I didn't my, my first several
7 years living in Montana, though.

8 **Q. When you were living in an apartment the**
9 **second semester of your freshman year, you didn't have**
10 **utility bills?**

11 A. No. I moved into the apartment with an
12 existing roommate, so the utility bills were in her
13 name.

14 **Q. Currently, you receive a paycheck from**
15 **Forward Montana?**

16 A. I do.

17 **Q. Do you have a Costco card?**

18 A. I wish.

19 **Q. Don't do it. Do you have a ski pass?**

20 A. No, much to my friends' dismay.

21 **Q. Have you ever had a ski pass?**

22 A. No.

23 **Q. Do many of your friends ski at Bridger?**

24 A. Yes, many.

25 **Q. And you know a lot of students at Montana**

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1 **Q. Have you ever signed a declaration or an**
2 **affidavit for purposes of any other lawsuit?**

3 A. I don't think so, no.

4 **Q. Have you ever been named as a witness in**
5 **any other lawsuit?**

6 A. Not to my knowledge, no.

7 **Q. Did you know Ms. Sommers-Flanagan before**
8 **this lawsuit was filed?**

9 A. I don't think so.

10 **Q. So this was -- and, I'm sorry, before or**
11 **since you signed this declaration, Deposition Exhibit**
12 **40, have you signed any other declarations or**
13 **affidavits in connection with any lawsuits?**

14 A. I'm not sure of the exact timing, but yes,
15 my organization is involved in another lawsuit.

16 **Q. And did you sign a declaration or**
17 **affidavit in connection with that other lawsuit?**

18 A. I think that's what it was.

19 **Q. You're just not sure. So there is one**
20 **other declaration that you believe you've signed in**
21 **connection with another lawsuit, right?**

22 A. Yes.

23 **Q. And are those, are those the only two that**
24 **you've ever signed in connection with any lawsuits?**

25 A. To my recollection right now, yes, I

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1 **State University like to ski?**

2 A. Do I know that?

3 **Q. I mean, "do you know a lot of students at**
4 **Montana State University that like to ski?" is what I**
5 **should ask.**

6 A. Sure, yeah.

7 **Q. And they have ski passes up at Bridger?**

8 A. I don't know what student can afford a ski
9 pass, but sure, yeah, if they, if they have one, they
10 have one, I guess. I would imagine that most students
11 go up for the day, or something, but again, I'm not a
12 skier, so it's hard for me to know for sure.

13 **Q. Yeah, that's okay. Do you know friends**
14 **that ski down in Big Sky that live in Bozeman?**

15 A. I don't have a lot of friends that ski in
16 Big Sky, no.

17 **Q. Do you have any?**

18 A. My partner went up there for the day one
19 day last month but is not a regular skier there. But
20 that's the only person I can recall.

21 **Q. You submitted a declaration that we've**
22 **already talked about, which is Deposition Exhibit 40.**
23 **And have you ever signed a declaration like that**
24 **before in any other lawsuit?**

25 A. Not to my knowledge. No.

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1 believe so.

2 **Q. And this declaration, Deposition Exhibit**
3 **40, you signed this under a penalty of perjury,**
4 **correct?**

5 A. Correct.

6 **Q. And you say -- it says: I declare, under**
7 **penalty of perjury and under laws of the state of**
8 **Montana, that the foregoing is true and correct.**

9 **And it has your signature on the last page,**
10 **right?**

11 A. Right.

12 **Q. What does that mean to you, to declare**
13 **under penalty of perjury that something is true and**
14 **correct?**

15 A. That something is true and correct at the
16 time that I've signed it or is something that's well
17 within my understanding.

18 **Q. Signing it under penalty of perjury like**
19 **that, did you want to make sure that everything was,**
20 **was accurate and true before you signed it?**

21 A. Definitely.

22 **Q. What did you believe was the purpose of**
23 **the declaration, your declaration?**

24 A. I believe the purpose was to outline my
25 specific experience as it relates to SB 169 and what

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1 my understanding of that is and how it's to be shown
2 up in my life.

3 **Q. Was it your expectation that Deposition**
4 **Exhibit 40, your declaration, would be submitted to**
5 **the Court in this case?**

6 A. Yes, that was my understanding.

7 **Q. And did you expect that the Court would**
8 **rely on what is your -- what is in your declaration in**
9 **making decisions about this case?**

10 A. I'm not sure. I don't know how, how a
11 court works, really. I'm not a court expert. So if
12 that's how they typically utilize depositions, then
13 yes, that's my understanding.

14 **Q. Okay.**

15 MR. MELOY: Hey, Mac, could we take a
16 little break?

17 MR. MORRIS: Yeah, no problem.

18 MR. MELOY: You've been really good about
19 that, and I need to talk to Riley.

20 COURT REPORTER: The time 2:08 p.m. We
21 are off the record.

22 (A brief recess was taken.)

23 COURT REPORTER: The time is 2:20 p.m. We
24 are on the record.

25 ///

///

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1 **Q. And with that, you can register to vote in**
2 **Montana, right?**

3 A. Yes, that's my understanding.

4 **Q. And you say in Paragraph 7 of your**
5 **declaration that when you had, when you first moved to**
6 **Bozeman:**

7 I had none of the forms of ID that are now
8 the exclusive acceptable forms of standalone ID for
9 registering to vote and for voting in person under SB
10 169.

11 **Do you see that?**

12 A. I do.

13 **Q. But like we just covered, I mean, at least**
14 **in terms of registration when you first moved here,**
15 **you did have the acceptable form of, if you want to**
16 **call it "ID" that you need to register to vote, right?**

17 A. Right, specifically just for voter
18 registration and for voting in the polls.

19 **Q. Understood. And for you personally, you**
20 **signed up for absentee voting when you personally**
21 **signed up, right?**

22 A. Right.

23 **Q. And so you didn't ever really need any**
24 **other ID in order to vote absentee except that four**
25 **digits of your Social Security number, right?**

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1 BY MR. MORRIS:

2 **Q. All right. We just took a short break,**
3 **Ms. Reese-Hansell, but you recognize you are still**
4 **under oath, correct?**

5 A. I do.

6 **Q. All right. And we were talking about your**
7 **declaration, and I was asking you about that. Did you**
8 **draft the words that are in the declaration, in**
9 **Deposition Exhibit 40?**

10 A. Rylee and I drafted them together, yes.

11 **Q. Okay. And did Sommers-Flanagan send you a**
12 **copy of it for you to review?**

13 A. She did, yes.

14 **Q. And did you make any edits to it after you**
15 **received it?**

16 A. I can't remember. Maybe small things,
17 like word-choice things, but I can't recall.

18 **Q. Did you have any concern about the**
19 **accuracy of anything that's in there, that's in your**
20 **declaration?**

21 A. No.

22 **Q. When you first moved to Bozeman, you had**
23 **access to the last four digits of your Social Security**
24 **number, correct?**

25 A. I did, yeah.

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1 A. Right.

2 **Q. But I guess what you're saying is that if,**
3 **instead, you had wanted to vote at the polls when you**
4 **first arrived, you didn't have, you know, the**
5 **standalone forms like a Montana driver's license or a**
6 **passport or the other ones that are listed in SB 169,**
7 **right?**

8 A. Right.

9 **Q. Is that kind of what you're saying in**
10 **Paragraph 7?**

11 A. Right.

12 **Q. Okay. But not having the standalone form**
13 **doesn't mean you couldn't vote if you wanted to**
14 **actually go vote at the polls, right?**

15 A. Right.

16 MS. SOMMERS-FLANAGAN: Sorry. Objection;
17 form.

18 THE WITNESS: That's right.

19 **Q. (By Mr. Morris) Yeah. I guess what I'm**
20 **getting at is: You had your Wisconsin driver's**
21 **license, right?**

22 A. Right, which is not an acceptable
23 standalone form of ID.

24 **Q. Yeah. But with your Wisconsin driver's**
25 **license and a voter registration card, which you would**

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**1 have got when you registered, you could have voted at
2 the polls, right?**

3 A. At that time, and had I been able to hold
4 onto my voter registration card, yes.

**5 Q. You say in Paragraph 10 of your
6 declaration that your personal experience regarding
7 possession of ID is not uncommon for many students at
8 Montana colleges and universities. Do you see that?**

9 A. Yes.

**10 Q. So, then, we just went over this, but
11 you're saying that it's common for students of Montana
12 colleges and universities to have driver's licenses
13 from another state, right?**

14 A. Right, or no driver's license at all.

**15 Q. Okay. But if they have that driver's
16 license and access to the last four digits of their
17 Social Security number, they can register, can get a
18 voter registration card, and they can vote in Montana
19 elections under SB 169, right?**

20 A. Sorry, can you repeat the question?

**21 Q. Yeah. If they, like you when you first
22 moved to Bozeman, have an out-of-state driver's
23 license and the last four digits of their Social
24 Security number, they can register to vote, and then
25 vote at the polls with their driver's license and**

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**1 print that confirmation of registration, and then you
2 would have a government document showing your name and
3 your address which you could use at the polls, right?**

4 A. I don't know, to be honest. I'm not an
5 election administrator. I'm not sure if that's
6 something they would allow.

**7 Q. Okay. As you sit here today, do you know
8 any particular eligible voters in Montana that don't
9 have any of the various forms of ID that would satisfy
10 SB 169 voter ID requirements?**

11 A. During my time conducting voter
12 registration for Forward Montana, yes, I ran into many
13 of these people.

**14 Q. And do you know the names of any of such
15 people?**

16 A. I don't know their names. We don't record
17 information that way.

**18 Q. And tell me about these people that you
19 were just referring to.**

20 A. Totally. So these are out-of-state folks
21 who my not have a driver's license, just haven't ever
22 had to get one, and now are on campus, which is
23 relatively close to downtown, close to grocery stores.
24 They don't see any need for one.

25 Because they've just moved here, they don't have

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1 their voter registration card, right?

2 A. Right.

**3 Q. Or they could -- and if they didn't have
4 an out-of-state driver's license, if they are
5 students, a lot of them could vote using their student
6 ID and that voter registration card, right?**

7 A. If they've been able to hang onto their
8 voter registration card and then, in return, register
9 to vote in the first place, yes.

**10 Q. Yeah, yeah. And in order to vote, you've
11 got to register.**

12 A. Yes.

**13 Q. So do you know that besides a voter
14 registration card, SB 169, which concerns voter
15 identification, allows a person to use any other
16 government document that shows their current address
17 as ID?**

18 A. I am aware of that.

**19 Q. And if a voter wasn't able to locate their
20 voter registration card, they could go to their My
21 Voter Page and confirm whether or not they're
22 registered to vote, right?**

23 A. Right.

**24 Q. And from the My Voter Page, you could
25 print that, that -- if you're registered, you could**

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**1 another form of Montana ID. They're living in the
2 dorms. They don't have a concealed carry permit.
3 They're not a part of a tribe, so they don't have a
4 tribal ID.**

5 And then in terms of the secondary sources that
6 they could be using, they don't have a utility bill
7 because they're living in the dorms. I can't recall
8 kind of all the forms of ID that are under that, but
9 yeah, they're really up against a wall.

**10 Q. So in order to be eligible to vote, you
11 have to register to vote, right? We just said that.
12 And then you should get a voter registration
13 card, right?**

14 A. You should. It has been my experience
15 that lots of people don't receive theirs.

16 Q. Okay.

17 A. So that can be tricky.

**18 Q. And what can a voter do, if they don't
19 receive a voter registration card, in order to get it?**

20 A. I suppose that they could call the
21 Gallatin County Elections Office and ask for it.

**22 Q. And, then, so you said that a lot of
23 people don't receive it - that's your experience - a
24 voter registration card?**

25 A. That's been my experience when talking to

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1 students on campus, yes.

2 **Q. And have you ever discussed with them**
3 **their options for getting a voter registration card?**

4 A. I can't recall a specific scenario in
5 which that's come up, but if that was a barrier to
6 voting or casting a ballot, yes, we would have talked
7 to somebody about that.

8 **Q. And have you ever advised them about using**
9 **the My Voter Page to get a government document in lieu**
10 **of a voter registration card?**

11 A. I don't know that I have specifically.

12 **Q. Are you familiar with what's called a**
13 **"polling place elector identification form"?**

14 A. I am not.

15 **Q. Have you ever heard of a process where, at**
16 **a polling place, an election administrator can create**
17 **a form for a voter that serves as a government**
18 **document that would satisfy SB 169?**

19 A. I have not heard of that, no.

20 **Q. So the people that you were referring to**
21 **earlier when you said you didn't think that they had**
22 **any of the forms of ID that would satisfy SB 169 --**
23 **and those were people you said you've encountered in**
24 **helping people register to vote; is that right?**

25 A. Sorry. Can you repeat the question?

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1 **Q. Yeah. So I think a moment ago, I said --**
2 **I asked you if you were aware of any, any particular**
3 **eligible voter in Montana who does not have any of the**
4 **various forms of ID that would satisfy SB 169's voter**
5 **identification requirements. Do you recall that?**

6 A. I do.

7 **Q. And I think what you said was, "I don't**
8 **know anybody in particular, but I've encountered**
9 **people like that."**

10 **Is that basically what you said?**

11 MS. SOMMERS-FLANAGAN: Objection;
12 mischaracterizes testimony.

13 THE WITNESS: I do know people in
14 particular. I can't recall their specific names.

15 **Q. (By Mr. Morris) Okay. And so you don't**
16 **know their names, but do you have any other**
17 **identifying information about these people?**

18 A. Not outside of that they were
19 first-semester college students, as most of these
20 experiences happened around orientation weekend and
21 within the first few weeks of school starting.

22 **Q. Okay, so let's talk about that. So are**
23 **you talking about people that you met when you were a**
24 **freshman in college in 2014?**

25 A. No. I'm talking about people that I

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1 continued to meet in my role at Forward Montana who
2 are first coming to school.

3 **Q. Okay. And so you're just saying that when**
4 **you've been working for Forward Montana -- and are you**
5 **talking about recently when you're working for Forward**
6 **Montana, you've encountered people that don't have any**
7 **forms of identification that would satisfy SB 169's**
8 **voter ID requirements?**

9 A. It depends on what you define as "recent."
10 The last time I did voter registration was orientation
11 weekend last fall, and yes, I ran into those people
12 then.

13 **Q. Okay. And what did, what did they tell**
14 **you about the types of ID that they had, these people?**

15 A. They told me that they didn't have a
16 Montana driver's license or a concealed carry permit
17 or any of the other things that serve as a standalone
18 form of voter ID.

19 **Q. And, sorry, I might not have been clear in**
20 **my question. I'm asking you about a person who you've**
21 **met or who you know, a particular person who you've**
22 **met or you know that doesn't have any of the various**
23 **forms of ID that, whether standalone or together,**
24 **would satisfy SB 169's voter identification**
25 **requirements.**

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1 MS. SOMMERS-FLANAGAN: Objection; asked
2 and answered.

3 THE WITNESS: The people that I'm
4 referring to are those in which I met doing my last
5 round of voter registration, and yes, those were folks
6 that didn't have any of the forms of voter ID, if I'm
7 understanding your question correctly. And I would
8 say I met 7 to 10 people during that voter
9 registration shift who fit that category.

10 **Q. (By Mr. Morris) Okay. And 7 to 10 people**
11 **who told you, "I don't have any form of ID whatsoever**
12 **that would satisfy SB 169"; is that right?**

13 A. They may have had a, well, a Social
14 Security number, but they may not have been able to
15 recall it in that moment. We run into that a lot with
16 students.

17 **Q. Okay. And so, I mean, every, every U.S.**
18 **citizen has a Social Security number, generally,**
19 **right?**

20 A. That's my understanding, yes.

21 **Q. And obviously, you have to be a U.S.**
22 **citizen to be an eligible voter in Montana, right?**

23 A. Right.

24 **Q. Okay, so they may have had a Social**
25 **Security number. And what forms of ID besides a**

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1 Social Security number did these 7 to 10 people have?

2 A. None that I can recall or we would have
3 registered them to vote that way.

**4 Q. And I'm not talking about registration;
5 I'm talking about voter identification requirements at
6 the polls.**

7 A. I may be misunderstanding. I'm talking
8 about people that I met during voter registration.

9 Q. Okay.

10 A. I'm not talking about people that I met
11 during voting or an election season.

**12 Q. Yeah, and maybe we are having a
13 misunderstanding. What I'm asking you about is: Like
14 do you know of anyone that you've met at voter
15 registration drives or that you know that has no --
16 none of the forms of ID that are available to be
17 utilized to vote in person at the polls?**

18 A. Because of the nature of voter
19 registration, I don't know that we would have gotten
20 into that conversation. We were there to offer the
21 service of voter registration, and we weren't
22 necessarily chatting with people about what they would
23 need to bring if they go in person to vote.

**24 Q. And outside of chatting with people about
25 voter registration, are you aware of any person who**

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1 these voters.

2 BY MR. MORRIS:

3 Q. And you've had conversations with voters.

4 How many?

5 A. It's very hard to say. I could speculate
6 or guess, if you'd like me to.

7 Q. How about estimate?

8 A. It's really hard to say. I've been
9 working here a long time. Upwards of 100.

**10 Q. So you think there's 100 people that
11 you've encountered in your time living in Bozeman that
12 don't -- that would not have any of the forms of ID
13 that would satisfy SB 169 voter identification
14 requirements for voting at the polls?**

15 A. I think I've probably encountered a lot
16 more people than that who don't have the required ID.
17 Those are just the ones who have expressly told me
18 that they don't.

**19 Q. Okay. And so what do they tell you about
20 the ID that they had or that they didn't have?**

21 A. Maybe I'm not understanding the question,
22 but just that they didn't have it.

23 Q. Didn't have what?

24 A. Any form of ID that would be acceptable
25 under 169 or any of the combinations of ID.

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**1 doesn't have any of the forms of ID that are
2 acceptable, that would satisfy the voter
3 identification requirements under SB 169 for voting at
4 the polls?**

5 MS. SOMMERS-FLANAGAN: Objection; form.

6 MR. MORRIS: Sorry, Rylee, what was the
7 form?

8 MS. SOMMERS-FLANAGAN: I'm just having a
9 lot of trouble following it, and so that's why. To
10 me, it's an ambiguous question, but --

11 MR. MORRIS: Okay.

**12 Q. (By Mr. Morris) Ms. Reese-Hansell, do you
13 understand what I'm asking you now?**

14 THE WITNESS: Can you repeat the question?

**15 Q. (By Mr. Morris) Yeah -- actually, let's
16 just have Jonny read it back and see if that helps.**

17 (The record was read back as follows:

18 "QUESTION: And outside of chatting with
19 people about voter registration, are you aware of any
20 person who doesn't have any of the forms of ID that
21 are acceptable, that would satisfy the voter
22 identification requirements under SB 169 for voting at
23 the polls?")

24 THE WITNESS: If I'm understanding the
25 question correctly, yes, I have had conversations with

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**1 Q. Okay. So they -- you're telling me that
2 you've encountered 100 or more voters that had no form
3 of photo ID that they could use in coordination with
4 any of the other documents that are used and available
5 under SB 169?**

6 A. Upwards of 100 people who, yes, either
7 didn't have the specified ID or didn't know that they
8 did because it is very confusing. I would say those
9 people fit one of those categories.

**10 Q. So they might have had it, but they didn't
11 know it, and you're including that in your description
12 of the 100 people?**

13 A. Right. I would potentially not be able to
14 tell, from a conversation, the entire slate of IDs
15 available to them.

**16 Q. And you've encountered these people, but
17 -- I take it you believe you've encountered these
18 people, but you can't, as you sit here today, identify
19 any of them by name or otherwise.**

20 MS. SOMMERS-FLANAGAN: Objection;
21 mischaracterizes testimony, asked and answered.

22 THE WITNESS: I can identify them by
23 certain characteristics, including -- I think a lot of
24 people who fit this category include new students to
25 MSU, but like I mentioned, we don't record personal

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1 information in this way, so no, there's no way for me
2 to recall their exact names.

3 **Q. (By Mr. Morris) Okay. So you were telling**
4 **me a moment ago about your experiences registering**
5 **people to vote, right?**

6 A. (Nodding head affirmatively.)

7 **Q. And can you describe kind of a thumbnail**
8 **sketch of your experience registering people to vote**
9 **in Montana?**

10 A. Are you asking about just my specific
11 experience registering voters?

12 **Q. Yeah.**

13 A. Definitely. When I started at the
14 organization as an intern, my primary function was to
15 register voters, so I did that about three times a
16 week for a semester.

17 I then came back to Forward Montana in a variety
18 of different roles, all related to voter registration,
19 and I continued registering voters a minimum of three,
20 upwards of five or six times a week in various
21 locations and settings.

22 I then was the Bozeman field manager where I was
23 not only in charge of registering voters but setting
24 up the events, recruiting the volunteers and training
25 them, things like that.

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1 **Q. Cascade.**

2 A. Cascade.

3 **Q. Yeah, you got it.**

4 A. There's probably a few more that I can't
5 recall.

6 **Q. Understood. And in Gallatin County, you**
7 **can email or fax your voter registration form into the**
8 **Election Office, right?**

9 A. I think so.

10 **Q. And have you ever done that, where you**
11 **tell a voter he or she can take a picture of their**
12 **completed voter registration form and email it in?**

13 A. I'm sure that we have told people that,
14 but by the function of our work, we turn the forms in
15 for them. So that's not really a situation that we
16 run into, if that makes sense.

17 **Q. Sure. But that's a useful tool, to be**
18 **able to do that, right, for voters who want to**
19 **register?**

20 A. If you have a phone with access to
21 internet or a computer you can utilize, absolutely.

22 **Q. And Montana forward foundation has an**
23 **online portal for helping voters register?**

24 A. We do.

25 **Q. Tell me about that.**

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1 I was in kind of a more direct field role until
2 July of 2019 where I was then promoted to program
3 director. And in my role now, I manage the teams who
4 conduct our voter registration and support them in
5 whatever ways needed, but I do less of the day-to-day
6 voter registration myself.

7 **Q. How many times have you been out in the**
8 **field helping people register to vote since you moved**
9 **to Montana?**

10 A. I could provide an estimation, if you'd
11 like me to, but I don't know.

12 **Q. Okay.**

13 A. What's that?

14 **Q. That's fine.**

15 A. Hundreds.

16 **Q. And has that always been in Gallatin**
17 **County?**

18 A. No. I've registered voters in many other
19 counties.

20 **Q. What other counties?**

21 A. Missoula, Lewis & Clark, Yellowstone.
22 What county is Butte in? Silver Bow?

23 **Q. Yeah.**

24 A. Silver Bow. What county is Great Falls
25 in? That one.

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1 A. Yeah. So in response to the COVID-19
2 pandemic, obviously we weren't able to be directly in
3 the field as much as we would have liked to be. In
4 addition to that, Montana does not, as I'm sure we all
5 know, have true online voter registration like some
6 states do.

7 So in coordination with some of our voting
8 rights partners, we created kind of a
9 middle-of-the-road solution where a voter can use this
10 portal to fill out most of their voter registration
11 card, everything besides their signature, obviously.

12 Then our team in Missoula kind of gets the back
13 end of those forms, they print them out, they mail
14 them directly to the voter with a prepaid envelope.
15 So in theory, all they have to do is sign it and put
16 it back in their mailbox, and that goes directly to
17 their County Elections Office to be processed.

18 MS. SOMMERS-FLANAGAN: Mac, would it make
19 sense to take a quick break right now? Just because
20 you seemed like you were maybe in a moment of
21 transition.

22 MR. MORRIS: I can keep going. If you
23 guys want a break, that's okay, too.

24 MS. SOMMERS-FLANAGAN: Amara, do you want
25 to take a break? I'm fine either way.

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1 THE WITNESS: I would take five.
 2 MS. SOMMERS-FLANAGAN: Great. If that's
 3 okay, let's take five.
 4 MR. MORRIS: Okay.
 5 COURT REPORTER: The time is 2:52 p.m. We
 6 are off the record.
 7 (A brief recess was taken.)
 8 COURT REPORTER: The time is 3:02 p.m.
 9 We're on the record.
 10 BY MR. MORRIS:
 11 **Q. Okay. Ms. Reese-Hansell, we just took a**
 12 **break. Did you have an opportunity to speak with Ms.**
 13 **Sommers-Flanagan during the break?**
 14 A. Yes. We chatted briefly.
 15 **Q. And based on your conversation, do you**
 16 **want to change or modify any of the testimony you've**
 17 **given?**
 18 A. No.
 19 **Q. Okay. So you said that you believe you**
 20 **have encountered like 100 or more people that don't**
 21 **have or might not have any of the forms of**
 22 **identification, whether separately or combined, that**
 23 **would satisfy SB 169; is that right?**
 24 A. Yes. I'd offer maybe a slight
 25 clarification, that they may not know that they have,

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1 you know, one of the forms that they could piece
 2 together.
 3 **Q. Right, okay. And so with your**
 4 **conversations, you're not sort of saying that for sure**
 5 **these 100 people didn't have any of the forms of ID to**
 6 **satisfy SB 169, but that based on your interaction**
 7 **with them, it was unclear to you whether or not they**
 8 **did.**
 9 MS. SOMMERS-FLANAGAN: Objection;
 10 mischaracterizes testimony.
 11 THE WITNESS: That's not necessarily how I
 12 would characterize it. We typically run them through
 13 all of the standalone forms of ID, and if not, we may
 14 mention things like, you know, a utility bill,
 15 anything like that, but I mean we're not going through
 16 people's purses or backpacks trying to scrape an ID
 17 together.
 18 So through those conversations, it
 19 ultimately appears that they have none of the
 20 standalone forms and/or aren't sure if they have some
 21 of the other forms, would maybe need to look around,
 22 call their mom, something like that.
 23 **Q. (By Mr. Morris) Okay. And when do you**
 24 **have these conversations?**
 25 A. When do I have those conversations?

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1 **Q. Yeah. When have you had a conversation**
 2 **like that?**
 3 A. It would be hard to describe all the
 4 various venues and settings in which I've had these
 5 conversations, but they happen a lot in the field when
 6 we're doing voter registration; they happen a lot
 7 during get out the vote, which is when we're making
 8 peer-to-peer phone calls or text messages with voters;
 9 they happen a lot -- young people often seek out
 10 Forward Montana when they have a voting rights or
 11 election-related question.
 12 So sometimes it's just a cold call that comes in
 13 like, "Hey, I'm trying to register to vote. I'm
 14 feeling a little confused. Can somebody help me out?"
 15 So I would say those are probably the top three
 16 venues in which we have those conversations, but there
 17 are so many others as well.
 18 **Q. Okay. And can you think of any others**
 19 **besides the voter registration drives, the**
 20 **get-out-the-vote phone calling that you've done, or**
 21 **young people calling into Forward Montana when you've**
 22 **encountered people who, based on your conversation**
 23 **with them, it's unclear whether or not they have the**
 24 **requisite IDs to vote at the polls?**
 25 A. I'd maybe add the addition of events that

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1 we host. Somebody may come, and there may be a
 2 conversation about voting. I think other staff on my
 3 team have a lot, have a lot more venues in which these
 4 conversations happen. Maybe it's a one-on-one with a
 5 volunteer or another community member or another
 6 venue.
 7 **Q. Okay. And to be clear, I'm asking about**
 8 **your personal knowledge, not what may have been said**
 9 **to some other person on Forward Montana. Okay?**
 10 A. Got it.
 11 **Q. And so events, young people calling in,**
 12 **voter registration drives, and get-out-the-vote phone**
 13 **calls that you've made at Montana forward foundation,**
 14 **right -- or Forward Montana Foundation. Sorry.**
 15 A. Yes, that's right.
 16 **Q. And that's about as complete of a list as**
 17 **you can give me right now, right?**
 18 A. As I can give you right now, yes, but
 19 there are, there are definitely other venues in which
 20 I've had these conversations that I probably just
 21 can't recall at this time.
 22 **Q. When you do get-out-the-vote phone calls,**
 23 **you keep a record, Forward Montana keeps a record of**
 24 **who they contact, correct?**
 25 A. We do.

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1 **Q. And you keep a record of who you're going**
2 **to contact, correct?**

3 A. Can you say more about what you mean? I
4 would be happy to describe the process in which we
5 make these calls, if that's helpful.

6 **Q. Well, there's a list of people that you**
7 **intend to reach out to in these calls. Right?**

8 A. Right; it's not a list that we maintain
9 ourselves, though.

10 **Q. Okay. But you have a list, right?**

11 A. Yes. You can make a list, yes.

12 **Q. And then you reach out and you make these**
13 **calls and you keep a record of those calls, right?**

14 A. Yes. The database that we use keeps this
15 record for us.

16 **Q. And so then, presumably, if there was a**
17 **person who, during a call, informed you about that**
18 **they believe they had none of the forms of ID that**
19 **would satisfy SB 169, you would have a record of that,**
20 **right?**

21 A. Can I confirm that I'm understanding your
22 question correctly? If we ran into somebody on the
23 phone who identified that they didn't have an ID under
24 SB 169, we would have a record of that?

25 **Q. Yeah.**

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1 **and what you do with it.**

2 A. Yeah. So it's utilized by a lot of
3 different organizations, and it is home to the voter
4 file, so the public voter rolls.

5 My understanding of VAN is a little limited, but
6 my understanding includes that VAN kind of serves as a
7 hub for organizations like ours to be able to do
8 direct voter contact. So on top of them getting the
9 voter file list, which is public information, they
10 also purchase maybe commercial lists or things like
11 that so that you can have a really robust network of
12 people to call. And so we utilize that platform to
13 kind of find and target the voters that we want to be
14 chatting with during election season.

15 **Q. And if you make a call and you reach a**
16 **person and you talk to them, do you record that in**
17 **VANs?**

18 A. Yes.

19 **Q. Okay. And is that the only information**
20 **that you typically record, is that you've made a call**
21 **and you've reached the voter on your list?**

22 A. It depends. So I'm realizing this is a
23 very confusing platform to describe, but there's
24 usually a script of some kind, so the person making
25 the call can kind of, you know, follow along, know

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1 A. If -- no, we would not.

2 **Q. Okay. What kind of information do you**
3 **keep in your records on these calls?**

4 A. So we use something called the "Voter
5 Action Network," which is also called "VAN," and VAN
6 maintains this database for us. And beyond like a
7 little "notes" column, we're actually not able to
8 record a lot of information in this platform. It's
9 used by many organizations. And so our, like our edit
10 abilities are very, very small.

11 **Q. And what information do you input into the**
12 **VANs?**

13 A. I haven't ever input anything, to my
14 knowledge, but like I said, there is a "notes" field,
15 so if you wanted to capture a note or something like
16 that, you could.

17 If a voter has a specific scenario that is maybe
18 timely or we have a resource that we can connect them
19 to, we might jot down their number somewhere else and,
20 you know, help them remedy the situation outside of
21 the database, but we aren't recording this information
22 on a daily basis, if that makes sense.

23 **Q. So what is the purpose of VANs if you**
24 **don't put any information into it? I'm just kind of**
25 **having a hard time understanding what, what is VANs**

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1 what to say.

2 And then there may be, depending on what we're
3 calling about, the election, a set of questions that
4 we'd like the person to answer. And some examples of
5 those include, "Do you commit to turning in your
6 ballot by Election Day?" "Do you have a plan to
7 vote?" questions around kind of their plan to vote,
8 their intention to vote.

9 And so we may also fill out those things, and
10 those are called "survey questions."

11 **Q. So people that are on this list are**
12 **already registered voters?**

13 A. No, not necessarily. The VAN also keeps
14 track of folks who may be unregistered or who don't
15 have an active voter registration.

16 **Q. Okay. And so you have a script that you**
17 **follow when you're doing these get-out-the-vote calls,**
18 **right?**

19 A. Right.

20 **Q. And in that script, are there questions**
21 **about voter identification?**

22 A. No, not necessarily. I would be happy to
23 talk about what like a standard GOTV phone call looks
24 like, if that's helpful.

25 **Q. Do you encourage voters that you reach**

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1 through these get-out-the-vote phone calls to sign up
2 for absentee voting in Montana?

3 A. So when we're making -- I guess I'm a
 4 little confused by the question.

5 When we're making get-out-the-vote phone calls,
 6 we're typically calling right near an election, so
 7 we're hoping to contact already-registered voters
 8 about their plan to vote. We have made voter
 9 registration phone calls and pushed people towards our
 10 voter registration tool, but that would be different
 11 in nature than our get-out-the-vote phone calls.

12 Q. Okay. And when you do the voter
13 registration calls that are different than the
14 get-out-the-vote calls, you push people towards
15 registration, correct?

16 MS. SOMMERS-FLANAGAN: Objection; form.

17 THE WITNESS: We encourage people to think
 18 about the benefits of absentee voting when they
 19 register to vote, but it is a personal decision and we
 20 would never like really push someone in that direction
 21 if that isn't their preferred method of voting.

22 Q. (By Mr. Morris) Understood. I didn't mean
23 to say you were being pushy. I think "encourage" is
24 the better word. That's the word I was trying to use
25 and didn't.

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1 So, but in these other get-out-the-vote phone
2 calls that are occurring closer to the election,
3 you're primarily reaching already-registered voters;
4 is that right?

5 A. Yes. I would say most of the people we
 6 chat with are already registered and just need to make
 7 a plan to vote.

8 Q. And are you encouraging those voters to
9 vote early, if possible?

10 A. If we're contacting voters who vote at the
 11 polls, yes, we would describe to them their options
 12 for voting, including early voting.

13 Q. And for early voting, if you're
14 registered, you can get your ballot and vote it
15 without showing voter ID like you would need at the
16 polls, right?

17 A. Yes, that's my understanding.

18 Q. And so if a person, during these
19 get-out-the-vote phone calls, told you that, "I'm
20 registered, but I don't have any of the forms of ID at
21 all that would satisfy SB 169," a solution to that
22 would be to go and vote early, right?

23 MS. SOMMERS-FLANAGAN: Objection; form.

24 THE WITNESS: I don't know. I may not be
 25 understanding the question.

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1 Q. (By Mr. Morris) So when you're talking to
2 registered voters about their plan to vote, it's your
3 testimony that you've encountered people during those
4 calls who have told you that they do not have any of
5 the forms of ID that would allow them to vote at the
6 polls.

7 A. We have come across those folks --

8 Q. Let me just be clear. I'm asking about
9 you. You keep saying "we," and I want you to speak
10 from your own personal experience, just so I'm clear.

11 A. I have come across those folks on the
 12 phone, but those experiences are certainly fewer than
 13 some of the other venues for these conversations that
 14 I described because we're trying to connect with
 15 already-registered voters and help them make a plan to
 16 vote.

17 Q. So they're fewer. Can you recall any
18 specific ones within the last two years?

19 A. I can't recall a specific scenario that I
 20 have encountered on the phones.

21 Q. Okay. And when you're doing voter
22 registration, you're primarily having a conversation
23 with voters about registration, right? You said that
24 earlier.

25 MS. SOMMERS-FLANAGAN: Objection; form.

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1 THE WITNESS: That's right.

2 Q. (By Mr. Morris) Okay. And so in those
3 conversations during voter registration, you don't
4 typically get involved in asking voters or potential
5 voters about all the sort of forms of ID that they
6 might need at the polls because you're more focused on
7 getting the voter registered, right?

8 MS. SOMMERS-FLANAGAN: Objection;
 9 mischaracterizes testimony.

10 THE WITNESS: I guess, yes, if it comes
 11 up, we would certainly talk to a voter about that.

12 Q. (By Mr. Morris) And it's your testimony
13 that you personally, during voter registrations, have
14 had conversations with voters where they have told
15 you, effectively, they don't know or don't believe
16 that they have any of the forms of ID that would
17 satisfy SB 169.

18 MS. SOMMERS-FLANAGAN: Objection; asked
 19 and answered.

20 THE WITNESS: Yes, that has been my
 21 experience.

22 Q. (By Mr. Morris) Okay. And within the last
23 two years, how many people have you talked to during a
24 voter registration situation like this that have
25 indicated to you that they don't know or they don't

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**1 believe that they have any ID that would satisfy SB
2 169?**

3 MS. SOMMERS-FLANAGAN: Objection; asked
4 and answered.

5 THE WITNESS: In the last two years?

6 Q. (By Mr. Morris) Yeah.

7 A. It would be hard to say. I know of the 7
8 to 10 that I've described during the orientation
9 weekend last fall, but I can't recall the amount of
10 times that I've done voter registration in the last
11 two years.

**12 Q. And for those 7 to 10, you don't actually
13 know whether or not, in fact, they lacked ID
14 sufficient to satisfy SB 169, right?**

15 MS. SOMMERS-FLANAGAN: Objection;
16 mischaracterizes testimony.

17 THE WITNESS: Not necessarily. I do know
18 for a fact that they lacked all of the standalone
19 forms, but --

**20 Q. (By Mr. Morris) Let me be clear in my
21 question. I'm asking about all of the forms of ID
22 that, either combined or standalone, would satisfy SB
23 169. Do you understand that?**

24 A. Yes.

25 Q. Okay. And so the 7 to 10, are you just

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**1 voter, a person who calls into Forward Montana, and
2 you personally had this call, and this voter explained
3 to you or said to you or indicated to you that they
4 didn't have any of the forms of ID that would satisfy
5 SB 169.**

6 A. I can't recall.

**7 Q. You can't recall the last time that
8 occurred.**

9 A. No.

**10 Q. And that -- okay. But more generally,
11 even if you can't recall when, do you have an estimate
12 of when the last time such a call occurred?**

13 A. No.

**14 Q. Are you confident that you have, in fact,
15 had such a call?**

16 A. I'm extremely confident.

**17 Q. So in these calls, I know you can't
18 recollect when they occurred, but these people have
19 indicated to you this lack of ID, but you don't know
20 whether, in fact, they did lack the sufficient ID to
21 satisfy SB 169, correct?**

22 MS. SOMMERS-FLANAGAN: Objection; asked
23 and answered.

24 THE WITNESS: Right. I don't know that
25 there would be any way for us to -- for me to verify

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**1 saying that there's 7 to 10 that lacked the standalone
2 forms?**

3 A. Not necessarily. I'm saying that those 7
4 to 10 people definitely lacked all of the standalone
5 forms, and I guess it would be unknown to me if they
6 did really have a utility bill or something like that.

**7 Q. You also mentioned that sometimes people,
8 young people call into Forward Montana to talk about
9 their voter situation. And have you personally had a
10 call with a voter who called into Forward Montana, and
11 based on that call, you believe that they lack all of
12 the forms of ID, whether standalone or combined, to
13 satisfy SB 169 for voting at the polls?**

14 A. Since SB 169 was passed or just generally
15 in my time at Forward Montana?

16 Q. Generally.

17 A. Yes.

18 Q. Okay.

19 A. I can't recall a specific scenario,
20 though, but I know that I've had these conversations.

**21 Q. When was the last time you had such a
22 call?**

23 A. Specific to SB 169 or specific to a voter
24 having a general question for us?

25 Q. Specific to a voter -- a call with a

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1 that on my own. Yes, we just have to take the voter's
2 word for it.

**3 Q. (By Mr. Morris) And so you said you're
4 really confident that you've had these calls. Why are
5 you so confident about that?**

6 A. Forward Montana works directly with folks
7 who are experiencing houselessness, so the forms of ID
8 available to them are obviously very few as they don't
9 have something that would reflect their physical
10 address.

**11 Q. And have you looked into regulations
12 relating to houseless individuals in voting?**

13 A. Not recently, but we definitely have in
14 the past, and we've consulted with election
15 administrators on how best they'd like us to handle
16 this.

**17 Q. Okay. And is it your position that you
18 actually need sort of like a mailing address or a
19 physical home address in order to satisfy voter
20 identification requirements at the polls?**

21 A. Not necessarily, but if the solution for
22 this person is doing one of the combined forms of ID
23 like a voter registration card, how are they to
24 receive their voter registration card without an
25 address in which they can pick up mail?

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1 **Q. So you don't believe that you actually**
 2 **need a physical mailing address or a home address in**
 3 **order to satisfy voter ID requirements at the polls,**
 4 **right?**

5 A. Sorry, I misspoke. No, you need a
 6 physical address.

7 **Q. And you raised a point that it may be hard**
 8 **for someone who is houseless to receive their voter**
 9 **confirmation card because they don't have an address.**
 10 **Is that sort of the point you were making?**

11 A. Yes.

12 **Q. And have you ever advised voters on -- I**
 13 **think you've already said you've advised voters on how**
 14 **you can get a voter confirmation card, right?**

15 A. Our organization has generally, yes. It's
 16 hard for me to recall a specific circumstance, me
 17 personally.

18 **Q. And if a houseless -- if you spoke with a**
 19 **houseless person who had concerns about voter ID that**
 20 **are registered, they could go to the Election Office**
 21 **and get that voter confirmation card, right? It**
 22 **wouldn't need to be mailed to them, in other words.**

23 A. If they happen to live within walking
 24 distance to our Elections Office, sure, they could go
 25 in person. My sense is that folks experiencing

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1 **people who have called into Forward Montana?**

2 MS. SOMMERS-FLANAGAN: Objection; asked
 3 and answered.

4 THE WITNESS: Yes, there have been other
 5 calls that have come in to me personally and to
 6 Forward Montana.

7 **Q. (By Mr. Morris) And specifically calls**
 8 **that have come in to you at Forward Montana where a**
 9 **voter has indicated to you that they would -- he or**
 10 **she did not have any of the forms of voter ID that**
 11 **would satisfy SB 169 for voting at the polls.**

12 MS. SOMMERS-FLANAGAN: Objection; asked
 13 and answered.

14 THE WITNESS: Yes.

15 **Q. (By Mr. Morris) Can you describe any of**
 16 **those other situations?**

17 A. Yeah. Some of the general situations we
 18 run into are often with students or other young --

19 **Q. Hang on, hang on. I just want to make**
 20 **sure that you're talking about your own experience and**
 21 **not some general experience of Forward Montana. And**
 22 **you keep saying "we," and I just want you to be clear**
 23 **in your testimony and speak for yourself because**
 24 **that's what I'm asking about.**

25 A. Definitely. Well, it's hard to say

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1 houselessness likely have a lot of barriers to doing
 2 something like that.

3 **Q. Besides a houseless person who called into**
 4 **Forward Montana and spoke to you, any other types of**
 5 **calls into Forward Montana that you can recall?**

6 **And I don't know if I was specific enough with**
 7 **my question, but again, I'm getting back to this calls**
 8 **into Forward Montana regarding voting ID. Do you**
 9 **understand that?**

10 A. (Nodding head affirmatively.)

11 **Q. Yeah, okay.**

12 A. I've certainly had experience with a
 13 variety of extremely tricky situations where, yes,
 14 somebody doesn't have access to any of the forms of
 15 voter ID or they're back home with their parents or
 16 they're -- you know, there's a slate of circumstances
 17 in which I've personally spoke with people, yes.

18 **Q. Well, if a voter is back home with their**
 19 **parents, they wouldn't be voting in person at the**
 20 **polls, right?**

21 MS. SOMMERS-FLANAGAN: Objection; form.

22 THE WITNESS: Right, right.

23 **Q. (By Mr. Morris) And so besides the**
 24 **houseless aspect of this, anything else that's coming**
 25 **to mind with specific calls that you've had from**

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1 because I can't recall what situations in which I've
 2 maybe like supported somebody else on staff in helping
 3 to answer a question versus which ones I've had
 4 directly; I can try my best, though.

5 Specific calls to myself would include, like I
 6 mentioned, students and other young people who have
 7 just moved here who maybe don't have a job yet, again,
 8 they don't have a tribal ID, they don't have a Montana
 9 ID yet. They're, you know, trying to find a way to
 10 register to vote, but yes, they lack the specific
 11 forms of ID even if they have been living here for 30
 12 days.

13 And we ultimately just have to tell those
 14 people, "Bummer."

15 **Q. Okay. So you're telling me that you've**
 16 **had a call with someone who's called into Forward**
 17 **Montana and said, "I'm a registered voter. I want to**
 18 **vote at the polls, but I don't have the ID to vote at**
 19 **the polls," and your response has been, ultimately,**
 20 **"Bummer"?**

21 MS. SOMMERS-FLANAGAN: Objection;
 22 mischaracterizes testimony, asked and answered.

23 THE WITNESS: No. As I noted, these are
 24 people who are calling to figure out how to register
 25 to vote and cast a ballot.

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1 Q. (By Mr. Morris) Okay, okay. So let me
2 rephrase, then.
3 So is it your testimony that you've had a call
4 with a person that has said, "I want to register to
5 vote. I've been in Montana for more than 30 days,
6 I've been residing in Montana for more than 30 days,
7 and I don't have any way of registering to vote, and I
8 don't have the ID to vote at the polls."
9 And you've told that person, "Bummer," to your
10 recollection.

11 A. We wouldn't literally tell a voter,
12 "Bummer." We would tell them to get in touch with
13 their county Elections Office.

14 Q. Okay. And can you describe any specific
15 call like that that you've had in the last two years?

16 A. No, I wouldn't be able to recall a
17 specific conversation.

18 Q. How about the last four years?

19 A. Again, it would be hard to recall a
20 specific conversation, but yes, I had a few of these
21 calls in 2020 and in the years before.

22 Q. How many?

23 A. I couldn't recall.

24 Q. Tell me everything you can remember about
25 one of these calls.

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1 A. I could not recall a specific year.

2 Q. Can you recall a specific conversation?

3 A. Not with specificity. There are obviously
4 scenarios that stand out to me, but I couldn't
5 necessarily tell you when they happened or the
6 circumstances surrounding it. By nature of my job,
7 I'm having these conversations all of the time,
8 constantly, not necessarily in relation to SB 169 but
9 in relation to voting rights and election law that I
10 can -- it's -- yeah.

11 Q. And even though you're having these
12 conversations constantly, you can't tell me about any
13 specific one that you've ever had?

14 MS. SOMMERS-FLANAGAN: Objection;
15 argumentative.

16 THE WITNESS: Not in this moment, no.

17 MS. SOMMERS-FLANAGAN: Mac, would it make
18 sense to take a quick break, just five minutes?

19 MR. MORRIS: Sure.

20 COURT REPORTER: Okay. The time is 3:40
21 p.m. We are off the record.

22 (A brief recess was taken.)

23 COURT REPORTER: The time is 3:47 p.m. We
24 are on the record.

25 ///

///

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1 A. Again, it --

2 Q. Where were you?

3 A. Where was I when I was having a
4 conversation with a voter?

5 Q. Yeah, the voter that you were just
6 describing.

7 A. I would have been at the Forward Montana
8 office, wherever that would have been at the time.

9 Q. And do you recall whether or not this
10 person was a man or a woman?

11 A. What person?

12 Q. Well, that's what I'm asking about. Do
13 you have any information about this person that you
14 were kind of trying to describe to me a minute ago?

15 A. Not that I could describe in any specific
16 way.

17 Q. You also mentioned that at events that
18 Forward Montana hosts, you've had encounters with
19 people who fall within this category of not having any
20 of the forms of ID that would satisfy SB 169; is that
21 right?

22 A. Yes, in my recollection.

23 Q. Okay. What events?

24 A. I couldn't tell you a specific event.

25 Q. What year?

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1 BY MR. MORRIS:

2 Q. Ms. Reese-Hansell, do you agree that --
3 well, actually, let me just ask you this: When you're
4 registering people to vote at these registration
5 drives, when you're doing them in person, do you just
6 ask them to fill out a form that you have with you?

7 A. Yes, we use just a printed voter
8 registration form.

9 Q. And how long does it take a person to fill
10 out one of those forms, typically?

11 A. It depends. I'd say it could take anyone
12 60 seconds to 10 minutes. Some folks need to like
13 pull up a picture in their phone to get like an ID
14 number, but yeah, it can range anywhere from like 60
15 seconds to 10 minutes.

16 Q. And then when you're at these registration
17 drives, do you take those forms, put them in
18 something, and mail them off to the Election Office
19 for the voter, or how does that work?

20 A. So typically, we bring them back to our
21 office first and we quality-control them. That's a
22 process to ensure that, you know, a voter isn't
23 missing a piece of information that we could help them
24 reconcile before turning it in, or that like somebody
25 didn't, you know, fill out one and maybe stop and walk

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1 away and forget.

2 So we reconcile those in our office, and then
3 typically where we have an office in Billings,
4 Bozeman, or Missoula, we'll just walk them over. I
5 have walked them over myself to the Gallatin County
6 Elections Office.

7 If I or my team is doing a voter registration
8 event in another community, yes, we'll have to mail
9 them.

10 **Q. Okay. And so in addition to sort of being**
11 **able to register through that sort of process, voters**
12 **can also go onto the Secretary of State's website and**
13 **access that voter registration application there,**
14 **right?**

15 A. Yes. They would then have to print it out
16 and mail it in themselves.

17 **Q. And it's the same form that you all use**
18 **that takes, you know, 2 to 10 minutes to fill out --**
19 **or 1 to 10, I'm sorry.**

20 A. It is, yeah.

21 **Q. And, then, let me just pull something up**
22 **quick.**

23 MS. SOMMERS-FLANAGAN: Hey, Mac, what's
24 your sense for how much time we have? I'm not trying
25 to rush you, but I just -- and I know we've taken some

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1 Montana Foundation, and it looks like it was posted on
2 our Instagram.

3 MR. MORRIS: Okay. Let's mark this
4 Deposition Exhibit 41.

5 (Document subsequently marked Deposition
6 Exb. 41 for identification.)

7 **Q. (By Mr. Morris) And so this says at the**
8 **top: "did you know? You can register to vote from**
9 **your couch - it's that easy."**

10 **What is Forward Montana indicating there?**

11 A. I'm not a member of our communications
12 team, but I would be happy to speculate that it looks
13 like they're saying that by using our online voter
14 registration tool, you can register to vote from your
15 couch.

16 **Q. And the same is true, I suppose, if you**
17 **use the voter registration form on the Secretary of**
18 **State's website, right?**

19 A. The same is not necessarily true in this
20 context, but yes, you could fill out the voter
21 registration form from your couch as well.

22 **Q. And it says there on the side:**
23 **"Registering to vote is easier than ever and takes two**
24 **minutes tops."**

25 **Do you think that's basically accurate when**

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1 breaks, so I just wanted to ask if you have a sense.

2 MR. MORRIS: I hope to be done within an
3 hour.

4 MS. SOMMERS-FLANAGAN: I hope so.

5 **Q. (By Mr. Morris) Okay. Ms. Reese-Hansell,**
6 **can you see what's on my screen?**

7 A. Yes.

8 **Q. And are you familiar with this document?**

9 A. Yes.

10 **Q. And what is it?**

11 A. It looks like this is a -- could you
12 scroll down a little bit?

13 **Q. Sure.**

14 A. Sorry, just so I can see the whole thing.
15 And then maybe back up one more time.

16 **Q. No problem.**

17 A. Thank you, thank you, thank you. This
18 looks like a post that was a part of our kind of
19 online Democracy Days event. I'd be happy to tell you
20 what Democracy Days is, but it looks like this is
21 that.

22 **Q. Well, where did you post it -- I'm sorry,**
23 **where did Forward Montana this? Can you tell from**
24 **looking at it?**

25 A. I do want to be clear that this is Forward

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1 **you're using that online registration portal?**

2 A. Basically, like I said, I would
3 characterize it personally as 1 to 10 minutes, but I
4 would say most folks are on the lower end of that
5 scale, definitely.

6 **Q. Okay. Let's go and look at your**
7 **declaration again, please. And do you have a copy of**
8 **that? You do, right?**

9 A. I do, yeah.

10 **Q. And would you turn to Paragraph 18? You**
11 **say:**

12 **In my experience, most students and young**
13 **people rely on the last four digits of their Social**
14 **Security number to register to vote.**

15 **Do you know, like do you have an estimation of**
16 **like what percentage, in your experience?**

17 MS. SOMMERS-FLANAGAN: Objection;
18 speculation.

19 **Q. (By Mr. Morris) And if you don't know, if**
20 **you don't have a -- if you couldn't create a**
21 **percentage, you don't need to guess. I'm just --**

22 A. I could only guess. I don't have a fact
23 at the top of my head, no.

24 **Q. In Paragraph 18, the second sentence says:**
25 **"It is rare that a young person or student who is new**

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1 to Montana has a Montana driver's license."

2 Do you see that?

3 A. Yes.

4 MS. SOMMERS-FLANAGAN: Objection. I'm
5 sorry, I think you said "Paragraph 18."

6 MR. MORRIS: Oh, if I did, I meant 19.

**7 Q. (By Mr. Morris) And do you ever encounter
8 people who are in Montana as university students but
9 don't really plan to live in Montana?**

10 A. To clarify, do you mean like live in
11 Montana after they have completed their schooling or
12 something like that?

**13 Q. Either while they're in schooling or
14 after, and you're at one of these registration drives
15 or otherwise, and they tell you, you know, "I'm just
16 here as a student. I don't plan to live here."**

17 You ever encounter anybody like that?

18 A. Not necessarily in the context that you're
19 describing.

**20 Q. So you don't recall encountering someone
21 who essentially tells you, "I'm just going to school
22 here, my home is in another state, so I don't have a
23 Montana driver's license"?**

24 A. We certainly run into people who live here
25 because they go to school here and don't plan to get a

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1 not they can vote in Montana elections?

2 MS. SOMMERS-FLANAGAN: Objection;
3 speculation.

4 THE WITNESS: Again, it's hard to say
5 because our voter registration conversations and then
6 our like, "How do you vote in person?" conversations
7 happen typically very distinctly from one another.

8 But in this scenario, if this person was
9 registering to vote, we would then direct them to
10 using the last four of their Social Security number if
11 they happen to know it off the top of their head.

**12 Q. (By Mr. Morris) And if a person is just
13 going to school here and they consider another state
14 their home state, do you tell them that they can vote
15 in Montana elections?**

16 A. Yes. We run into this specific situation
17 very often, and I would be happy to talk about how we
18 approach it, if it's helpful.

19 Q. Sure.

20 A. So it is super often that, especially new
21 students that we run into who say, "Register to vote?
22 Oh, I can't do that. My home is Washington," but
23 those students don't understand residency requirements
24 as it relates to voter registration.

25 A lot of students assume that residency for

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1 driver's license. Those people may certainly consider
2 somewhere else their home, but I don't know that
3 somebody has like reiterated that specifically to me.
4 But, yes, we run into people who are just coming to
5 MSU for school, plan to get home as much as they can,
6 stuff like that.

**7 Q. And you don't recall anybody explaining to
8 you like, "I don't have a Montana driver's license
9 because, I mean, I'm just here for school. I really
10 live back in, you know, Vermont," or wherever else?**

11 MS. SOMMERS-FLANAGAN: Objection; asked
12 and answered.

13 THE WITNESS: It's never been described to
14 me that way, but yes, we've ran into people who go to
15 school here and who don't have a driver's license and
16 who don't plan to get one.

**17 Q. (By Mr. Morris) Okay. So you've never had
18 anybody describe it to you in the way I've sort of
19 presented it?**

20 A. No, I haven't.

**21 Q. What would you tell a person if they told
22 you, you know, "I'm just going to school here. My
23 home state is elsewhere, so I don't have a Montana
24 driver's license"?**

25 What would you tell that person about whether or

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1 school purposes -- I think at MSU, you have to be
2 living here for a year to get in-state tuition, and a
3 lot of students assume that residency requirement is
4 the same for voting. So when we hear that, like we --
5 I know personally from conversations with voters that
6 that's kind of what they're referring to.

7 And how we would handle that is saying like, you
8 know, "No worries, totally understand." We might ask
9 them, "Are you going to be living in Montana for the
10 next four years while you're going to school? You are
11 eligible to vote here, if you'd like to. Totally
12 understand if you'd like to keep voting in your home
13 state," and then we kind of describe to them the
14 residency requirements for voting.

15 And sometimes folks choose to register here and
16 sometimes they don't. It's a personal choice. But
17 that's typically like how those conversations look
18 like for us.

**19 Q. Yeah. And if, so like if a voter is like,
20 "Yeah, my home state is in Washington," you'd say,
21 "Not a problem" -- you'd effectively tell them, "Not a
22 problem. You could still register and vote in
23 Montana."**

24 MS. SOMMERS-FLANAGAN: Objection; asked
25 and answered.

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1 **Q. (By Mr. Morris) Am I understanding that**
2 **correctly?**

3 A. Generally. I think we'd spend a little
4 bit more time communicating like what a personal
5 decision it is and, you know, kind of the pros and the
6 cons to registering to vote in a new state, but yes,
7 we would make sure they understand that if they're
8 going to be living here for 30 days before the next
9 election, they are eligible to vote here if they'd
10 like.

11 **Q. Okay. Let me just - I'm sorry I have to**
12 **keep saying this - let me just remind you I want to**
13 **make sure that I'm getting your testimony about your**
14 **experience. So when I'm asking you questions, I'm**
15 **asking about you, and I don't want you to try to speak**
16 **for, you know, "we" and "Forward Montana Foundation"**
17 **generally and what you think other people might do.**
18 **Okay?**

19 A. Got it.

20 **Q. In Paragraph 20 of your declaration, it**
21 **reads: "Student ID is the only form of no-cost ID**
22 **available to students."**

23 **Do you see that?**

24 A. Yes.

25 **Q. And did you write that statement to be**

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1 A. Yes, that's my understanding.

2 **Q. And what student ID are you referring to,**
3 **then?**

4 MS. SOMMERS-FLANAGAN: Objection; form.

5 **Q. (By Mr. Morris) Are you talking about**
6 **college student IDs or university student IDs in**
7 **Paragraph 20?**

8 A. Yes, yes.

9 **Q. And before you signed your declaration,**
10 **did you do any investigation as to whether or not a**
11 **university student ID is actually a no-cost form of**
12 **student ID?**

13 A. I mean, research like outside of my own
14 personal experience, no.

15 **Q. Okay. Sorry, just a second. I'm sharing**
16 **my screen with you, Ms. Reese-Hansell. Can you see**
17 **what's on my screen?**

18 A. Yes, I can just see a picture.

19 **Q. Those guys are pretty handsome.**

20 **So this is a web page on the Montana State**
21 **University website, and it's talking about MSU**
22 **CatCards. "Get Your CatCard," do you see that?**

23 A. Hm-hmm, yes.

24 MR. MORRIS: Let's mark this Deposition
25 Exhibit 42.

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1 **included in your declaration?**

2 A. Rylee and I drafted it together, so yes, I
3 would have said this to her, and she would have
4 dictated it.

5 **Q. And are you confident that that was true**
6 **when you signed this declaration?**

7 A. Yes. That was my understanding when I
8 signed this.

9 **Q. Okay. And what was that understanding**
10 **based on?**

11 A. Just how I understood voter photo ID -- or
12 just voter ID generally.

13 **Q. And what was that understanding, how you**
14 **understood it, based on?**

15 A. Well, it would be hard to say specifically
16 where I learned this, but I'm sure from my time at
17 Forward Montana or maybe looking into this myself on
18 the Secretary of State website.

19 **Q. So it's your belief, as you sit here**
20 **today, that student ID is a no-cost ID available to**
21 **students in Montana.**

22 A. Sorry, can you repeat the question?

23 **Q. It's your belief, as you sit here today,**
24 **that student ID is a no-cost ID available to students**
25 **in Montana.**

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1 (Document subsequently marked Deposition
2 Exb. 42 for identification.)

3 **Q. (By Mr. Morris) Do you see where it says:**
4 **"New students will receive their first**

5 **CatCard after arrival to campus their first semester.**

6 **New undergraduate or graduate students will be charged**
7 **a \$20.00 fee on their first semester student bill"?**

8 **Do you see that?**

9 A. Yes.

10 **Q. So a student ID, at least at MSU, is not a**
11 **no-cost form of ID, is it?**

12 MS. SOMMERS-FLANAGAN: Mac, would you mind
13 scrolling down to the bottom just so we can see the
14 rest of -- I don't mean to be annoying, but --

15 MR. MORRIS: No problem. I should have
16 already done that.

17 MS. SOMMERS-FLANAGAN: Thank you.

18 THE WITNESS: Sorry, can you repeat the
19 question?

20 **Q. (By Mr. Morris) Yeah. A student ID at MSU**
21 **in Bozeman is not actually a no-cost form of ID, is**
22 **it?**

23 A. I mean, in a sense, but it looks like,
24 from what I can see on this page, that it's a fee
25 that's included within your first-semester student

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1 bill.

2 **Q. Right. So there's a fee associated with**
3 **getting it that appears on your bill as a student,**
4 **right?**

5 A. Yeah, from what I can see here.

6 **Q. And so there is a cost for getting a**
7 **student ID at MSU.**

8 MS. SOMMERS-FLANAGAN: Objection; asked
9 and answered.

10 THE WITNESS: Yes, from what I can see
11 here.

12 **Q. (By Mr. Morris) And obviously, it's not**
13 **free to go to college or to a university, right?**

14 A. For some people, it is.

15 **Q. For most people, it's not, is it?**

16 A. I mean, I can't speak to how many people
17 have scholarships or other scenarios, so I'm not sure.

18 **Q. You're not sure whether or not for most**
19 **people, college costs money? You can't say?**

20 MS. SOMMERS-FLANAGAN: Objection; asked
21 and answered.

22 THE WITNESS: I'm aware that college costs
23 money, but I don't know how many students rely on
24 scholarships or who have people in their life that
25 will pay for it for them, and I guess I would consider

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1 **Q. So you say in Paragraph 20 that:**

2 **"Student ID is the only form of no-cost ID available**
3 **to students."**

4 **And, I mean, why do you say it's the only form**
5 **of no-cost ID available to students?**

6 A. At the time in which this was submitted,
7 that was my understanding.

8 **Q. Do you have a different understanding now?**

9 A. Yes. I would consider a voter
10 registration card to be a no-cost form of ID.

11 **Q. So you would acknowledge that Paragraph 20**
12 **is inaccurate.**

13 MS. SOMMERS-FLANAGAN: Objection;
14 mischaracterizes testimony.

15 THE WITNESS: It is a form of no-cost ID,
16 but no, it isn't the only. And that was my
17 understanding then.

18 **Q. (By Mr. Morris) So what do you mean it is**
19 **a form of no-cost ID? We just looked at Deposition**
20 **Exhibit 42, and you can see that there's a charge for**
21 **it. So why do you say that it's a form of no-cost ID?**

22 A. At the time when I submitted this, I was
23 relying on my personal expertise, and I don't remember
24 any cost associated with my student ID when I was at
25 MSU.

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1 that experience to be free for that student.

2 **Q. (By Mr. Morris) Yeah. I mean, there are**
3 **-- you're aware that there are some people who are**
4 **lucky enough that someone else pays for their college**
5 **or university. That's what you're saying?**

6 A. Yes.

7 **Q. But that would be outside of the norm in**
8 **your experience, wouldn't it?**

9 A. It's hard to say. I have a lot of friends
10 whose family or somebody else in their life helped
11 with their schooling.

12 **Q. Okay. Well, at the same time, it would be**
13 **-- you know, a Costco card, for instance, it's a**
14 **picture ID. I don't get charged for it, but I've got**
15 **to become a member of Costco in order to get one,**
16 **right?**

17 A. I think so. I don't have a Costco card,
18 so I'm not totally sure.

19 **Q. Well, assuming that that's the case, it**
20 **would be inaccurate to say that a Costco card is free**
21 **just because you don't have to pay a separate fee for**
22 **it when you have to pay for the membership, right?**

23 A. It's hard to say. I think that I would
24 consider something that comes with a membership to be
25 free in some circumstances.

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1 **Q. Yeah, but I'm asking about your**

2 **understanding now having looked at Deposition**
3 **Exhibit 42. I mean, you acknowledge that if MSU is**
4 **charging \$20 for the student ID, it's not a no-cost**
5 **form of ID, right?**

6 MS. SOMMERS-FLANAGAN: Objection; asked
7 and answered.

8 THE WITNESS: Sure.

9 **Q. (By Mr. Morris) Okay. So do you**
10 **acknowledge that Paragraph 20 of your declaration is**
11 **inaccurate?**

12 MS. SOMMERS-FLANAGAN: Objection;
13 mischaracterizes testimony.

14 THE WITNESS: Sure, it's not the only.

15 **Q. (By Mr. Morris) Well, and it's not**
16 **no-cost, is it?**

17 MS. SOMMERS-FLANAGAN: Objection; asked
18 and answered.

19 THE WITNESS: Sure.

20 **Q. (By Mr. Morris) That's correct, isn't it?**

21 A. Yes.

22 **Q. You also need a valid government-issued**
23 **photo ID to obtain a student ID at MSU, right?**

24 A. I don't recall that being my experience.

25 **Q. I know that. Look at -- I'm sorry, I'm**

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1 going to show you Deposition Exhibit 42 again. Can
2 you see Deposition Exhibit 42?

3 A. Yes.

4 Q. And the, in the first paragraph there, the
5 second-to-last sentence reads: "Please bring a valid
6 government-issued photo ID with you to the CatCard
7 office."

8 Do you see that?

9 A. Yes.

10 Q. And then the next sentence reads: "A
11 CatCard cannot be issued without identity
12 verification."

13 Right?

14 A. Yes.

15 Q. So based on that, it's your understanding
16 that in order to get a student ID at MSU, you would
17 also have to have a valid government-issued photo ID,
18 right?

19 A. It is. Without knowing more about the
20 process, it's hard for me to comment on.

21 Q. Okay, yeah. So in Paragraph 21, you say:
22 "Many students living on campus don't immediately
23 acquire a Montana driver's license."

24 Right?

25 A. Right.

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1 Q. And it's also true that many students
2 living on campus at MSU already have a Montana
3 driver's license, isn't it?

4 MS. SOMMERS-FLANAGAN: Objection; form.

5 THE WITNESS: It would be hard for me to
6 say. I don't know how many students come to MSU from
7 other states versus like the instate student split.

8 Q. (By Mr. Morris) Yeah, I'm just using the
9 same word that you did in your declaration.

10 When you say: "Many students living on campus
11 don't immediately acquire a Montana driver's license,"
12 isn't it also true that many students living on campus
13 already have a Montana driver's license?

14 A. I suppose, sure.

15 Q. And in Paragraph 21, you're just talking
16 about out-of-state students.

17 A. Yes, but I also think that this could
18 apply to young people who just don't have a plan to
19 get a driver's license.

20 Q. And out-of-state students that move to
21 Montana for school, they might not necessarily view
22 Montana as their home state, right?

23 A. Yeah, sure.

24 Q. In Paragraph 22, you say: "Many students
25 who live in the dorms have little to no use for owning

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1 a vehicle."

2 You've not done any sort of survey on how many
3 students that live in the dorm own a vehicle, have
4 you?

5 A. Not to my recollection. At one point in
6 time, as a part of an economic justice campaign, we
7 did collect stories about people generally like facing
8 hardship in the Bozeman community. So we may have
9 some stories of these specific folks, but no, no
10 continuous survey that we've done.

11 Q. What were you just referring to?

12 So let me just ask: Are you referring to
13 something that you've done recently?

14 A. Not recent. I can't recall the exact time
15 that we did this. It may have been -- it was
16 certainly in my time at Forward Montana, so within the
17 last five to six years.

18 Q. And what was this that you're referring
19 to? Can you tell me a little bit more about it?

20 A. Yeah. It was called an inappropriate name
21 that I won't say now, but it was focused on economic
22 justice.

23 And just generally, Forward Montana will often
24 do kind of story-collection projects where we just
25 want to hear from young people about what's going on

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1 with them, so this was just one of those campaigns.
2 We collected stories from young people about the
3 hardships that they might be facing.

4 And these stories focused on a broad range of
5 issues which, you know, I don't have them top of mind,
6 so I don't totally feel comfortable speaking to them
7 now, but some of them did include young people who
8 don't own a vehicle and might have trouble getting to
9 work, things like that. That is something I can look
10 into, but I don't have them top of mind right now.

11 Q. Okay. And this statement about: "Many
12 students who live in the dorms have little to no use
13 for owning a vehicle," what's that based on? Is it
14 based on this project of collecting stories that
15 you've just described?

16 A. It is not. That project was in reference
17 to you asking a question about if we've ever done a
18 survey about this. But this statement at the time was
19 crafted just based on the experience I personally have
20 talking to students and young people at MSU.

21 Q. So it's based on -- how many people that
22 you've talked to have told you that they have little
23 to no use for owning a vehicle?

24 A. I couldn't say a specific number.

25 Q. What about an estimate?

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1 A. It would be hard to say. All I can say is
2 that a lot of the students that live in the dorms
3 don't have a vehicle, but I couldn't say how many
4 conversations I've had.

5 **Q. Okay. So there's a difference between not
6 having a vehicle and not having any use for a vehicle,
7 right?**

8 A. I don't know. What do you mean?

9 **Q. Well, your statement in Paragraph 22 is
10 that: "Many students who live in the dorms have
11 little to no use for owning a vehicle," right?**

12 **And you just said, "All I can tell you is that
13 many students -- or a lot of students don't have a
14 vehicle."**

15 **I mean, there's a distinction there, right?**

16 A. Not one that I was thinking about when I
17 wrote this. So to be clear, because they don't need
18 one.

19 **Q. Okay. So is it your testimony that there
20 are a lot of people that live in the dorms that don't
21 have a vehicle because they have little to no use for
22 a vehicle?**

23 A. Yes. In my personal experience, that's
24 what I've encountered.

25 **Q. And that isn't actually your personal**

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1 **experience. When you were a freshman or when you were
2 at MSU, you did own a vehicle, right, and you had
3 access to a vehicle?**

4 A. I did. I also noted that I had a very
5 untraditional college experience as I didn't live in
6 the dorms or anything like that.

7 **Q. So what do you mean when you say, "Based
8 on my own personal experience, a lot of students have
9 little to no use for owning a vehicle"?**

10 MS. SOMMERS-FLANAGAN: Objection; asked
11 and answered.

12 THE WITNESS: That would be based on
13 conversations that I've had with voters or with young
14 people on campus.

15 **Q. (By Mr. Morris) And that's not some sort
16 of like statistical survey; it's just anecdotal
17 conversations that you've had, right?**

18 MS. SOMMERS-FLANAGAN: Objection; asked
19 and answered.

20 THE WITNESS: Yes.

21 **Q. (By Mr. Morris) And you don't know how
22 many conversations fall in that category, right?**

23 MS. SOMMERS-FLANAGAN: Objection; asked
24 and answered.

25 THE WITNESS: No.

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1 **Q. (By Mr. Morris) And that's also true -- at
2 the last sentence of Paragraph 22, you say:**

3 **"Quite simply, students are unlikely to
4 prioritize acquiring a driver's license solely for the
5 purpose of being able to vote in person."**

6 **Do you see that?**

7 A. Yes.

8 **Q. And that's also just based on
9 conversations or what is that based on?**

10 A. Yes, conversations that I've had with
11 voters and also my personal experience. I would be
12 unwilling to go and pay for an ID just for the purpose
13 of one specific activity.

14 **Q. Yeah, but you're talking about students
15 generally. And are you talking about students
16 generally all over the state of Montana?**

17 A. I'm talking about the students and young
18 people I've had experience speaking with, so those
19 would be folks centered around the MSU campus.

20 **Q. So, and you don't know how many students
21 you've had conversations with that fall within that
22 category?**

23 MS. SOMMERS-FLANAGAN: Objection; asked
24 and answered.

25 THE WITNESS: No.

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1 **Q. (By Mr. Morris) Paragraph 23 reads: "The
2 cost of acquiring an ID is a particular burden for
3 students and young people. It's also an unnecessary
4 cost where students have readily accessible photo ID
5 in the form of their student ID."**

6 **Correct?**

7 A. Yes.

8 **Q. And did you write those two sentences in
9 Paragraph 23?**

10 A. Yes. Rylee and I drafted this together.

11 **Q. And did you do the first, did you take the
12 first crack at those two sentences in Paragraph 23?**

13 A. Yes. I spoke, and Rylee dictated what I
14 was saying.

15 **Q. Okay. And would you agree with me that
16 Paragraph 23 just reflects your own personal opinion
17 on this issue?**

18 A. Yes.

19 **Q. In Paragraph 25, you say: "Students rely
20 on being able to use their student ID."**

21 **Correct?**

22 A. Yes.

23 **Q. And are you saying that students rely on
24 being able to use their student ID to vote?**

25 A. That has been my specific experience, yes.

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1 Q. And what do you mean by that's been your
2 specific experience?

3 A. That prior to SB 169 being passed, I had
4 many conversations with voters about their ability to
5 use their student ID and found it to be true that
6 students did rely on that.

7 Q. Anything else besides those conversations
8 that is the basis of that statement?

9 A. I don't, I don't think so, no.

10 Q. And how many conversations do you think
11 fall in that category?

12 A. I couldn't recall a specific number.

13 Q. Do you have an estimate?

14 A. No.

15 MS. SOMMERS-FLANAGAN: Hey, Mac?

16 MR. MORRIS: Yeah.

17 MS. SOMMERS-FLANAGAN: Can we check in on
18 time? Because I know -- I don't want to be difficult,
19 but we did say roughly three hours, and I just want to
20 see where we're at.

21 MR. MORRIS: Okay.

22 MS. SOMMERS-FLANAGAN: Jonny, do you
23 happen to have the time that we've been on the record?

24 COURT REPORTER: I don't have it. I can
25 get that, but it would take a recess figure it out.

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1 MR. MORRIS: We can do that.

2 MS. SOMMERS-FLANAGAN: I'm willing to keep
3 going, though, Mac. Like if we're talking about 15
4 minutes, I think it's fine, but if we're talking about
5 more than that, I think I think we have to -- we just
6 need to figure out what we're going to do because I --
7 it's -- everybody's got other obligations coming up.

8 MR. MORRIS: Yeah, I don't think that
9 there's a basis in the rules to stop the deposition at
10 three hours just because that's what we estimated it
11 would take.

12 MS. SOMMERS-FLANAGAN: I'm trying to be
13 reasonable about this. I'm not trying to make
14 it difficult.

15 MR. MORRIS: And I am, too. So if we want
16 to just keep moving, we'll go until we're done, and
17 I'm going to try to get done with the rest of this as
18 quick as I can. Okay?

19 MS. SOMMERS-FLANAGAN: Okay. I'm going to
20 speak up again in 15 minutes because I'm aware of sort
21 of, you know, what we discussed.

22 MR. MORRIS: Yeah. And I'm telling you
23 that there's not a basis in the rules to stop the
24 deposition just because we estimated a certain amount
25 of time for it.

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1 Q. (By Mr. Morris) Okay. In Paragraph 25,
2 you also say: "The ability to use student ID is
3 common knowledge on campus at MSU."

4 Correct?

5 A. Yes.

6 Q. And again, are you saying that the ability
7 to use a student ID to vote is common knowledge on
8 campus at MSU?

9 A. Yes.

10 Q. And what's the basis of that statement?

11 A. Conversations that I've had with young
12 people on the MSU campus.

13 Q. How many?

14 A. Couldn't say.

15 Q. Anything else besides your conversations
16 that is the basis for this statement about what is
17 common knowledge on campus at MSU?

18 A. I guess the only thing I could add is that
19 prior to the passage of SB 169, I know that the
20 university had communicated this opportunity to
21 students to use their student ID, and in some certain
22 ways -- I can't talk specifically about those, what
23 those ways were, but I knew that, you know, your
24 school would communicate that to you. So that would
25 be the only other thing, that the university also, you

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1 know, talked about it or had it somewhere in some
2 degree if you went looking.

3 Q. Okay. And in terms of whether or not that
4 message that the university sent out was actually
5 received and understood by students at MSU and became
6 common knowledge, you don't know, right?

7 A. I don't know. I always read the emails
8 and voting guidance that came from our university
9 president, but maybe I was just a great student.

10 Q. In Paragraph 26, you say: "Student voting
11 is already a complicated experience at MSU."

12 Right?

13 A. Yes.

14 Q. And you acknowledge there's a polling
15 place on campus?

16 A. Yes; there wasn't always, though.

17 Q. But there is now, typically?

18 A. There is; although, not all students vote
19 on -- the precinct of campus is kind of cut up kind of
20 weird.

21 Q. Is it your expectation that there's going
22 to be a polling place on the MSU campus in future
23 elections?

24 A. Are you talking about in addition to the
25 one that's already there or just the one that is there

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1 now?

2 **Q. Oh, the one that's there now.**

3 A. Oh, yeah, I would hope that that's
4 continued into the future.

5 **Q. And you say: Students have to find time
6 to vote and may have to miss out on other obligations
7 or make a special trip.**

8 **Right?**

9 A. Yeah.

10 **Q. And what do you mean by "make a special
11 trip"?**

12 A. Make a special trip to campus when they
13 otherwise wouldn't.

14 **Q. And if you're voting in person, I mean,
15 you always have to make a special trip whether you're
16 a student or not. I mean, you've got to go to the
17 polls and vote, right?**

18 A. Yes; that doesn't mean that it can't be
19 burdensome, though.

20 **Q. I mean, it's just inherent in the process
21 of voting in person. You've got to go and you've got
22 to vote, right?**

23 A. Yes.

24 **Q. And it's -- and if you vote absentee, if
25 you don't mail it in, you've got to go and drop it off**

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1 **at a polling location or otherwise, right?**

2 A. Yes.

3 **Q. In Paragraph 27, you talk about students
4 that are turned away at the polls.**

5 A. (Nodding head affirmatively.)

6 **Q. And have you actually observed a student
7 that was turned away at the polls?**

8 A. Yes. And I would be happy to talk about a
9 specific scenario; although, I don't remember their
10 names.

11 **Q. And when was the last time you saw someone
12 turned away at the polls?**

13 A. I personally, in my role now, don't do a
14 lot of line support or other in-person things at
15 polling locations. So it certainly has been a few
16 elections, but other members of the team at Forward
17 Montana have seen this more recently.

18 **Q. And how do you know that other members
19 have seen that more recently?**

20 A. Because we talk about it as a team when it
21 comes up.

22 **Q. And you said you recall a specific person
23 in these many elections ago that was turned away at
24 the polls.**

25 A. (Nodding head affirmatively.)

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1 **Q. What was that situation?**

2 A. There was two students at MSU who had gone
3 to the MSU polling location anticipating that they
4 could vote there, right? Which I think is a pretty
5 intuitive response for students. You know, if you've
6 got a polling location on campus, why wouldn't you be
7 able to vote there? They did live in a part of the
8 precinct that they couldn't.

9 These folks didn't have a car, so at the time,
10 we were coordinating rides to the polls and we helped
11 get them a ride to the polls. I think they needed to
12 update their voter registration as well, and this was
13 back, you know, ahead of the 2021 legislative session
14 when we still had same-day voter registration.

15 So we were able to coordinate a ride to the
16 polls for them. I remember it was two students. They
17 got dropped off. It was like 5 or 6 p.m. The line to
18 the Gallatin County Elections Office was around the
19 block.

20 They waited in line, they got up there, they
21 didn't have something that they needed - I want to say
22 it was a form of voter ID - and they were turned away
23 and told, "You can get it and you can come back."

24 And we did everything they could -- we did
25 everything that we could, as an organization, to

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1 encourage them like, you know, "Go back to your dorm,
2 get your stuff. We'll drive you back, and like it
3 will be fine."

4 And these two students were like, "No way, no
5 way. Like we've been here for two to three hours.
6 Like we're not going back to our dorms, getting these
7 materials, and going back."

8 Like they probably wouldn't have even made it.
9 And so that, that's kind of the specific experience
10 that I can recall. Those, those two students did not
11 end up voting.

12 **Q. And do you know what the ID was that
13 they -- first of all, do you know whether or not it
14 was ID that was the problem?**

15 A. It's hard to say. I think it was, but I
16 can't be 100 percent sure. I can't remember.

17 **Q. And so was -- did this person have to wait
18 in line at the polling place on campus?**

19 A. Yes, to be then turned away, to be turned
20 away again at the Gallatin County Elections Office.

21 **Q. Okay. And so you recall seeing there were
22 significant lines at the Gallatin County Election
23 Office on that occasion.**

24 A. Very significant, yeah.

25 **Q. And those lines at the, at the Gallatin**

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1 County Elections Office, that was like an impediment
2 to them voting for multiple reasons, right?

3 A. Definitely.

4 Q. I mean, they had to wait, and then
5 ultimately the line itself deterred them from going
6 back and trying to vote once they resolved the
7 problem, right?

8 MS. SOMMERS-FLANAGAN: Objection;
 9 mischaracterizes testimony.

10 THE WITNESS: That's not necessarily my
 11 understanding. Resolving the problem -- getting back
 12 and forth to campus when you don't have a vehicle was
 13 the problem. The burden was created when they were
 14 turned away, not by the line. They waited through the
 15 line twice.

16 Q. (By Mr. Morris) So you said you were at
17 the on-campus polling location, right?

18 A. No. I was back at my office fielding
 19 these phone calls as they came in.

20 Q. Okay. So did you have a personal
21 interaction with either of these two people?

22 A. Over the phone, yes.

23 Q. And you're saying that someone else at
24 Forward Montana besides yourself shuttled them from
25 the polling place on campus to the Gallatin County

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1 Q. And any other occasions that you can
2 recall where a person was turned away at the polls?

3 A. Yes. It would be hard for me to recall a
 4 specific conversation, but I can recall general
 5 circumstances in which this has happened. So in
 6 Paragraph 29, you say:

7 "SB169 also puts elections officials in
 8 the position of educating voters about the changes to
 9 our voting laws despite the fact that they are often
 10 overburdened and at capacity on election day."

11 Correct?

12 A. (Nodding head affirmatively.)

13 Q. And so it's been your experience and
14 observation that election officials are overburdened
15 and at capacity on Election Day?

16 MS. SOMMERS-FLANAGAN: Objection;
 17 mischaracterizes testimony and asks for a legal
 18 conclusion.

19 THE WITNESS: That is my personal
 20 experience of interacting with election officials,
 21 yes.

22 Q. (By Mr. Morris) And you also say in your
23 experience, election officials don't have time, in the
24 days leading up to elections, to spend explaining
25 changes and carefully instructing voters about new ID

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1 Election Office?

2 A. I can't recall if it would have been
 3 someone at Forward Montana. We often partner with
 4 other organizations to coordinate rides to the polls,
 5 so it may have been somebody or a volunteer from
 6 another organization.

7 Q. Okay, I see. And so are you saying that
8 you got one call from them -- you were at, you were at
9 your office. You got one call from one or -- did you
10 get one call from one person in this incident?

11 A. Yes. I remember getting one initial call
 12 from the person who was with their friend, and they
 13 were kind of like talking to me together.

14 Q. Okay. And then you helped sort of
15 coordinate a ride shuttle for that person over to the
16 Gallatin County Election Office, right?

17 A. Yes.

18 Q. Okay. And then are you saying that after
19 they got turned away at the Gallatin County Election
20 Office, that they called you back?

21 A. Yes. I believe their ride had left, so
 22 they needed a ride back to campus and they wanted me
 23 to help coordinate that as well.

24 Q. Okay, all right. And did you do that?

25 A. Yes.

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1 requirements, right?

2 A. Right.

3 Q. What's that based on?

4 A. A lot of experience getting yelled at by
 5 election administrators that they don't have time to
 6 be answering my questions and a lot of other personal
 7 experiences that I'd be happy to describe.

8 Q. So you've had sort of like hostile
9 conversations with election officials where they're
10 like, "I don't have time."

11 A. (Nodding head affirmatively.)

12 Q. Is that kind of what you're saying?

13 A. Absolutely.

14 Q. Okay. They seem sort of put out and
15 impatient and overworked; is that right?

16 A. That has been my experience, yes.

17 Q. In Paragraph 31, you talk about updating
18 educational materials related to voting. You say:

19 "We also have to update all of our
 20 educational materials related to voting, which is
 21 costly."

22 Do you see that?

23 A. Yes.

24 Q. And when you say "we," you're talking
25 about Forward Montana, right?

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1 A. Right.
 2 **Q. So in your experience, does Forward**
 3 **Montana routinely update its educational materials?**
 4 A. In the event that we have to, yes.
 5 **Q. Yeah. I mean, don't doesn't Forward**
 6 **Montana like update that material as it learns what**
 7 **works and what doesn't, and what engages voters and**
 8 **what doesn't?**
 9 A. So our education materials would just be
 10 communicating things about voting and about how to
 11 navigate elections, so that wouldn't be focused on
 12 like things that we're learning in the field about
 13 what works, if that makes sense.
 14 **Q. Yeah, I see your point. And part of the**
 15 **sort of work of Forward Montana is staying up to date**
 16 **on election laws and that sort of thing, right?**
 17 A. Yes.
 18 **Q. And in some cases, like with SB 169, you**
 19 **might need to update educational materials with**
 20 **respect to voting laws becoming more lenient, correct?**
 21 A. Sorry, can you repeat the question?
 22 **Q. Yeah -- let me see if I can phrase it a**
 23 **different way.**
 24 **So SB 169, under SB 169, you no longer need a**
 25 **current and valid photo ID to register if you're**

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1 Mac.
 2 MR. MORRIS: Let's mark this Exhibit 43.
 3 (Document subsequently previously marked
 4 Deposition Exb. 43 for identification.)
 5 **Q. (By Mr. Morris) Now, I'm just going to**
 6 **scroll through this, Ms. Reese-Hansell, so you can get**
 7 **a look at it. We'll go back up.**
 8 **And have you ever seen this document or a**
 9 **document like Deposition Exhibit 43 that describes SB**
 10 **169?**
 11 A. I have seen this; I have never read it in
 12 full or anything like that, though.
 13 **Q. Okay. I'm going to scroll down. Sorry.**
 14 **All right. So you see in this, in Deposition**
 15 **Exhibit 43, it shows changes to existing Montana law**
 16 **regarding voter identification and specifically**
 17 **Montana Code Annotated 13-13-114. Do you see that?**
 18 A. Yes.
 19 **Q. Okay. And you can see where there's been**
 20 **cross-outs is where language has been eliminated from**
 21 **the previous statute and underlined language has been**
 22 **added to the previous statute. You understand that?**
 23 A. Yes. I hate to be difficult, this is
 24 extremely hard for me to read. Is there a way for me
 25 to pull up a copy of this myself?

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1 **unable to provide a Social Security number. Do you**
 2 **know that?**
 3 A. I don't know if I knew that or not.
 4 **Q. Okay. Let me just -- well, are you aware**
 5 **that under SB 169, you no longer need a current**
 6 **driver's license, state ID card, passport, that sort**
 7 **of thing?**
 8 MS. SOMMERS-FLANAGAN: Objection; asked
 9 and answered.
 10 THE WITNESS: I don't know that I was
 11 aware of that, but I'm aware of it now.
 12 **Q. (By Mr. Morris) Okay, okay. So you're**
 13 **aware of it, as you sit here today, even before I**
 14 **asked you that question. Is that what you were**
 15 **saying?**
 16 A. No, not necessarily. I don't know if I
 17 knew it before today. I am aware of it now because
 18 you've told me it.
 19 **Q. Okay. Let me show you what's on my**
 20 **screen. Ms. Reese-Hansell, can you see what's on my**
 21 **screen?**
 22 A. Yes.
 23 MR. MORRIS: I'm sorry, Jonny, what
 24 exhibit number are we on?
 25 COURT REPORTER: The next one will be 43,

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1 **Q. Yeah, there is. We can put it in the**
 2 **chat. I think that's the easiest way to do it.**
 3 MR. MORRIS: Rylee, do you have any better
 4 ideas?
 5 MS. SOMMERS-FLANAGAN: No, I think that's
 6 great.
 7 MR. MORRIS: Okay.
 8 THE WITNESS: Thank you.
 9 **Q. (By Mr. Morris) Yeah, for sure.**
 10 MS. SOMMERS-FLANAGAN: So, Mac, I will
 11 make myself be available as long as Amara is, but I do
 12 think it's a little bit unfair to agree to something
 13 and then just go significantly over that time.
 14 MR. MORRIS: We're almost done.
 15 MS. SOMMERS-FLANAGAN: We're almost done?
 16 MR. MORRIS: Yeah.
 17 MS. SOMMERS-FLANAGAN: Okay.
 18 THE WITNESS: I do hate to be difficult,
 19 but if at some point before five, if we could take a
 20 few minutes. I did have a commitment at five.
 21 **Q. (By Mr. Morris) We can take a break right**
 22 **now.**
 23 A. Okay, cool. That would be great. Thank
 24 you.
 25 **Q. Yeah, for sure.**

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1 COURT REPORTER: The time is 4:54 p.m. We
2 are off the record.

3 (A brief recess was taken.)

4 COURT REPORTER: The time is 4:58 p.m. We
5 are on the record.

6 BY MR. MORRIS:

7 Q. Ms. Reese-Hansell, were you able to get
8 that document that I sent over via the chat?

9 A. I was. Thank you.

10 Q. And that's Deposition Exhibit 43. And can
11 you go to the third page of that, please -- and
12 actually, it's the bottom of the second page and going
13 onto the third.

14 A. I got it.

15 Q. And have you read this before or looked at
16 it before?

17 A. I have looked at it before; I have not
18 read this in full.

19 Q. Okay. You can see that at the bottom
20 there, the statute is 13-13-114, which is about voter
21 identification before an elector votes, right?

22 A. (Nodding head affirmatively.)

23 Q. Okay. And it's your understanding that
24 that's the statute that relates to what ID a person
25 needs if they go and vote at the polls, right?

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1 A. Right.

2 Q. Okay. And can you see there in Section 1,
3 it starts out -- so you can see that it used to read:
4 "before an elector is permitted," but "before" has a
5 strike-through?

6 A. Yeah.

7 Q. And other terms that have been stricken
8 from that language are "'current photo'
9 identification." Do you see that?

10 A. Hm-hmm [affirmative].

11 Q. So one of the changes in SB 169 is that
12 you don't need a current photo ID like you used to
13 before its passage, right?

14 A. Yes.

15 Q. And additionally, you don't need a "valid"
16 Montana driver's license as one of the other primary
17 forms of ID, either, right?

18 A. Yes.

19 Q. And so in that way, SB 169 actually makes
20 it more lenient in some respects in terms of the ID
21 you need to vote at the polls, right?

22 MS. SOMMERS-FLANAGAN: Objection; form.

23 THE WITNESS: That is not my
24 characterization of the bill.

25 Q. (By Mr. Morris) Okay. Well, if you were a

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1 person who had a tribal ID that was expired before,
2 that wouldn't serve as a primary form of ID before
3 passage of SB 169, right?

4 A. Yes.

5 Q. And now if you have an expired or
6 not-current tribal ID, you can still use that as a
7 form of voter ID, primary ID, right?

8 A. That looks correct to me.

9 Q. So that makes it a little bit easier on
10 those people who might not have a current or valid
11 Montana driver's license, passport, tribal ID card,
12 etc., right?

13 A. If you happened to have held onto your
14 expired ID, sure.

15 Q. Yeah, yeah. And do you know whether or
16 not your passport is still current and valid?

17 A. My passport?

18 Q. Yeah.

19 A. It should be. I just got it a few years
20 ago.

21 Q. Okay. But if it's not, I mean, you could
22 still use that ID, right?

23 A. Right, but I wouldn't need to because I
24 have a current form of ID.

25 Q. Let's go up to page 1 on Deposition

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1 Exhibit 43. And this first section is amending
2 Montana Code Annotated 13-2-110, which is concerned
3 with the ID you need to register to vote, correct?

4 A. I see that.

5 Q. And if you scroll down to the second page,
6 you can see that if a voter doesn't have their first
7 four digits of their Social Security number or
8 driver's license or a Montana State ID, you don't need
9 a current and valid form of any photo ID as a second -
10 (inaudible) - right?

11 COURT REPORTER: You cut out at the very
12 end there, Mac. I'm sorry.

13 MR. MORRIS: I'm glad that I did because I
14 think I butchered that question. I think I'm just
15 going to move on. I don't think we need to go over
16 this anymore.

17 Q. (By Mr. Morris) Let me just ask you: Do
18 you know, has Forward Montana received any invoices
19 from Upper Seven Law for its work in this case?

20 A. I wouldn't be aware of that.

21 Q. Do you know if Forward Montana has
22 received any invoices from any of the experts hired in
23 this case?

24 MS. SOMMERS-FLANAGAN: I'm just going to
25 object to sort of outside the scope of her potential

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1 knowledge, but you can ask on that.

2 THE WITNESS: Yeah, that's far outside the
3 scope of my knowledge --

4 **Q. (By Mr. Morris) Okay.**

5 A. -- and the information that I have.

6 **Q. Okay.**

7 MS. SOMMERS-FLANAGAN: Don't worry, Mac,
8 Kiersten will know.

9 MR. MORRIS: That's fine. Yeah, you don't
10 have to know.

11 **Q. (By Mr. Morris) Let me just do one last**
12 **share screen here. Can you see what's on my screen,**
13 **Ms. Reese-Hansell?**

14 A. I can.

15 **Q. And I'm just going to scroll through it so**
16 **you can see it. Have you ever seen this document**
17 **before?**

18 A. Hard to say. We send a lot of emails.
19 This doesn't look totally familiar to me. I may have
20 read it at some point.

21 **Q. It's talking about the expert witness**
22 **budget and the expert expenses associated with Dr.**
23 **Herron and Ms. Bromberg. Does that refresh your**
24 **recollection as to whether or not you've seen it?**

25 A. No.

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1 MR. MORRIS: Okay, all right. I think
2 we're done, but I just want to go over my notes really
3 quick and then we will wrap up. Thank you.

4 COURT REPORTER: The time is 5:06 p.m. We
5 are off the record.

6 (Pause in proceedings.)

7 COURT REPORTER: The time is 5:07 p.m. We
8 are on the record.

9 MR. MORRIS: Ms. Reese-Hansell, I don't
10 have any more questions for you at this time. Thanks
11 so much.

12 THE WITNESS: Thank you.

13

14 BY MS. SOMMERS-FLANAGAN:

15 **Q. I am just going to ask a couple of very**
16 **small questions that I think might clarify some of the**
17 **exchanges we had today, which not -- nothing**
18 **significant, so we'll be really, really quick.**

19 **One thing that I just want to sort of recall us**
20 **back to, Amara, is the conversation related to**
21 **conversations that you have had with potential voters**
22 **related to ID and registration. You remember that**
23 **part of the deposition today?**

24 A. Definitely.

25 **Q. Great. So when you were talking about**

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1 **that, was there anything on your mind that was sort of**
2 **making it difficult to explain the conversations that**
3 **you were having?**

4 A. Definitely. And I apologize for any
5 confusion. I think the kind of tension that I'm
6 rubbing up against with those questions is that SB 169
7 just passed not that long ago, so when we were having
8 conversations with voters, it was in a very different
9 vein, right? Because student ID was always allowed,
10 it was always on the table, and so now we're having
11 different conversations with voters now that, in my
12 opinion, like a hurdle has been enacted.

13 Also, I appreciate the opportunity to clarify:
14 Our voter registration conversations and then our
15 election "how do you cast a ballot?" happened at
16 distinctly different times. We have to stop our voter
17 registration 30 days before an election, which means
18 we've already wrapped up our voter registration
19 efforts even before an election is on young people's
20 minds, so we just haven't had very many opportunities
21 to be discussing with voters that we're registering in
22 the moment like, "Okay. Come election time, this is
23 what you've got to keep in mind."

24 Like that just isn't an experience that has
25 happened. I bet it will happen more often now due to

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1 the passage of 169, but because of COVID, you know,
2 throughout the scope of 2021, we weren't in the field
3 as much and we just didn't have those opportunities.

4 Does that make sense?

5 **Q. It does and it's helpful. I think that**
6 **you hit some of those things when you all were talking**
7 **earlier, but it just seemed helpful to maybe clarify**
8 **that.**

9 **The other question that I wanted to ask you**
10 **about is related to a paragraph in your declaration**
11 **that we talked about, the student ID. It's**
12 **Paragraph 20: "Student ID is the only form of no-cost**
13 **ID available to students."**

14 A. Right.

15 **Q. And so I wanted to just make sure: When**
16 **you and I spoke about this declaration, it was your**
17 **understanding or sort of sense at the time that**
18 **student ID was a no-cost form of ID.**

19 MR. MORRIS: Objection; leading, form.

20 THE WITNESS: That was 100 percent my
21 understanding.

22 **Q. (By Ms. Sommers-Flanagan) Okay. And so**
23 **one, one thing that I just want to understand is:**
24 **When you were talking about the Costco card, you**
25 **mentioned, if I remember correctly, that there are**

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1 some things for which you pay for a membership, and
2 you don't consider the card or the associated sort of
3 identification to be a separate cost. Do you remember
4 saying something along those lines?

5 A. Yes.

6 Q. Can you tell me how you view voter -- or,
7 I'm sorry, student ID in that context? Can you kind
8 of draw that metaphor out?

9 A. Totally. I mean, look at a student
 10 tuition bill. The amount of line items for like
 11 associated fees -- like I think at the time, I paid
 12 for like part of the gym, like maybe you pay a cost to
 13 use the library. Like there are so many costs
 14 associated with your tuition.

15 I think it's kind of common knowledge that it
 16 isn't just like, "This is your class cost and like
 17 what you have to pay to like go to your class"; it's
 18 like for use of facilities, for everything related to
 19 the campus grounds.

20 And so it totally makes sense to me that there
 21 would be a line item fee on your tuition bill, 20
 22 bucks for a student ID. That's the cost of going to
 23 school now. If you want to get into your dorm, I
 24 think use the library, you're scanning your student
 25 ID. It's a necessary thing to go to school.

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1 that student ID is a tuition cost?

2 A. I think it said explicitly on the website
 3 you showed me that it does show up as a line item in
 4 your tuition. I may have recalled that wrong.

5 Q. Okay. And I'm just asking you whether or
6 not the \$20 fee that a person has to pay at Montana
7 State for a GrizCard, whether or not you consider that
8 a tuition cost.

9 A. I think that's how MSU outlines it, so
 10 yes, I would agree with their designation. Like I
 11 said, there's lots of fees that you're paying and
 12 participating in to be able to use the campus grounds.
 13 This is one of those necessary costs.

14 Q. And you're not, you're not like an expert
15 in whether or not certain fees charged at colleges or
16 at MSU should be categorized as tuition or otherwise,
17 right?

18 A. I'm definitely not an expert in that, no.

19 Q. And you're just offering your personal
20 opinion about how you view it, right?

21 A. Right. I also think generally, people pay
 22 their tuition in a lump sum. You know, I didn't pull
 23 up my tuition bill and go line by line item.

24 Q. And what do you base that on, that people
25 pay their tuition in a lump sum?

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1 It makes sense to me that there is a line item
 2 in your tuition budget, but that's your tuition at the
 3 end of the day. That's a tuition bill that you're
 4 paying. That's not like an extra associated cost, in
 5 my opinion. Like that is part and parcel of going to
 6 school and having to pay for things.

7 And in terms of like tuition and how people pay
 8 tuition, like we kind of touched on, that can vary so
 9 significantly from person to person, but I think to
 10 call a student ID a costly form of ID -- or an ID
 11 that's associated with a cost, it doesn't make a lot
 12 of sense to me.

13 Q. Just one last question: Do you know if
14 you can refuse to pay for your student ID and then not
15 get one? It's okay if you don't know.

16 A. I don't know. No, I don't know.

17 MS. SOMMERS-FLANAGAN: Okay. I think, I
 18 mean, that's all. I just wanted to make sure we were
 19 clear.

20 Mac, do you have anything you want to
 21 follow up on?

22 MR. MORRIS: Just a couple.

23

24 BY MR. MORRIS:

25 Q. So is it your testimony that you believe

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1 A. I don't know many people who combed
 2 through their tuition bills like that. I didn't. It
 3 seems a little wild to me, but I mean, I guess that
 4 doesn't mean that some people don't do it.

5 Q. Right. You're just speculating about the
6 way people pay their bills, right?

7 A. Right.

8 MS. SOMMERS-FLANAGAN: Objection;
 9 mischaracterizes testimony.

10 Q. (By Mr. Morris) I think what you
11 established, that you think there is something in what
12 I showed you that indicated that student -- the charge
13 for a student ID card was part of your tuition. Is
14 that what you were saying?

15 A. From my recollection of the web page you
 16 showed me, it looked like MSU specifically indicated
 17 where you would find that cost, and I thought that it
 18 had recalled that that would be in your tuition bill.

19 MR. MORRIS: Jonny, can you tell me what
 20 deposition exhibit was this web page about the --

21 MS. SOMMERS-FLANAGAN: It was 42.

22 MR. MORRIS: Forty-two, okay, thank you.

23 Thanks.

24 Q. (By Mr. Morris) I'm just going to show
25 you, real quick, Deposition Exhibit 42 again. So can

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1 you see Deposition Exhibit 42?

2 A. I can.

3 Q. And I'm going to scroll down to this page.

4 And what are you referring to in terms of the charge
5 being part of your tuition?

6 A. It says explicitly in the second sentence:
7 on your first semester student bill.

8 Q. Okay. So that's it?

9 A. Hm-hmm [affirmative].

10 Q. All right. And so if it's on your bill,
11 in your view, that's just part of the tuition; is that
12 right?

13 A. Yes, yes.

14 MR. MORRIS: Okay, all right. That's all
15 I have. Thanks so much. I don't know if Rylee has
16 any follow-up.

17 MS. SOMMERS-FLANAGAN: No, no. I didn't
18 mine to create an issue, but I appreciate you being
19 patient.

20 COURT REPORTER: Okay. This concludes the
21 Videoconference Video-Recorded Deposition of Amara
22 Reese-Hansell.

23 The time is 5:18 p.m. The date is April
24 6, 2022. We are off the record.

25 (Signature reserved.)

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1 DEPOSITION OF: AMARA REESE-HANSELL

2 DEPOSITION DATE: APRIL 6, 2022

3 IN RE: MONTANA DEMOCRATIC PARTY, et al.
4 vs. JACOBSEN

5 COURT REPORTER: JONNY B. NORDHAGEN

6 I have read my deposition and make the following
7 corrections or additions:

8 PAGE # LINE CORRECTION

9

10

11

12

13

14

15

16

17

18

19

20

21

22 Signed under penalty of perjury this _____ day
23 of _____, _____.

24

25

AMARA REESE-HANSELL

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1 STATE OF MONTANA)

: ss.

2 County of Silver Bow)

3

4 I, Jonny B. Nordhagen, Court Reporter - Notary
5 Public in and for the County of Silver Bow, State of
6 Montana, do hereby certify:

7

8 That the witness in the foregoing deposition,
9 Amara Reese-Hansell, was by me first duly sworn
10 according to law in the foregoing cause; that the
11 deposition was then taken before me at the time and
12 place herein named; that the deposition was reported
13 by me in machine shorthand and later transcribed by
14 computer, and that the foregoing one hundred forty-one
15 (141) pages contain a true record of the witness, all
16 done to the best of my skill and ability.

17 IN WITNESS WHEREOF, I have hereunto set my hand
18 and affixed my notarial seal this _____ day of
19 _____, 2022.

20

21

22

23

24

25

Jonny B. Nordhagen
Notary Public for the State of
Montana residing at Butte,
Montana. My commission

(NOTARIAL SEAL) expires May 8, 2022.

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EXHIBIT 3

RETRIEVED FROM DEMOCRACYDOCKET.COM

IN THE MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,
YELLOWSTONE COUNTY

Montana Democratic Party and Mitch Bohn,
Plaintiffs, Consolidated Case No. DV-21-0451
WESTERN NATIVE VOICE, Montana Native Vote,
Blackfeet Nation, Confederated Salish and
Kootenai Tribes, Fort Belknap Indian Community
and Northern Cheyenne Tribe,
Plaintiffs,
Montana Youth Action, Forward Montana
Foundation, and Montana Public Interest Group,
Plaintiffs,
vs.
Christi Jacobsen, in her official capacity as
Montana Secretary of State,
Defendant.

VIDEOCONFERENCE VIDEO-RECORDED DEPOSITION OF HAILEY SINOFF

Taken at:
Nordhagen Court Reporting
1734 Harrison Avenue
Butte, Montana
April 11, 2022
10:02 a.m.

1 APPEARANCES OF COUNSEL (by videoconference):

2

3 FOR THE DEFENDANT CHRISTI JACOBSEN:

4 WILLIAM (MAC) MORRIS

5 Attorney at Law

6 CROWLEY FLECK, PLLP

7 P.O. Box 10969

8 Bozeman, MT 59719-0969

9 wmorris@crowleyfleck.com

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15 Also present:

16 Jacob Linfesty, Impact Associate, Upper Seven

17 Law (by videoconference)

18 John Nordhagen, Recording Operator

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Page 3

1 APPEARANCES OF COUNSEL (by videoconference):

2

3 FOR THE PLAINTIFF MONTANA DEMOCRATIC PARTY:

4 PETER MICHAEL MELOY

5 Attorney at Law

6 MELOY LAW FIRM

7 P.O. Box 1241

8 Helena, MT 59624

9 mike@meloylawfirm.com

10

11 FOR THE PLAINTIFFS MONTANA YOUTH ACTION, FORWARD

12 MONTANA FOUNDATION, and MONTANA PUBLIC INTEREST GROUP:

13 RYLEE SOMMERS-FLANAGAN

14 RYAN AIKIN

15 Attorneys at Law

16 Upper Seven Law

17 P.O. Box 31

18 Helena, MT 59624

19 rylee@uppersevenlaw.com

20 ryan@aikinlawoffice.com

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Page 2

1 I N D E X

2 Witness:

Page:

3 HAILEY SINOFF

4 Examination by Mr. Morris . . . 7

5

6 E X H I B I T S

7 NO. PAGE DESCRIPTION

8 44 48 Sinoff declaration

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Page 4

1 HAILEY SINOFF
 2 APRIL 11, 2022; BUTTE, MONTANA
 3 - - -
 4 BE IT REMEMBERED THAT, pursuant to Notice, the
 5 Deposition of Hailey Sinoff was taken at the time and
 6 place and with the appearances of counsel hereinbefore
 7 noted before Jonny B. Nordhagen, Court Reporter -
 8 Notary Public for the State of Montana.
 9 It was further stipulated and agreed by and
 10 between counsel for the respective parties that this
 11 deposition was taken pursuant to the Montana Rules of
 12 Civil Procedure.
 13
 14 The following proceedings were had:
 15
 16 RECORDING OPERATOR: The time is 10:02.
 17 We are on the record -- 10:02 a.m.
 18 This is the Videoconference Video-Recorded
 19 Deposition of Hailey Sinoff taken by the attorneys for
 20 the defendant in the matter of Montana Democratic
 21 Party, et al., Plaintiffs, vs. Christi Jacobsen, in
 22 her official capacity as Montana Secretary of State,
 23 Defendant.
 24 This is Cause No.: DV 21-0451 in the
 25 Montana Thirteenth Judicial District Court,

Page 5

1 Yellowstone County.
 2 This deposition is being taken on Monday,
 3 the 11th day of April, 2022, from Nordhagen Court
 4 Reporting, 1734 Harrison Avenue in Butte, Montana.
 5 The recording operator is John Nordhagen.
 6 The court reporter Jonny Nordhagen.
 7 Counsel will now introduce themselves,
 8 after which the court reporter will swear in the
 9 witness.
 10 MR. MORRIS: Good morning. This is Mac
 11 Morris on behalf of the Montana Secretary of State.
 12 MS. SOMMERS-FLANAGAN: And this is Rylee
 13 Sommers-Flanagan on behalf of Montana Youth Action,
 14 Montana Public Interest Research Group, and Forward
 15 Montana Foundation.
 16 MR. MELOY: And Mike Meloy for the Montana
 17 Democratic Party and Mitch Bohn.
 18 MR. AIKEN: This is Ryan Aiken on behalf
 19 of Montana Youth Action, Forward Montana Foundation,
 20 and Montana Public Interest Group, but I will not be
 21 participating, just observing today.
 22
 23
 24
 25 ///

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1 HAILEY SINOFF,
 2 having been called as a witness by the
 3 defendant, being first duly sworn, was
 4 examined and testified as follows:
 5
 6 EXAMINATION
 7 BY MR. MORRIS:
 8 Q. Good morning, Hailey. My name is Mac
 9 Morris.
 10 Can you state your name and address for the
 11 record, please?
 12 A. Yeah. My name is Hailey Sinoff; and my
 13 address is 320 South Black, Bozeman.
 14 Q. Thanks. And what's your date of birth?
 15 A. June 6, 1999.
 16 Q. So how old does that make you?
 17 A. Twenty-two.
 18 Q. Have you ever had your deposition taken
 19 before?
 20 A. No.
 21 Q. Just briefly, there's some rules and sort
 22 of guidelines that we'll go over.
 23 Jonny is the court reporter and is he's taking
 24 down everything that we say, so it's important that we
 25 try not to talk over one another. Okay?

Page 7

1 A. (Nodding head affirmatively.)
 2 Q. If I ask you a question today that you
 3 find confusing, will you let me know?
 4 A. (Nodding head affirmatively.)
 5 Q. I'm going to need you to give verbal or
 6 oral responses to all of my questions, so head nods,
 7 uh-huh's, or uh-uh's doesn't work because there's no
 8 record on the transcript of that. So was that a
 9 "yes"?
 10 A. That was.
 11 Q. Okay, thanks. And if you need a break
 12 today, you just let me know or let Rylee know, and we
 13 can take a break whenever. All right?
 14 A. Okay, yes.
 15 Q. And the only exception to that is if I ask
 16 you a question, I'll get you to answer the question
 17 before we go on a break. Okay?
 18 A. Okay.
 19 Q. All right. And do you understand that
 20 you're under oath?
 21 A. Yes.
 22 Q. And is there any reason why you can't give
 23 accurate or truthful testimony this morning?
 24 A. No.
 25 Q. Okay. And what I'm getting at is: You're

Page 8

1 not on any type of medication or anything like that
2 that affects your memory or --

3 A. (Shaking head negatively.)

4 Q. Is that a "no"?

5 A. (No audible response.)

6 COURT REPORTER: That didn't come through,
7 Hailey. I'm sorry.

8 THE WITNESS: No, I'm not on any
9 medication or things that would affect my memory.

10 Q. (By Mr. Morris) Great, thanks. And is
11 there anyone else in the room with you?

12 A. No.

13 Q. And do you live in a house at that address
14 that you gave me on Black Street?

15 A. I do.

16 Q. And does anyone else live with you at that
17 house?

18 A. Yes, three other people.

19 Q. And who are they?

20 A. Toni Hardy, Phia Swart, and Grant Adams.

21 Q. How long have you lived at that address?

22 A. Almost three years.

23 Q. And do you get trash pickup there?

24 A. I do.

25 Q. And do you get utility bills there?

Page 9

1 think there were four other people in the building.

2 Q. Why were you there for just three months?

3 A. I lived in a house like that full year
4 before those three months and I didn't like my
5 roommate, so I moved there before moving into the
6 house I live in now.

7 Q. Got you. And so before you lived in the
8 house on College Street, where did you live?

9 A. I lived on Garfield.

10 Q. Was that student housing?

11 A. No. That was off campus.

12 Q. That was an off-campus house?

13 A. Yeah, it was off campus.

14 Q. And you lived there for a year, you
15 said --

16 A. Around --

17 Q. -- approximately?

18 A. Yeah.

19 Q. And did you live with anyone else in the
20 house on Garfield?

21 A. Yes.

22 Q. How many people?

23 A. One person.

24 Q. Did you get a utility bill at that house
25 on Garfield?

Page 11

1 A. Yes.

2 Q. Are they in your name?

3 A. They have been since last November.

4 Q. And before last November, whose name were
5 the utility bills in?

6 A. Ruby Hale.

7 Q. And who is Ruby Hale?

8 A. She was a former roommate.

9 Q. How long have Toni, Phia, and Grant lived
10 there?

11 A. Grant moved in end of December, Phia and
12 Toni moved in fall of 2020.

13 Q. Before you moved into the house on Grant
14 Street, where did you live?

15 A. You mean Black Street?

16 Q. I'm sorry, yeah, Black Street.

17 A. That's funny. I lived on College Street.

18 Q. And was that in a house?

19 A. That was also a house.

20 Q. About how long did you live in the house
21 on College Street?

22 A. Three months.

23 Q. And did you live with anyone else there?

24 A. Yes. That house was divided into three

25 living units, so two people lived with me and then I

Page 10

1 A. My roommate did the utilities, and I think
2 she was set up for paperless.

3 Q. Do you know whether or not your name was
4 on that utility bill?

5 A. I don't know.

6 Q. Did you guys have trash pickup there?

7 A. Yes.

8 Q. And did you receive the bill for the trash
9 pickup?

10 A. No. She did all the utilities, and I
11 would Venmo her.

12 Q. Got you. Did you all have a phone there
13 besides a cell phone?

14 A. No.

15 Q. Did you have an internet connection?

16 A. Yes.

17 Q. And did you get a bill for internet?

18 A. Again, it was my roommate. She had all
19 the utilities in her name, and then I would Venmo her.

20 Q. And what about currently, do you have
21 internet at your house?

22 A. Yes.

23 Q. And do you get a bill for that?

24 A. Yes.

25 Q. And is that in your name?

Page 12

1 A. Yes.
 2 **Q. You moved or came to Montana in 2017; is**
 3 **that right?**
 4 A. Yes.
 5 **Q. Have you always lived in Gallatin County?**
 6 A. Yes.
 7 **Q. Are you still in college?**
 8 A. Yes.
 9 **Q. And have you earned any degrees since**
 10 **coming to Bozeman in 2017?**
 11 A. No. I'm finishing up my degree.
 12 **Q. And what's your major?**
 13 A. Political science and sociology.
 14 **Q. When do you expect to get your degree?**
 15 A. May 15th.
 16 **Q. Have you taken a full load of classes in**
 17 **each of the semesters since you've been here?**
 18 A. Every semester except for this semester --
 19 oh, and there was a year I wasn't in school because I
 20 had a concussion, so not that year.
 21 **Q. What year was that?**
 22 A. The concussion happened in the fall of
 23 2018, so then I wasn't in school all of 2019.
 24 **Q. How did you get a concussion?**
 25 A. Mountain biking.

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1 **freshman year?**
 2 A. Yes.
 3 **Q. Have you had any jobs in Bozeman besides**
 4 **Lawson's Greenhouse and nannyng?**
 5 A. Yeah. I ski coached at Big Sky, which I
 6 guess isn't in Bozeman but while I was living in
 7 Bozeman; and then I ski instructed at the Yellowstone
 8 Club.
 9 **Q. And are those the only jobs you've had?**
 10 A. Yeah, and then nannyng throughout all of
 11 it.
 12 **Q. Have you nannied for the same family,**
 13 **primarily, or several?**
 14 A. Yes. It's been the same two families for
 15 the whole five years I've been here, which is fun.
 16 **Q. And do those families live in Bozeman?**
 17 A. They do.
 18 **Q. Have you had any volunteer positions while**
 19 **you've been living in Bozeman?**
 20 A. Yes.
 21 **Q. Who have you volunteered for?**
 22 A. The Sunrise Movement Gallatin County;
 23 Forward Montana - there's been a lot - Gallatin County
 24 Land Trust; Campus Climate Coalition; and then HATCH,
 25 it's a thing out of Big Sky. I think that's it.

Page 15

1 **Q. Where were you?**
 2 A. Leverich.
 3 **Q. Ouch. Did you stay in Bozeman for that**
 4 **year, 2019?**
 5 A. I did.
 6 **Q. And did you stay -- at that time, were you**
 7 **living at the house on Garfield?**
 8 A. Yeah.
 9 **Q. Did you work at all that year, in 2019?**
 10 A. Yes. I think I was mostly nannyng, and
 11 then I worked at Lawson's Greenhouse in the summer.
 12 **Q. Where is Lawson's Greenhouse?**
 13 A. It's over by Story Mill.
 14 **Q. And that was just a summer job?**
 15 A. Yeah; and into the fall, but pretty much
 16 done in the summer.
 17 **Q. Before you moved into the house on**
 18 **Garfield, where did you live?**
 19 A. I lived in the dorms.
 20 **Q. And did you live in separate dorms or just**
 21 **in one like --**
 22 A. Oh, one dorm.
 23 **Q. Okay. And which dorm was that?**
 24 A. Roskie.
 25 **Q. And were you there for like your whole**

Page 14

1 **Q. I think I got most of those down. You**
 2 **said Sunrise Movement?**
 3 A. Yes.
 4 **Q. Gallatin County?**
 5 A. Or Sunrise Movement of Gallatin County, so
 6 that's --
 7 **Q. Okay, got it. Sunrise Movement of**
 8 **Gallatin County, Forward Montana, Campus Coalition?**
 9 A. Campus - (inaudible) - Coalition.
 10 **Q. You cut out for just a second. What did**
 11 **--**
 12 A. Campus Climate Coalition.
 13 **Q. Got you. And HATCH?**
 14 A. HATCH.
 15 **Q. And am I missing any?**
 16 A. And Bozeman United for Racial Justice.
 17 **Q. What's Sunrise Movement of Gallatin**
 18 **County?**
 19 A. It's a climate organization.
 20 **Q. And what kind of a position did you hold**
 21 **with Sunrise Movement?**
 22 A. Mostly recruitment.
 23 **Q. And besides recruitment, what?**
 24 A. General planning.
 25 **Q. When did you do that?**

Page 16

1 A. I've done that since 2019.
 2 **Q. You're still doing that?**
 3 A. Hm-hmm [affirmative].
 4 **Q. And what about Forward Montana?**
 5 A. I was an intern also in 2019.
 6 **Q. And are you still doing that? Are you**
 7 **still interning at Forward Montana?**
 8 A. No.
 9 **Q. How long did you intern with Forward**
 10 **Montana?**
 11 A. Four months.
 12 **Q. And then Campus Climate Coalition.**
 13 A. I have been involved with them since 2020.
 14 **Q. And what was your position there?**
 15 A. I am a coleader, so it's more like general
 16 planning and, yeah, orientation.
 17 **Q. Have you had that same sort of position**
 18 **with Climate Coalition the whole time since 2020?**
 19 A. Yeah.
 20 **Q. And what is HATCH?**
 21 A. HATCH is: They put on leadership summits,
 22 and they do one in Montana every year. It's usually
 23 at Big Sky. So I was on the food-prep team, and then
 24 I got to participate in the talks and stuff, as well.
 25 **Q. Okay. And was that just sort of like one**

Page 17

1 conference that you volunteered for and then
 2 participated in or is it more of an ongoing thing?
 3 A. Yeah, it was one. It was some prep
 4 before, but then it was just the one conference.
 5 **Q. When was that?**
 6 A. 2018.
 7 **Q. And then the last one I think you**
 8 **mentioned was Bozeman United for Racial Justice.**
 9 A. Hm-hmm [affirmative].
 10 **Q. What's that?**
 11 A. That's a racial justice group in town.
 12 **Q. And what have you done for Bozeman United**
 13 **for Racial Justice?**
 14 A. Just general support, whatever tasks or
 15 errands kind of need to get done.
 16 **Q. Are you still currently kind of**
 17 **participating or working or volunteering for that**
 18 **organization?**
 19 A. Yeah.
 20 **Q. How long have you been doing that?**
 21 A. Since 2020.
 22 **Q. Do you ever receive a stipend or any form**
 23 **of payment from any of these organizations at all?**
 24 A. I received a stipend from Forward Montana
 25 when I was interning, and then I receive a stipend

Page 18

1 from Sunrise as well.
 2 **Q. And is that in the form of a check?**
 3 A. For Forward Montana, it was a check; for
 4 Sunrise, it's direct deposit.
 5 **Q. Have you ever done any volunteer work or**
 6 **work for Montana Youth Action?**
 7 A. No. I was a plaintiff in another case of
 8 Rylee's, but I haven't -- (inaudible.)
 9 COURT REPORTER: You cut out at the very
 10 end there.
 11 THE WITNESS: I haven't volunteered for
 12 them.
 13 **Q. (By Mr. Morris) So you said you were a**
 14 **plaintiff in another case of Ms. Sommers-Flanagan?**
 15 A. Yes.
 16 **Q. What case was that?**
 17 A. That was -- I don't think I know the
 18 official title of the case, actually.
 19 **Q. That's okay.**
 20 A. It was for redistricting some of the
 21 Public Service Commission voting zones.
 22 **Q. Any others where you've been a plaintiff?**
 23 A. No.
 24 **Q. And why were you a plaintiff in that case?**
 25 A. I was introduced to Rylee by Kiersten

Page 19

1 Iwai, I think is how you say her last name. And I
 2 heard about the case, and it sounded interesting, and
 3 they were looking for plaintiffs.
 4 **Q. And Kiersten Iwai, is she -- she's at**
 5 **Forward Montana; is that right?**
 6 A. Yeah.
 7 **Q. And is she someone that you know? Like**
 8 **are you friends with her?**
 9 A. I wouldn't say we're "friends" but
 10 definitely friendly acquaintances.
 11 **Q. And Ms. Iwai introduced you to Ms.**
 12 **Sommers-Flanagan?**
 13 A. Hm-hmm [affirmative].
 14 **Q. When was that?**
 15 A. Fall 2021.
 16 **Q. And you said that for purposes of that**
 17 **redistricting case, they were looking for plaintiffs,**
 18 **Ms. Sommers-Flanagan was?**
 19 A. Yes.
 20 **Q. And what made you want to be a plaintiff**
 21 **in that suit?**
 22 A. I thought it was interesting.
 23 **Q. What was that case -- what did it have to**
 24 **do specifically with you?**
 25 A. So it talked about the Montana

Page 20

1 Constitutional right for one person, one vote. And
 2 because of the way certain populations have grown and
 3 certain populations have shrunk, different districts
 4 kind of had more sway than others. And I was -- I'm a
 5 voter in Bozeman, so I was affected by that.

6 **Q. Got you. And does anything with sort of**
 7 **the Public Service Commission, does anything about**
 8 **sort of its role interest you or --**

9 A. Well, yeah. I mean, I pay utilities, and
 10 they influence a lot of those rates.

11 **Q. And you said you first started paying**
 12 **utilities when you moved into your house now on Black**
 13 **Street; is that right?**

14 A. Yeah -- or, well, I mean I've always paid
 15 utilities since living here, but that's the first time
 16 it's been in my name.

17 **Q. Got you. Sorry, I can't remember, when**
 18 **did it start -- the utility bills start being in your**
 19 **name?**

20 A. When did that start? Probably since like
 21 fall of 2020.

22 **Q. Where did you live before coming to**
 23 **Bozeman?**

24 A. Truckee, California.

25 **Q. So how did, how did you get involved in**

Page 21

1 **this lawsuit?**

2 A. Because I was a plaintiff for the other
 3 one, I heard about this one, and it sounded like my
 4 experience as a voter would be relevant, so I was
 5 asked if I would do a declaration.

6 **Q. And who asked you to do that?**

7 A. Rylee.

8 **Q. Do you have a bank account in Montana?**

9 A. I have a U.S. Bank account, so that has a
 10 branch in Montana.

11 **Q. How long have you had a bank account in**
 12 **Montana?**

13 A. I had a U.S. Bank account since 2015.

14 **Q. Do you receive statements?**

15 A. I don't have paper statements.

16 **Q. But you can access them online?**

17 A. Hm-hmm [affirmative].

18 **Q. And do they show your current address?**

19 A. I don't think so.

20 **Q. Why do you say you don't think so?**

21 A. My billing address is still my parents'
 22 address in California.

23 **Q. Your billing address is?**

24 A. Yeah.

25 **Q. And why is that?**

Page 22

1 A. Because I'm young and I'm moving around a
 2 lot and it's stressful trying to track down mail from
 3 different houses, so I just figured I would keep it
 4 that one.

5 **Q. So if anybody wants to send you a bill,**
 6 **they send the bill to your parents' house in**
 7 **California?**

8 A. Most of my bills are paperless now, and
 9 then - (inaudible) - I do get a bill, it goes there.

10 **Q. Sorry, what did you say?**

11 A. Most of my bills --

12 MR. MORRIS: Can we actually just take a
 13 quick break? I need to tell people to be quiet. Hang
 14 on.

15 COURT REPORTER: The time is 10:30 a.m.
 16 We are off the record.

17 (Pause in proceedings.)

18 COURT REPORTER: The time is 10:31 a.m.
 19 We are on the record.

20 (The record was read back as follows:

21 "QUESTION: So if anybody wants to send
 22 you a bill, they send the bill to your parents' house
 23 in California?")

24 THE WITNESS: Yes. So I've been moving
 25 around a lot since I've been here, different houses.

Page 23

1 And it's stressful trying to track down mail between
 2 different houses with different 20-year-olds that
 3 don't check their mail, so I just keep it with my
 4 parents' address.

5 BY MR. MORRIS:

6 **Q. Do you, at your current address, do you**
 7 **have a mailbox out front?**

8 A. We have, yeah, like a little mailbox
 9 that's kind of attached to the front door.

10 **Q. And was that also the case that you had a**
 11 **mailbox at your house on College Street?**

12 A. We had, I think like a mail slot,
 13 actually.

14 **Q. Okay. What about your house on Garfield?**
 15 **How did you check your mail?**

16 A. Yeah, there was also a mailbox there.

17 **Q. And was that right out front by the, by**
 18 **the driveway?**

19 A. It was on the side of the house.

20 **Q. And at your current house, you said -- do**
 21 **you have a mail like slot or do you have an actual**
 22 **mailbox?**

23 A. We have a little box that's attached to
 24 the side of the house.

25 **Q. Okay. And the mailman comes and puts the,**

Page 24

1 puts the mail in there?

2 A. Yeah.

3 Q. And if you wanted to send mail, you could
4 just lift a flag up, and the mailman could grab it?

5 A. No. We would have to drop it off
6 somewhere.

7 Q. Your mailbox doesn't have one of those
8 little flags on it?

9 A. No.

10 Q. Okay. Have you ever tried to do that?

11 A. No. I actually haven't ever tried to do
12 that with this mailbox.

13 Q. Okay. Did you do anything to prepare for
14 this deposition?

15 A. Yeah. Rylee helped me answer practice
16 questions.

17 Q. Did you review any documents?

18 A. I looked back over my declaration.

19 Q. Any other documents besides your
20 declaration?

21 A. No.

22 Q. And you met with Rylee?

23 A. Yes.

24 Q. Did you all meet over Zoom?

25 A. Yes.

Page 25

1 Q. Was there anybody else -- and how many
2 times did you meet with Rylee?

3 A. We met twice.

4 Q. How long did you meet for?

5 A. About an hour each time.

6 Q. When was that?

7 A. On Friday evening and Sunday evening.

8 Q. Did you discuss or talk about any of the
9 other depositions that have been taken in this case?

10 A. Kind of. She mentioned other people's
11 experiences with depositions.

12 Q. And whose experiences?

13 A. It was referred to as the "high schooler."

14 Q. And what did she tell you about that
15 deposition?

16 A. She said the high schooler did a really
17 good job answering the questions quickly so that it
18 wouldn't take too long.

19 Q. Anything else?

20 A. That was kind of it, just that she had
21 like good, concise answers that were to the point but
22 not too long.

23 Q. Did you review any deposition transcripts?

24 A. No.

25 Q. And what do you recall from your

Page 26

1 discussions with Rylee on the first occasion that you
2 talked with her on Friday evening?

3 A. We just talked about kind of like --

4 because I didn't know what a deposition really would
5 be like, so she talked about how it would work, and
6 what types of questions might be asked, and yeah, that
7 all I really had to do was answer the questions and
8 not yell at you, and we would be fine.

9 Q. Yeah. And what types of questions did she
10 say you would be asked today?

11 A. Basically, the ones you've been asking,
12 and then probably questions getting into like the
13 nitty-gritty of how I vote and my voting experience.

14 Q. Okay. And did you say that she went over
15 some practice questions with you?

16 A. Yes.

17 Q. And tell me about that.

18 A. It was a lot like this, yeah.

19 Q. So she pretended to be the questioner, and
20 you were fielding questions from her?

21 A. Yes.

22 Q. And then did she tell you, after you did
23 those practice questions, sort of strategies for how
24 to answer in a more effective way?

25 A. Kind of. She told me my instinct was

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1 good, and yeah, that I could answer the questions with
2 as much detail as I wanted but that would make it all
3 take longer, so just stay on point.

4 Q. Anything else you remember from speaking
5 with Ms. Sommers-Flanagan?

6 A. That's pretty much it.

7 Q. Were there any questions that Ms.
8 Sommers-Flanagan asked you that you found were
9 difficult to answer?

10 A. No.

11 Q. Was there anything that Ms.
12 Sommers-Flanagan spoke to you about sort of not
13 mentioning unless I specifically asked you?

14 A. No.

15 Q. How old were you when you first came to
16 Bozeman?

17 A. I was 18.

18 Q. And you came to Bozeman in August of 2017?

19 A. Yeah, end of August.

20 Q. And you came here for school at MSU,
21 right?

22 A. Yes.

23 Q. You didn't take any summer classes that
24 first summer in 2017?

25 A. No.

Page 28

1 **Q. What made you want to come to school in**
2 **Montana at MSU?**

3 A. I grew up ski racing, so skiing has been a
4 big part of my life, and I didn't want to go somewhere
5 I couldn't ski.

6 **Q. And did you join the ski racing team at**
7 **MSU?**

8 A. No. I stopped ski racing when I was 16,
9 so just recreationally.

10 **Q. And do you ski up at Bridger?**

11 A. I do.

12 **Q. Do you have a ski pass up there?**

13 A. Yes.

14 **Q. Did you get a ski pass your freshman year?**

15 A. Yes.

16 **Q. Was that an annual ski pass?**

17 A. Yes.

18 **Q. Did it have your picture on it?**

19 A. Yes. I think that was the last year it
20 had my picture on it.

21 **Q. I can't remember, do the ski passes have**
22 **your pictures on them anymore at Bridger?**

23 A. They do not.

24 **Q. You just submit that over the internet?**

25 A. Yeah.

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1 it was like 10-year-old boys. And I would set up
2 gates for them every weekend and then help.

3 **Q. Got you. Anything else besides skiing**
4 **that made you want to come to school at MSU?**

5 A. Yeah. I guess I just really liked
6 Bozeman. I visited it, and it was -- everybody was
7 nice. It had all the things I wanted to do.

8 **Q. And you mountain bike?**

9 A. Yeah.

10 **Q. Were you mountain biking when you moved or**
11 **first came to Bozeman in 2017?**

12 A. Yes.

13 **Q. Did you have a car when you came to**
14 **Bozeman in 2017?**

15 A. Yes.

16 **Q. Why did you have a car?**

17 A. Because it's hard to get around Montana
18 without a car.

19 **Q. And did you bring your skis and your bike**
20 **with you?**

21 A. I brought my skis. I didn't bring my bike
22 that first year because I figured it would snow really
23 soon and it would be hard to keep in the dorms.

24 **Q. And do you have a car now?**

25 A. I do.

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1 **Q. And have you gotten an annual ski pass at**
2 **Bridger every year that you've been in Bozeman?**

3 A. Yes.

4 **Q. Have you also gotten a ski pass at Big Sky**
5 **or, well, I guess would you have a ski pass at the**
6 **Yellowstone Club when you're instructing there?**

7 A. Yeah. You have a scan card at the
8 Yellowstone Club so that you can't sneak in on your
9 days off, and I did have a ski pass at Big Sky when I
10 was coaching there.

11 **Q. Sorry, when did you say you coached at Big**
12 **Sky?**

13 A. 2019, 2018 - 2019.

14 **Q. Did you ever do any instructing at**
15 **Bridger?**

16 A. No.

17 **Q. How did you get a job ski instructing at**
18 **the Yellowstone Club?**

19 A. I had heard a bunch of my friends really
20 liked it and it had a more flexible schedule than
21 coaching at Big Sky, so I just applied.

22 **Q. And when you were ski coaching in Big Sky,**
23 **was that sort of like taking people out for individual**
24 **lessons or was it group lessons?**

25 A. No. So I was coaching the race team, so

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1 **Q. The same one that you had when you first**
2 **came here in 2017?**

3 A. No, a different car.

4 **Q. When did you get your new car?**

5 A. I got my new car the summer of 2020.

6 **Q. And before that, you had consistently had**
7 **the prior car?**

8 A. Yeah.

9 **Q. Did you register -- let me ask you: What**
10 **kind of car did you have before?**

11 A. I had a 2003 Audi A4.

12 **Q. And what kind of car do you have now?**

13 A. A Subaru.

14 **Q. What year is it?**

15 A. 2012.

16 **Q. Is it an Outback?**

17 A. What is it -- a Legacy.

18 **Q. Is that like an SUV type of deal or is it**
19 **more of a car?**

20 A. Like the Crosstrek but a little different.

21 **Q. Okay. The Audi, did you register that car**
22 **in Montana?**

23 A. I did in like January or February of 2019.

24 **Q. 2019?**

25 A. Yes.

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1 **Q. Did you get a driver's license in Montana?**

2 A. Yes, also in 2019.

3 **Q. Why did you wait so long to get with your**
4 **vehicle registered in Montana?**

5 A. I got my vehicle registered when I was
6 trying to gain residency for tuition, which happened
7 -- that decision happened after my concussion because
8 I had to drop out of school and I was afraid I was
9 going to lose my scholarships because I wouldn't be
10 able to finish in four years anymore. So I went
11 through the process of gaining residency for MSU
12 standards, and part of that included having to
13 register your car and get a Montana driver's license.

14 **Q. Before January of 2019, did you consider**
15 **Montana as your home state?**

16 A. Yeah. I guess I still considered
17 California my home state, too.

18 **Q. So both?**

19 A. Yeah.

20 **Q. When did you begin to consider Montana as**
21 **your home state?**

22 A. I guess I kind of -- quickly. I really
23 like it here, so yeah, my first year here, probably.

24 **Q. Sometime during your first year?**

25 A. Yeah.

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1 college?

2 A. They are not.

3 **Q. Do you pay fees for various things**
4 **associated with college?**

5 A. Oh my God, there's so many fees. Yeah,
6 like so much - (inaudible) - the fees, yes.

7 COURT REPORTER: You cut out at the very
8 end. "So much" - something - "fees." Sorry.

9 THE WITNESS: So much of the tuition is
10 the fees.

11 **Q. (By Mr. Morris) Sorry, I actually didn't**
12 **understand what you just said.**

13 A. Yeah. So I'll get like my tuition bill,
14 and it will be like, you know, \$3,000, or whatever,
15 and then you go into the breakdown, and a third of it
16 typically is the fees.

17 **Q. Okay. And if you're charged a fee for**
18 **something, do you consider that item to be free?**

19 A. No.

20 **Q. Do your parents still live in California?**

21 A. They do.

22 **Q. In Truckee?**

23 A. Yes.

24 **Q. Do you go back home?**

25 **That first winter or first year in college, did**

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1 **Q. When you started school at MSU in the fall**
2 **of 2017, did you, at that point, already consider**
3 **Montana as your home state?**

4 A. When I started school, did I consider
5 Montana my home state? I think not instantly when I
6 started school, but definitely, yeah, probably within
7 the first couple of months of moving here, it felt
8 like home.

9 **Q. Okay. And you said you lived in the dorm**
10 **that first full year of college?**

11 A. Yes.

12 **Q. And then the first place you moved to**
13 **after that was the house on Garfield; is that right?**

14 A. Yes.

15 **Q. And have we talked about all the places in**
16 **Bozeman or in Montana that you've lived?**

17 A. Yes.

18 **Q. Are you paying for college?**

19 A. Yes.

20 **Q. You don't have a full-ride scholarship?**

21 A. No. I lost all my scholarships when I got
22 my concussion, so I have in-state tuition, and then I
23 have like return-to-learning scholarships which are
24 like \$500.

25 **Q. And your parents aren't paying for your**

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1 you go back home for winter break?

2 A. I did. I went back and coached at the
3 Squaw Valley ski team for my time off.

4 **Q. For a little over a month, or something?**

5 A. Yeah.

6 **Q. And what about for spring break? Did you**
7 **go to California for spring break?**

8 A. No. I went to Canada.

9 **Q. In your freshman year?**

10 A. Yes.

11 **Q. What did you do in Canada?**

12 A. I went skiing at Whitewater in Nelson.

13 **Q. How did you get there?**

14 A. We drove.

15 **Q. Did you use a passport to get across the**
16 **border?**

17 A. Yes.

18 **Q. When did you get your passport?**

19 A. I got my passport in early 2017.

20 **Q. When you say "early 2017," do you mean**
21 **February, January, March?**

22 A. Yeah, February or January.

23 **Q. Did you go home to California for the**
24 **summer after your freshman year?**

25 A. Yeah, at some point.

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1 **Q. What did you do?**

2 A. I visited, and then I worked a job there
3 as well for a bit.

4 **Q. What job did you have?**

5 A. I was a camp counselor at a summer camp
6 there.

7 **Q. What camp?**

8 A. Gateway Mountain School.

9 **Q. Where is that?**

10 A. It's on Donner Pass in Truckee.

11 **Q. How long were you a camp counselor there?**

12 A. A month.

13 **Q. And you spent some additional time in
14 California that summer of, I guess it would have been
15 2018.**

16 A. Yes.

17 **Q. Living in Truckee with your parents?**

18 A. I was there for a couple of weeks right
19 after my first semester because the house I was going
20 to move into wasn't ready yet. So I lived with them
21 for a couple weeks, and then I came back, and then I
22 went back in July.

23 **Q. I was asking about the summer after your
24 freshman year.**

25 A. Oh.

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1 end, the other lease for whoever lived there before.

2 So I went home, hung out with my parents, and then
3 came back when the house -- when our lease was ready.

4 **Q. In Bozeman.**

5 A. Yes.

6 **Q. Okay. And then you went back to**

7 **California like in July to work at the summer camp?**

8 A. Yes.

9 **Q. Okay. Did you spend the remainder of the
10 summer, then, in California?**

11 A. No.

12 **Q. Did that take you up until basically the
13 start of the school year after working at that --**

14 A. No. Then I came back for August, I
15 believe.

16 **Q. Okay.**

17 A. So it was just July.

18 **Q. So I might have missed a word there.**

19 A. Just July, is when --

20 **Q. Okay.**

21 A. Yeah.

22 **Q. And then how about in your sophomore year?**

23 **Did you go back to California for a winter break?**

24 A. Yes, I did.

25 **Q. And coach at Squaw Valley?**

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1 **Q. Is that what you're talking about?**

2 A. Yes, yeah.

3 **Q. Okay, all right. So you finished your
4 second semester at MSU?**

5 A. No. If I said "second semester," I was --

6 **Q. Okay.**

7 A. Yeah, sorry -- oh, wait, no.

8 **Q. You're okay. I'm just thinking after your
9 first semester at MSU would have been winter break,
10 but maybe I'm mistaken.**

11 A. I was saying "second semester" and --
12 yeah, I'm getting all jumbled.

13 **Q. You're okay.**

14 A. Definitely - (inaudible) - that first
15 year.

16 COURT REPORTER: You cut out at the end
17 there.

18 THE WITNESS: So, yeah, the summer of 2018
19 right after my second semester but my first year.

20 **Q. (By Mr. Morris) Got you, got you. All
21 right. And so what you're saying is after your first
22 year, you went back to California for a couple of
23 weeks, and then something with a house wasn't ready?**

24 A. Yeah. I think our house -- we couldn't
25 move into our house until June 1st because it had to

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1 A. No. I was super concussed at that point,
2 so I just kind of hung out on the couch.

3 **Q. Okay. Did you get medical treatment in
4 California for your concussion?**

5 A. No. I saw an MSU doctor kind of after it
6 happened; and then I went to a PT one time and it
7 didn't feel really helpful, so I stopped going; and I
8 didn't really seek help other than that.

9 **Q. Did you have any other injuries besides
10 the head injury?**

11 A. No. It was just the head injury.

12 **Q. And so that winter break of sort of 2018 -
13 2019 you spent in California with your parents?**

14 A. Yes.

15 **Q. And then the spring semester, you weren't
16 in school, right?**

17 A. I was not.

18 **Q. Where did you live?**

19 A. I lived at the house on Garfield.

20 **Q. Do you recall like what month it was that
21 you got the concussion?**

22 A. Yeah. It was October of 2018.

23 **Q. Have you had any jobs in California other
24 than coaching at Squaw Valley and the summer camp
25 since 2017?**

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1 A. No.
 2 **Q. Did you get a student ID when you started**
 3 **school at MSU in 2017?**
 4 A. Yes.
 5 **Q. And how did you go about getting that?**
 6 A. It was part of the orientation, like one
 7 of the things you had to check off, "go get your
 8 student ID."
 9 **Q. Where did you go, have to go to get it?**
 10 A. I think it was in one of the big like
 11 ballrooms in the sub.
 12 **Q. Did you have to pay a fee for it?**
 13 A. I don't remember.
 14 **Q. You were talking about your tuition bill**
 15 **and your fees that you see on there.**
 16 A. (Nodding head affirmatively.)
 17 **Q. How do you get those?**
 18 A. You go -- so there's this thing called "my
 19 info," and then you go into that, and then you go into
 20 the "student services" in "tuition and billing," and
 21 then you click on the semester, and it pulls up like
 22 the breakdown of everything you're paying for.
 23 **Q. And that's all online for you?**
 24 A. Hm-hmm, yeah. I've never received that in
 25 paper, always online.

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1 anything to vote for yet.
 2 **Q. So you're headed to Spain this fall?**
 3 A. Yes.
 4 **Q. And what are you doing there?**
 5 A. I'm probably going to be doing, it's
 6 called "WWOOFing." So you like work on an organic
 7 farm, and they house you. And mostly just trying to
 8 learn Spanish, that's the goal.
 9 **Q. How long are you planning to be in Spain?**
 10 A. Three months.
 11 **Q. Is that a program through the school that**
 12 **you found out about or is it completely separate?**
 13 A. Completely separate.
 14 **Q. And, sorry, you'll be done completely with**
 15 **your schooling in May, right?**
 16 A. Yes.
 17 **Q. Have you been to Spain before?**
 18 A. Nope.
 19 **Q. And other than the trip to Canada, have**
 20 **you been out of the country before?**
 21 A. Yes. Like in my whole life, or --
 22 **Q. Yeah.**
 23 A. Yeah. I spent three months in Nepal after
 24 I graduated high school, and I spent a couple weeks in
 25 Indonesia in 2018, and then I've been to Mexico a few

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1 **Q. When you got your student ID, did you have**
 2 **to show an ID in order to get that?**
 3 A. I don't think so, but I really don't
 4 remember.
 5 **Q. What are some of the things you've used**
 6 **your student ID for?**
 7 A. You needed it to get into the building,
 8 into the dorms my freshman year, and then I still use
 9 it for printing at the library.
 10 **Q. Nice. Anything else?**
 11 A. Getting into the dining halls, the gym,
 12 kind of accessing, yeah, a lot of the amenities.
 13 **Q. Do you actually need it in order to get**
 14 **into the dining hall or just to pay?**
 15 A. You do need your code. Like if you have a
 16 meal plan, you need at least your code to get in.
 17 It's very convenient to have it and not to tell them.
 18 But you can always pay like a day fee with a credit
 19 card, or something.
 20 **Q. Got you. When you came to Montana in**
 21 **2017, were you registered to vote in California?**
 22 A. No, I was not.
 23 **Q. And had you ever voted before when you**
 24 **came to Montana?**
 25 A. No. I turned 18 in June, so there wasn't

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1 times as well.
 2 **Q. When did you graduate high school?**
 3 A. January of 2017.
 4 **Q. And you were in Nepal, then, from like --**
 5 **well, tell me, when were you in Nepal?**
 6 A. I was in Nepal April through end of June
 7 2017.
 8 **Q. You said you've also been to Indonesia?**
 9 A. Yeah.
 10 **Q. When did you go there?**
 11 A. 2019.
 12 **Q. How long were you in Indonesia?**
 13 A. Three weeks.
 14 **Q. What were you doing in Indonesia?**
 15 A. Surfing.
 16 **Q. Surfing?**
 17 A. (Nodding head affirmatively.)
 18 **Q. Nice. And what time of year was that?**
 19 A. That was June -- or May, it was May.
 20 **Q. And you've been to Mexico a few times?**
 21 A. Yeah.
 22 **Q. When have you been to Mexico?**
 23 A. I went to Mexico in January of 2021, and I
 24 went there this past March for a couple weeks.
 25 **Q. So just like a month ago?**

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1 A. Yeah, super recently.
 2 **Q. Okay. And what were you doing in Mexico**
 3 **in January of '21?**
 4 A. My partner at the time, his sister lives
 5 down there, so we went and stayed with her.
 6 **Q. And whereabouts in Mexico?**
 7 A. It's called "Tepoztlán." It's south of
 8 Mexico City probably 100 miles.
 9 **Q. Did you like recreate when you were down**
 10 **there?**
 11 A. Yeah. We were kind of -- she's an artist,
 12 she does murals, so we were kind of just following her
 13 around and painting walls for her to then paint over.
 14 **Q. Cool. And then you said you were just**
 15 **down there recently as well?**
 16 A. Yeah.
 17 **Q. And what were you doing that time?**
 18 A. I was climbing.
 19 **Q. Where were you?**
 20 A. El Potrero Chico.
 21 **Q. So you first got a passport in advance of**
 22 **your trip to Nepal?**
 23 A. Yes.
 24 **Q. You didn't have a passport before then?**
 25 A. I must have gotten it renewed. I think I

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1 A. Eight friends.
 2 **Q. Eight?**
 3 A. Eight.
 4 **Q. Did you all take multiple vehicles?**
 5 A. We did.
 6 **Q. All of you were skiing up there?**
 7 A. Yeah.
 8 **Q. Had any of the folks that you went with**
 9 **ever been to Canada before, that you recall?**
 10 A. I think it was the first time for a couple
 11 people, but some of them had.
 12 MR. MORRIS: Why don't we take five.
 13 THE WITNESS: Okay.
 14 COURT REPORTER: The time is 11:09 a.m.
 15 We are off the record.
 16 (A brief recess was taken.)
 17 COURT REPORTER: The time is 11:18 a.m.
 18 We are on the record.
 19 BY MR. MORRIS:
 20 **Q. All right. Ms. Sinoff, we just took a**
 21 **short break, but you realize you're still under oath,**
 22 **right?**
 23 A. Yes.
 24 **Q. You submitted a declaration in this case.**
 25 **Do you recall that?**

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1 did have a passport before then.
 2 **Q. And why did you have a passport before**
 3 **going to Nepal? Like why do you think you got that**
 4 **renewed?**
 5 A. Oh, I had a passport because I had been to
 6 Canada a couple times for like school field trips, and
 7 stuff, so yeah.
 8 MS. SOMMERS-FLANAGAN: Would it make sense
 9 to potentially take a short break now?
 10 MR. MORRIS: That's fine.
 11 MS. SOMMERS-FLANAGAN: I'm checking mostly
 12 with Hailey.
 13 Hailey, would you like to take a quick
 14 break or should we go a little bit longer?
 15 THE WITNESS: Maybe go a little bit
 16 longer, and then we can take a break.
 17 MS. SOMMERS-FLANAGAN: Great.
 18 **Q. (By Mr. Morris) Ms. Sinoff, you said that**
 19 **you went to Canada your freshman year, didn't you?**
 20 A. Yeah.
 21 **Q. Sorry. And when was that?**
 22 A. That was spring 2018.
 23 **Q. Who did you go with?**
 24 A. My friends.
 25 **Q. How many friends did you go with?**

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1 A. Yes.
 2 **Q. And did you and Ms. Sommers-Flanagan**
 3 **discuss your declaration in preparation for this**
 4 **deposition?**
 5 A. Yes.
 6 **Q. And what specifically did you discuss**
 7 **about your declaration that you can recall?**
 8 A. We read through the whole thing together,
 9 and yeah, she -- yeah, we kind of just read through it
 10 together.
 11 **Q. Okay. Anything else that you can recall**
 12 **about your discussions with Ms. Sommers-Flanagan about**
 13 **your declaration?**
 14 A. She, yeah, asked me practice questions
 15 prompted by reading through the declaration.
 16 **Q. And any questions in particular that you**
 17 **recall about that?**
 18 A. No.
 19 **Q. Okay. I'm going to share my screen with**
 20 **you.**
 21 MR. MORRIS: And we'll mark this
 22 Deposition Exhibit 44.
 23 (Document marked Deposition
 24 Exb. 44 for identification.)
 25 **Q. (By Mr. Morris) Ms. Sinoff, can you see**

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1 the first page of your declaration now on your screen?

2 A. Yes.

3 Q. I'm just going to scroll through it. And
4 Deposition Exhibit 44, that's a true and correct copy
5 of your declaration, correct?

6 A. Yes.

7 Q. And you signed your declaration on January
8 10th of 2022?

9 A. Yes.

10 Q. And you signed it under penalty of
11 perjury. Do you see that?

12 A. Yes.

13 Q. What does that mean to you, to sign
14 something under penalty of perjury?

15 A. That I'm guaranteeing that everything in
16 it is correct, and if it's incorrect, it's -- or if
17 I'm lying about it, it's illegal.

18 Q. And before you signed this declaration,
19 did you do anything to make sure that the things --
20 that the content of it was accurate and true?

21 A. I mean, I read back through it and
22 approved it.

23 Q. And what do you -- what did you take to be
24 the purpose of signing this declaration in this case?

25 A. Just providing more, yeah, more

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1 on your declaration when making decisions in this
2 case?

3 A. "Rely" seems like an aggressive word in
4 this situation, but yeah, I figured they would take it
5 into consideration.

6 Q. And do you have any concerns about the
7 accuracy of the content of your declaration as you sit
8 here today?

9 A. No. I -- where does it say -- in No. 5, I
10 talk about like having forms of acceptable
11 identification. And I think like really thinking
12 about on what utility bills I had, and stuff, like I
13 don't know if -- I definitely didn't have all of these
14 things at once, I might have had some of them at
15 different times. But I still think it's accurate.

16 Q. Okay. And do you have an understanding of
17 what the forms of acceptable identification are under
18 Senate Bill 169?

19 A. I believe so.

20 Q. And what are the forms of acceptable
21 identification under Senate Bill 169, in your view?

22 MS. SOMMERS-FLANAGAN: Objection; form.

23 THE WITNESS: In my view --

24 Q. (By Mr. Morris) Hang on. Actually, let me
25 just restate that question.

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1 experiences about voting for the people that might be
2 affected by the bill.

3 Q. And who were you providing that
4 information about your experience to, in your view?

5 A. The lawyers in the case.

6 Q. Do you have a copy of your declaration
7 with you?

8 A. Yeah. I have it pulled up right now.

9 Q. Okay. So that we can talk a little bit
10 easier, I'm going to stop sharing. I also have a
11 copy.

12 So you said the lawyers in the case?

13 A. Yeah.

14 Q. Anyone else that you had in mind that
15 would want to know about your experiences voting?

16 A. I mean, I guess whoever wants to know more
17 about the voters' experience. I don't know if this is
18 like public record, but that would be fine with me if
19 it was.

20 Q. And did you expect that your declaration
21 would be submitted to the Court in this case?

22 A. I did expect that, yeah.

23 Q. And to the judge, right?

24 A. Yes.

25 Q. And did you expect that the Court may rely

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1 What do you believe to be the acceptable forms
2 of identification under Senate Bill 169?

3 A. When giving this declaration, I believed
4 they were like a Social Security card and a passport
5 and a driver's license, anything with like my name,
6 picture, and address, like the combination of those
7 three.

8 Q. And that was your understanding when
9 you submitted this declaration?

10 A. Yes.

11 Q. And as you sit here today, has that
12 understanding changed at all?

13 A. In reviewing for this, Rylee said maybe my
14 student card could be an acceptable form of
15 identification, which I had never heard before. I've
16 never thought of like my student ID card as an
17 acceptable form of identification for anything other
18 than getting into the gym because it just has my
19 picture and my name on it, but -- and I guess I'm
20 still unclear if that actually would be an acceptable
21 form of identification for something like voting or
22 registering to vote, but yeah, I guess my
23 understanding is a little different now.

24 Q. Okay. Besides the student ID issue --
25 which I think what you're telling me is that before

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1 you signed the declaration, you didn't view your
2 student ID as something that you could use to vote.
3 Is that right?

4 A. Yeah.

5 Q. And, but now you think that perhaps you
6 can use it? Is that what you're saying?

7 A. Yeah, yeah. I'm still a little unclear
8 because I've never seen anyone use their student ID
9 card as like an acceptable form of identification for
10 something serious, but yeah, my understanding is
11 different now.

12 Q. Okay. And, then, besides your student ID
13 card, do you have any other modifications of your
14 understanding of your belief about what's acceptable
15 under SB 169?

16 A. Yeah. In a similar vein, like my ski
17 pass, the one that used to have my picture on it,
18 that, I guess, would also have like my name and my
19 picture, same sort of thing.

20 Q. Okay. Anything else?

21 A. I don't think so.

22 Q. So before you signed this declaration, did
23 you actually read the text of SB or Senate Bill 169?

24 A. I skimmed it.

25 Q. And where did you skim it?

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1 Q. And that's someone who works in Ms.
2 Sommers-Flanagan's office. Is that your
3 understanding?

4 A. Yes.

5 Q. So he wrote it and then sent it to you?
6 Is that what happened?

7 A. Yes.

8 Q. And did you talk with Jacob about Senate
9 Bill 169 and its content?

10 A. Again, I'm sure we talked about it, but I
11 don't really remember that conversation.

12 Q. Have you gone back and tried to read
13 Senate Bill 169 in preparation for this deposition or
14 at any time since signing this declaration?

15 A. I had that thought this week, and I
16 didn't.

17 Q. Okay. So are you actually sure whether or
18 not Paragraph 5 of your declaration is true and
19 accurate?

20 A. I think I might have actually been able to
21 vote. I would have had to have my parents send me a
22 passport, is what I'm realizing in reflecting on this,
23 so no, it's not completely accurate.

24 Q. Okay.

25 A. I now understand.

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1 A. Like the location I was in when I skimmed
2 it?

3 Q. Yeah.

4 A. I don't remember.

5 Q. How did you access it or --

6 A. Probably like my phone, or something,
7 yeah.

8 Q. And before you signed this declaration,
9 did Ms. Sommers-Flanagan talk to you about SB 169 and
10 its content?

11 A. I'm sure she did; I don't specifically
12 remember that conversation, though.

13 Q. Okay. And did you sign this declaration
14 in Ms. Sommers-Flanagan's office?

15 A. I signed it electronically, so -- and,
16 yeah, at my house. I think it says that on the
17 declaration, too.

18 Q. Who wrote this declaration, Deposition
19 Exhibit 44?

20 A. I believe it was Jacob - I forget how to
21 say it - Linfesty, is his last name. I forget exactly
22 how --

23 Q. Right, someone at -- Jacob Linfesty
24 [pronouncing], I think, is --

25 A. Linfesty.

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1 Q. So you say in Paragraph 5 that: "If
2 Senate Bill 169 had been applicable in Spring 2018, I
3 would not have had any form of acceptable
4 identification besides my Social Security Number,
5 which I understand is not generally used for in
6 person voting."

7 I read that accurately?

8 A. You read that accurately.

9 Q. You also say: "I had no utility bills, no
10 bank statement reflecting my address, no paycheck, and
11 no other government document showing my current
12 address that would supplement my student ID or then
13 out-of-state driver's license."

14 I read that accurately?

15 A. Yeah. So I had no utility bills or no
16 bank statements or, yeah, other government documents
17 that would have showed my current address; I might
18 have had a paycheck at that point, though.

19 Q. But you understand, as you sit here today,
20 that you could have used your passport that you had in
21 the spring of 2018 in order to vote in person under
22 Senate Bill 169. Is that what you're telling me?

23 A. Yeah. That wouldn't have my Montana
24 address on it, but I think I could have used it.

25 Q. And you had that with you in the spring of

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1 2018 because you went to Canada, correct?

2 A. Yes.

3 Q. Okay. And what you're saying is at the
4 time that you signed this declaration, you just didn't
5 realize that that was something that you could use,
6 your passport.

7 A. Yes. Also, a lot of -- so my like Social
8 Security card and my passport at various times I would
9 leave with my parents, especially like when I was in
10 the process of a lot of moves because I didn't want to
11 lose track of that or, yeah, misplace it. I'm a good
12 student, but I have a very hard time staying
13 organized.

14 Q. Okay. But you did have it with you in the
15 spring of 2018, your passport?

16 A. I believe so. I honestly can't say for
17 sure whether or not I had it or left it back home when
18 I went home. Yeah, I'm not certain. I know for
19 certain I had it for my spring break.

20 Q. Okay. So you would agree with me, then,
21 that Paragraph 5 of your declaration is inaccurate,
22 correct?

23 MS. SOMMERS-FLANAGAN: Objection;
24 mischaracterizes testimony.

25 THE WITNESS: If I knew for certain that

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1 eligible."

2 Do you see that?

3 A. Yes.

4 Q. And I read that correctly, didn't I?

5 A. You did.

6 Q. What was on the ballot in the 2017
7 municipal elections that you wanted to vote for?

8 A. I don't remember at all.

9 Q. Did you know about the fall 2017 municipal
10 election before it occurred?

11 A. Probably.

12 Q. Why do you say that?

13 A. I guess I just like assume there's
14 something to vote for every November.

15 Q. You had never voted before, right?

16 A. No.

17 Q. But it's your testimony that you wanted to
18 vote in the fall 2017 municipal elections in Bozeman.

19 A. Yeah. You know, I was studying sociology.
20 I wanted to be a part of -- you know, a good citizen
21 and all that.

22 Q. What did you do to figure out whether or
23 not you could vote or register to vote using your
24 campus address before the fall 2017 municipal
25 elections?

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1 my passport was with me at the time, which I'm not
2 sure that I do, then it would be inaccurate.

3 Q. (By Mr. Morris) Okay. And in 2018, what
4 election were you wanting to vote in?

5 A. I believe that was -- or, wait, 2018. I
6 don't really remember, actually. I think it was
7 something local. I don't think it was -- maybe a
8 state or local thing. I don't think there was a
9 federal rule thing I was following at that point.

10 Q. There wasn't, to your memory, an election
11 in the spring of 2018, was there?

12 A. I don't --

13 MS. SOMMERS-FLANAGAN: Objection;
14 mischaracterizes testimony.

15 THE WITNESS: Yeah, I don't remember.

16 Q. (By Mr. Morris) Okay. You don't recall an
17 election in the spring of 2018, right?

18 A. No.

19 Q. In Paragraph 3 of your declaration -- do
20 you have that in front of you?

21 A. Yes.

22 Q. You say: "I did not vote in the 2017
23 municipal elections because I did not realize that I
24 could register to vote in Montana using my campus
25 address. I would have voted had I known I was

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1 A. Because of like when I was applying to
2 college and figuring out tuition stuff, there was such
3 a big emphasis that you can only get residency if you
4 had like a year of living in the state, not going to
5 school, showing pay stubs, having a driver's license
6 and your car registered in there, in Montana, and a
7 U.S. bank -- or a Montana or U.S. bank.

8 So my understanding of residency was really tied
9 to that. I thought that was like the only way you
10 could be a resident, and I assumed that was then the
11 only way you could be a -- like vote in Montana.

12 So then I registered to vote spring 2018 at a
13 Music on Main concert because Forward Montana had a
14 booth there and did a thing where they asked if I was
15 registered to vote.

16 And I said, "No, I can't register to vote. I'm
17 not a Montana resident."

18 And then they asked me if I had lived here for
19 more than 30 days and had like an address here.

20 And I said, "Yes."

21 And they were like, "Well, that's all you need
22 as long as you're like over 18 and a U.S. citizen."

23 So I didn't do anything to challenge my
24 perception, yeah.

25 Q. So, yeah, so my question was a little bit

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1 more narrow, and that's fine.

2 But my question is basically like: What did you
3 do to figure out whether or not you could vote using
4 your campus address --

5 A. Yeah, I --

6 Q. -- before the fall, before the fall 2017
7 election?

8 And I think what you said is that you didn't do
9 anything in particular because you had a belief that
10 you couldn't.

11 A. Yeah. I believed that I couldn't, so I
12 didn't do anything.

13 Q. And in the fall of 2017, you had been
14 living in Montana for -- at the time of these
15 elections in November of 2017, you had been living in
16 Montana for like five months or something like that.

17 A. Yeah. August to November, so yeah,
18 whatever -- however many months.

19 Q. And you had a car here that you were
20 driving in Montana that entire time, right?

21 A. Yes.

22 Q. And did you take any steps to try to
23 register to vote in the fall 2017 municipal elections
24 in Bozeman?

25 A. No.

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1 yeah, I got my absentee ballot in the fall.

2 Q. Did you get a voter registration or voter
3 confirmation card after you registered to vote?

4 A. I don't remember.

5 Q. And you said your ballot arrived in the
6 mail in the fall of 2018?

7 A. Yes.

8 Q. And did that arrive at your mailbox then?

9 A. Yeah. I did have to update my address, I
10 remember, at one point because I had moved, and it
11 arrived at my mailbox.

12 Q. And did you vote in that fall of 2018
13 election?

14 A. I think so. That was also when I was
15 super concussed, so yeah, I don't totally remember.

16 Q. Sorry. Do you remember where you were
17 living at that time?

18 A. Fall of 2018, I was living on Garfield.

19 Q. Have you since voted absentee in Montana?

20 A. Yeah. I've voted absentee every election
21 since then.

22 Q. And to do that, have you ever had to show
23 any ID?

24 A. My absentee ballot comes in the mail and I
25 fill that out, so no.

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1 Q. Did you take any steps to try to vote in
2 the fall 2017 municipal elections?

3 A. No.

4 Q. Were you interning for Forward Montana in
5 the spring of 2018 when you registered with them?

6 A. No.

7 Q. When you registered with Forward Montana,
8 what did you use to register?

9 A. I had my California driver's license.

10 Q. And what was the process for registering?
11 Do you remember?

12 A. Yeah. It was super easy. So they asked
13 me if I was registered, I told them what I told them,
14 and then they had a form where I just like put my name
15 and my address.

16 And I don't remember if I actually even had to
17 put my driver's license number down. I think it might
18 have just been like my name and my address, yeah.

19 And then, yeah, they took the form and I walked
20 away.

21 Q. And, then, how did you know that that was
22 effective; in other words, that you actually got
23 registered through that process?

24 A. I did not double-check at all. I just
25 assumed that they had done it in good faith, and then,

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1 Q. Have you ever used the My Voter Page to
2 check whether or not you're registered or whether or
3 not your vote has been accepted?

4 A. Yeah.

5 Q. And what have you used the My Voter Page
6 for?

7 A. I believe I've used it to make sure my
8 ballot got there.

9 Q. Have you ever used it to make sure you're
10 registered still?

11 A. No, because I've assumed that I would be.
12 Yeah, so I've never used it to check my registration,
13 and it's worked out because I have been registered.

14 Q. You said you updated your voter
15 registration to reflect a new address in 2019, right?

16 A. Yeah, I had to do it then, too.

17 Q. Is that the only time that you've had to
18 update your registration to reflect a new address that
19 you recall?

20 MS. SOMMERS-FLANAGAN: Objection --

21 THE WITNESS: I think I might have put my
22 dorm address the first time I registered to vote; and
23 then I moved, so I had to change it to my Garfield
24 address; and then when I moved to my house on Black, I
25 changed it. I didn't double-check it for that time in

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1 the house in the summer because I figured I wouldn't
2 be there very long.

3 **Q. (By Mr. Morris) How did you know to do**
4 **that?**

5 A. How did I know to update my voting
6 address?

7 **Q. Yeah.**

8 A. I don't know. I guess I just assumed,
9 because I had voted absentee, that if I wanted it to
10 be mailed to my current address, I would have to
11 change it.

12 **Q. In Paragraph 8 of your declaration, you**
13 **say: "I prefer to drop off my ballot in a Post Office**
14 **drop box on MSU's campus."**

15 **Do you see that?**

16 A. Yeah.

17 **Q. Which P.O., post office drop box on campus**
18 **have you used?**

19 A. Around election times, there was typically
20 like a little box at the Ask Us Desk in the student
21 union building, so I would drop it off there.

22 **Q. Have you used any others besides that one?**

23 A. I dropped it off at -- like in the box
24 outside at the courthouse, too. I've also done that.

25 **Q. Have you ever sent anything through the**

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1 **Q. In Paragraph 9, you say: "I have helped**
2 **my friends vote by taking their absentee ballots to**
3 **Post Office drop boxes."**

4 **Do you see that?**

5 A. Yeah.

6 **Q. And these friends, are these all friends**
7 **like people you know?**

8 A. Yeah. In the last election, I took my
9 roommates' ballots when I went to drop them off.

10 **Q. Is that four roommates?**

11 A. I have three roommates.

12 **Q. And besides that occasion where you took**
13 **your -- and did you take all three of your roommates'**
14 **to the --**

15 A. (Nodding head affirmatively.)

16 **Q. And besides --**

17 A. Yes.

18 **Q. Yes, thank you.**

19 A. I nodded.

20 **Q. Yeah. No, thanks.**

21 **Besides that occasion, have you dropped off**
22 **ballots for anyone else?**

23 A. Yeah. Two thousand -- yeah, I think in
24 2019 and 2020, I dropped off some of my friends' as
25 well.

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1 **mail by going to a mailbox, putting it in the mailbox,**
2 **and then raising the flag?**

3 A. No. I have only dropped them off,
4 actually.

5 **Q. And I don't mean just a ballot. I mean**
6 **any, any piece of mail.**

7 A. Oh, yeah, I've sent mail. Yeah, there's,
8 like on the corner of my street, there's a mailbox --

9 **Q. And you could --**

10 A. -- like a --

11 **Q. Sorry, I cut you off. What were you**
12 **saying?**

13 A. Like one of those big blue ones where you
14 just, yeah, you put them in there.

15 **Q. Okay. And on the corner of your street,**
16 **there's one of those big blue kind of P.O. box deposit**
17 **things?**

18 A. Yes.

19 **Q. And what about like have you ever just put**
20 **something, a piece of mail in your own residence**
21 **mailbox and then lifted the flag?**

22 A. No, I've never done that.

23 **Q. How far away is that big blue post office**
24 **drop box from your house?**

25 A. Like a quarter-mile, maybe.

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1 **Q. And in 2019, were those also roommates?**

2 A. Yeah, they might have also been roommates;
3 yeah.

4 **Q. Can you think of anyone besides roommates**
5 **in 2019?**

6 A. Yes.

7 **Q. And who's that?**

8 A. It was my friend, which -- Evelyn Power, I
9 believe I took hers.

10 **Q. And how do you know her?**

11 A. The climbing gym, we met at the climbing
12 gym.

13 **Q. And in 2020, you also took some other**
14 **people's ballots to a P.O. box?**

15 A. Yeah.

16 **Q. And who was that?**

17 A. Who was it -- one of my friends, Jocelyn,
18 whose last name I actually forget; and then Daisy as
19 well.

20 **Q. And what's Daisy's last name?**

21 A. I don't think I know her last name,
22 either.

23 **Q. Are those all the times that you've taken**
24 **other people's ballots to P.O. boxes: 2019, 2020 --**

25 A. Yes.

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1 Q. -- and then your three roommates recently?

2 A. Yes.

3 Q. So most of your friends choose to vote
4 absentee like you?

5 A. Yes.

6 Q. And have you taken ballots for people --
7 you said you have taken ballots for people other than
8 roommates; is that right?

9 A. Yes.

10 Q. And how do you collect those ballots?

11 A. Usually, it comes up in conversation that
12 I'm, you know, planning on dropping mine off, and then
13 I'll -- you know, when I see them, they'll hand them
14 to me.

15 Q. And how do you make sure you don't forget
16 to turn in your, your or your friends' ballots?

17 A. You know, that's a good question. I just
18 focus on it that day because I definitely could
19 forget. That would be in my character to forget
20 something like that.

21 Q. Have you ever -- well, have you ever lost
22 anyone's ballots that they have given you?

23 A. No.

24 Q. And have you turned all of them in at the
25 same drop box?

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1 boxes on MSU's campus be removed."

2 Are you talking about more than one?

3 A. Well, I used to -- I heard that they were
4 kind of all over the place in years past, and then,
5 yeah, then I heard that there was just the one, and
6 then I heard that they removed it; although, I didn't
7 double-check because I wasn't voting there, yeah.

8 Q. Have you actually ever seen any post
9 office drop boxes on MSU's campus that have been
10 removed?

11 A. Post office drop boxes?

12 Q. Yeah.

13 A. Oh, sorry, a phone call came through on my
14 phone, and it --

15 Q. You're okay.

16 A. No. I guess I've just heard from like
17 staff, and stuff, that they've been removed, but I
18 wasn't really keeping track.

19 Q. And do you think that there are -- there
20 has been more than one post office drop box on MSU's
21 campus that's been removed?

22 A. That's what I heard.

23 Q. You haven't actually seen it?

24 A. No.

25 Q. In Paragraph 11 of your declaration --

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1 A. No.

2 Q. Which drop boxes have you used?

3 A. Well, it depended on the year, I think.
4 Like there was that one year I used the one on campus;
5 and then I think the last couple of years, I've been
6 using the one at the courthouse because it's just so
7 close to my house.

8 Q. And you used the one on campus for your
9 own ballot, I think in 2018. Is that right?

10 A. Yeah, I believe so.

11 Q. And then did you also drop anyone else's
12 ballot off in 2018 at that on-campus drop box?

13 A. I might have dropped off - my roommate at
14 the time - Sofia Whitefields' as well.

15 Q. And then the rest of the times, you've
16 used the one by the courthouse; is that right?

17 A. Yes.

18 Q. And you've never been paid to drop off
19 anyone's ballot, have you?

20 A. No.

21 Q. Have you ever made a special trip to drop
22 off someone's ballot other than your own?

23 A. Not really, no.

24 Q. In Paragraph 10, you say: "Over the past
25 three years, I have seen many of the Post Office drop

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1 A. Yeah.

2 Q. -- you're discussing attending this
3 Bozeman City Commission meeting in the fall of 2020
4 about the upcoming general election, correct?

5 A. Yes.

6 Q. Do you recall the date of that meeting?

7 A. No.

8 Q. Do you recall what month it was?

9 A. I think it would have been October.

10 Q. And you gave public comment at that
11 meeting?

12 A. Yes.

13 Q. And you're sure it was a Bozeman City
14 Commission meeting?

15 A. Yes.

16 Q. How did you find out about that meeting?

17 A. One of my friends, Emma Bode, told me it
18 was happening.

19 Q. Had you ever spoken at a Bozeman City
20 Commission meeting before then?

21 A. Yeah. I go to the city commission
22 meetings somewhat regularly.

23 Q. About how many have you attended?

24 A. Total, maybe around five.

25 Q. And how many times have you spoken or

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**1 offered public comment at a Bozeman City Commission
2 meeting?**

3 A. Three times-ish, probably around three.

**4 Q. Did you do anything to prepare for
5 offering that public comment at the meeting in the
6 fall of 2020?**

7 A. Yeah. I mean, I was following everything
8 that was going on at the time, and talking to
9 different people, yeah, about the city commission
10 stuff, and then I kind of like jotted down things I
11 was thinking and -- yeah.

**12 Q. Do you remember about how long you spoke
13 for?**

14 A. Yeah. It was brief, probably about 30
15 seconds.

**16 Q. Did you receive any like compensation from
17 any organization to offer that public comment?**

18 A. No.

**19 Q. Were you there in your capacity as a
20 representative of any organization?**

21 A. No.

**22 Q. Have you ever appeared at a Bozeman City
23 Commission meeting as a representative of any
24 organization you're volunteering for or otherwise?**

25 A. No.

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**1 restrict absentee voting in the fall of 2020
2 elections?**

3 A. Yeah, I was really confused why they
4 wanted to do that. It didn't make sense to me. That
5 was part of why I went to the city commission meeting,
6 is I wondered why they were thinking of doing that.

**7 Q. And had you read like a newspaper article
8 or something that had suggested that that was what
9 might occur in the fall 2020 elections in Bozeman?**

10 A. I think I read some update somewhere, but
11 don't really remember.

12 Q. So what occurred at that meeting?

**13 I mean, you offered your public comment. How
14 did the Bozeman City Commission respond, if at all?**

15 A. Yeah. There were, there were so many
16 people offering public comment. So I think, yeah, you
17 would just like send in your -- I think you raised
18 your hand, or however it works on Zoom.

19 And then they would say, "Okay, now you can
20 talk."

21 So I'd say my comment, and then I, you know,
22 re-muted myself, and then a bunch of other people said
23 their comment.

24 And I don't think they responded individually to
25 the comments.

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**1 Q. And what did you say at this particular
2 meeting in the fall of 2020?**

3 A. Something along the lines of, you know, in
4 my experience as a voter, absentee makes it more
5 acceptable for me. And, yeah, because they were, I
6 think they were considering whether or not to make it
7 all in person, so I just, you know, talked about my
8 experience and why that would make it more challenging
9 for me to vote.

**10 Q. So it was your understanding that in the
11 fall of 2020, Bozeman was thinking of making the
12 election all in person?**

13 A. Yes.

**14 Q. Okay. And what did you, what did you
15 believe that to mean? That no one could vote
16 absentee, or what do you mean?**

17 A. Yeah. I believed that to mean that no one
18 could send in their votes by mail or vote absentee.

19 Q. What about appear early and vote absentee?

20 A. Yeah, I thought that wasn't going to be a
21 thing, either.

22 Q. And why did you think that?

23 A. That is what I heard at the time.

**24 Q. What was the reason -- did you understand
25 that there was some reason why Bozeman wanted to**

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1 I think they were like, "Okay, thank you for
2 your time. We're going to consider this now and" --
3 yeah.

**4 Q. Okay. Did the city commission vote on
5 like anything with regard to having an in-person-only
6 election for the fall of 2020 elections when you were
7 there that day?**

8 A. I don't remember if it was the day of.

**9 Q. Okay. You say in that paragraph,
10 Paragraph 11: "I knew I would need to vote early by
11 mail."**

12 Do you see that?

13 A. Yeah.

14 Q. And what do you mean there?

15 A. Well, I guess what I meant by "mail" is by
16 like either dropping it off at the postbox or like,
17 yeah, at the courthouse. And I was supposed to be
18 nannying like the days of the election. Which, you
19 know, as someone putting themselves through school and
20 supporting themselves, I was not really in a position
21 to take a day off work to go stand in line to vote,
22 especially if I have the option to drop it off ahead
23 of time.

**24 Q. So what's your current schedule like in
25 terms of your weekly current schedule?**

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1 A. Yeah, it varies quite a bit week to week.
2 So since I'm a ski instructor, it's -- when
3 there's snow, it's really heavy on that. So that's
4 pretty much done now, but I would often ski instruct
5 on the weekends.

6 And then I have class Tuesday, Thursday in the
7 morning, and so I'll sometimes instruct Monday,
8 Wednesdays as well, sometimes Monday, Wednesday,
9 Fridays.

10 And then I typically have meetings in the
11 afternoon for Sunrise or the Campus Climate Coalition.

12 And then I also babysit in the evenings twice a
13 week.

14 **Q. Okay. Anything else?**

15 A. I mean, yeah. I have a lot of -- you
16 know, I try to exercise every day and see friends, see
17 mentors, you know, all the life things and errands,
18 and stuff.

19 **Q. Okay. So your work schedule is weekends,
20 primarily?**

21 A. Weekends primarily, yeah.

22 **Q. When you're --**

23 A. And the --

24 **Q. I'm sorry. When you're ski instructing?**

25 A. Yes.

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1 **instruct on Monday, Wednesday, and Friday, and the
2 weekend, do you?**

3 A. No. There was one week I did that, and --
4 or there's been a couple weeks I've done that. It was
5 just terrible, just super exhausting. So I'll do like
6 one or two days in a week, not usually every day.

7 **Q. And then you said you have class on
8 Tuesday and Thursday in the morning?**

9 A. Yes.

10 **Q. How many classes do you have on Tuesday?**

11 A. So at this point in school, I'm only in
12 three classes and I only have one that's in person.
13 So I'll go to my in-person class that's 9:25 to 10:40.
14 And then my other class is asynchronous, so I'll
15 usually try to spend some time on campus at that time
16 and do my work for that class then.

17 **Q. And since it's online, can you kind of --
18 there's not like a schedule where you have to be there
19 for a class. Is that what you're saying?**

20 A. Yeah. It's asynchronous. So there's just
21 work I have to get done by certain due dates, but
22 there's no particular time that I have to meet for the
23 class.

24 **Q. And that class that goes 9:25 to 10:40, is
25 that only on Tuesday?**

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1 **Q. Okay. And when you ski instruct, do you
2 go the whole day?**

3 A. Yeah. So it's -- we have to be there
4 usually around 8:00-ish - 8:30. So it depends on the
5 weather, how long that drive is going to take. If
6 it's clear roads, it's an-hour-and-15. There's some
7 days it snows and it takes you four hours to get home,
8 which is terrible; yeah, not a lot of that this year.
9 And, yeah, and then I instruct typically until 4:00
10 and take 30 minutes to get my stuff together and then
11 drive back.

12 **Q. Okay. And then you said sometimes you do
13 ski instructing on Monday, Wednesday, or Fridays,
14 right?**

15 A. Yes.

16 **Q. And how often do you do that?**

17 A. As needed, so kind of -- I'm on call
18 during the week, and then they'll call me up. So, you
19 know, every, every other week, or so.

20 **Q. And when you're -- so you're just on call
21 on Mondays, Wednesdays, and Fridays; is that right?**

22 A. Yeah. And then they'll, they'll typically
23 tell me like the night before if they need me, and
24 then I can always say "no." I often say "yes."

25 **Q. You don't, you don't typically ski**

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1 A. Tuesday and Thursday.

2 **Q. What are the meetings that you're
3 referring to that you sometimes go to in the
4 afternoons?**

5 A. For example, so the Campus Climate
6 Coalition, we just did an event where an
7 environmentalist named Bill McKibben came to MSU. So,
8 you know, stuff like that where we're organizing like
9 the rooms that we're going to get and, you know, when
10 he's going to be there, setting up tech stuff, just it
11 never sounds like it's going to be that much work, and
12 then the details take a lot longer to sort out than
13 you think, stuff like that.

14 **Q. You don't have like regular scheduled
15 meetings for that, do you?**

16 A. Yeah. Those are Mondays in the afternoon
17 at four, and then I also have a class Wednesday nights
18 from six to nine.

19 And then also - I forgot to say this earlier -
20 I'm on the board of Mountain Time Arts, which is a
21 nonprofit. So I'll have meetings on Wednesdays from
22 12 to 2 every Tuesday of the month, and then sometimes
23 we'll have subcommittee meetings that are in between
24 then.

25 **Q. Okay. And you said you babysit?**

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1 A. And I babysit.
 2 **Q. How often do you babysit?**
 3 A. Typically, twice a week - three evenings a
 4 week. And that family is really -- I've known them
 5 for awhile, and they're really flexible. So I'll
 6 typically, at the beginning of the week, text them
 7 which nights I can do, which two are the most
 8 convenient, and that's what I'll do.
 9 **Q. Okay. In Paragraph 12, you say: "For me,**
 10 **voting in person feels borderline impossible."**
 11 **Have you ever tried to vote in person?**
 12 A. I've never tried to vote in person. I
 13 brought my friend water, a water bottle one time when
 14 she was waiting in line to vote in person, and that
 15 looked terrible. She was there for so long.
 16 **Q. Okay. And where was your friend waiting**
 17 **in line?**
 18 A. She was at the fairgrounds. I think that
 19 was 2020.
 20 **Q. Have you ever tried to vote in line at the**
 21 **Gallatin County Election Office downtown on Main?**
 22 A. No.
 23 **Q. Have you ever seen lines there?**
 24 A. I have seen lines there, yeah.
 25 **Q. Is that a deterrent for you --**

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1 A. Yes.
 2 **Q. How do you learn about candidates and**
 3 **issues?**
 4 A. So when I get my ballot, you know, I'll
 5 open it and I'll see all the things, and then I'll
 6 like Google it as I'm filling it out. Typically, I
 7 don't usually do it in one sitting. I'll like start
 8 filling it out and Google some things, go do something
 9 else.
 10 And Forward Montana makes a really good voter
 11 guide that I look at sometimes.
 12 And then I'll like often Google the candidates'
 13 web page and like, yeah, what they're saying on their
 14 web page.
 15 I've also been to candidate forums. Those are
 16 pretty fun.
 17 **Q. Do you ever read like news articles about**
 18 **candidates or issues?**
 19 A. I don't get a newspaper, so I'll, yeah,
 20 I'll -- like sometimes it will be like the Bozeman
 21 Daily Chronicle, is what comes up when I'm Googling
 22 things, and I'll read that.
 23 **Q. Have you ever used like the My Voter Page**
 24 **to access a sample ballot?**
 25 A. No.

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1 A. Yeah.
 2 **Q. -- from trying to vote in person?**
 3 A. Yeah. And I can be a forgetful person, so
 4 it's -- you know, I want to vote, so me doing it ahead
 5 of time I think is the most for-sure way I can make
 6 that happen.
 7 **Q. Have you talked to other people about**
 8 **their experiences voting in line -- or, I'm sorry,**
 9 **voting in person on Election Day?**
 10 A. Yeah. I have talked to a couple people
 11 that got stuck in the lines.
 12 And then a couple of my friends have volunteered
 13 to -- I forget what it's called, but you're there kind
 14 of like helping usher people like through the lines,
 15 and stuff, on Election Day, and they'll be there for
 16 the full day. There's a lot of people.
 17 **Q. In Paragraph 13, in the last sentence you**
 18 **write:**
 19 **"Elections are extremely important and**
 20 **from my perspective, the best way to participate is to**
 21 **examine my ballot closely and to make careful**
 22 **decisions about who and what I vote for."**
 23 **Do you see that?**
 24 A. Yes.
 25 **Q. And did I read that accurately?**

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1 **Q. Have you used that Forward Montana voter**
 2 **guide before?**
 3 A. Have I used the Forward Montana voter
 4 guide?
 5 **Q. Yeah.**
 6 A. Yes.
 7 **Q. And is that put out before the election?**
 8 A. Yes.
 9 MR. MORRIS: Okay. Can we take a few
 10 minutes? I'm just going to look over my notes.
 11 THE WITNESS: Sounds good.
 12 MR. MORRIS: Let's take 10.
 13 MS. SOMMERS-FLANAGAN: Okay. Thanks, Mac.
 14 MR. MORRIS: Yeah.
 15 COURT REPORTER: The time is 12:18 p.m.
 16 We are off the record.
 17 (A brief recess was taken.)
 18 COURT REPORTER: The time is 12:34 p.m.
 19 We are on the record.
 20 BY MR. MORRIS:
 21 **Q. Ms. Sinoff, we just took a really short**
 22 **break, I think. You understand you're still under**
 23 **oath?**
 24 A. Yes.
 25 **Q. I just have a couple more questions for**

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1 you, I think.

2 Before you signed the declaration that you
3 submitted in this case, did anyone ask you whether or
4 not you had a passport?

5 A. I don't remember; I don't think so,
6 though.

7 Q. And did you tell anyone before you signed
8 your declaration in this case that you did have a
9 passport?

10 A. I don't think so.

11 Q. Since you registered to vote in Montana in
12 the spring of 2018, have you found voting to be a
13 pretty straightforward process?

14 A. I have, yeah.

15 Q. And is there anything that we haven't
16 discussed today that you think is important that we
17 should discuss?

18 A. No -- I did -- I was thinking about it,
19 though, and I didn't drop off my friend Evelyn's
20 ballot; I dropped off Sofia Whitefields' ballot. So I
21 do want to clarify that.

22 Q. Sure. And when was that?

23 A. That would have been 2018.

24 MR. MORRIS: Okay. That's all the
25 questions I have for you at this time.

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1 STATE OF MONTANA)

: ss.

2 County of Silver Bow)

3
4 I, Jonny B. Nordhagen, Court Reporter - Notary
5 Public in and for the County of Silver Bow, State of
6 Montana, do hereby certify:

7
8 That the witness in the foregoing deposition,
9 Hailey Sinoff, was by me first duly sworn according to
10 law in the foregoing cause; that the deposition was
11 then taken before me at the time and place herein
12 named; that the deposition was reported by me in
13 machine shorthand and later transcribed by computer,
14 and that the foregoing eighty-six (86) pages contain a
15 true record of the witness, all done to the best of my
16 skill and ability.

17 IN WITNESS WHEREOF, I have hereunto set my hand
18 and affixed my notarial seal this ____ day of
19 _____, 2022.

20

21

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23

24

25

(NOTARIAL SEAL)

expires May 8, 2022.

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1 THE WITNESS: Oh, thank you.

2 MR. MORRIS: Rylee, I don't know -- or,
3 Mike, do you all have any questions?

4 MR. MELOY: I don't have any questions.

5 MS. SOMMERS-FLANAGAN: I don't have any
6 questions, either.

7 COURT REPORTER: This concludes the
8 Videoconference Video-Recorded Deposition of Hailey
9 Sinoff.

10 The time is 12:36 p.m. The date is April
11 11, 2022. We are off the record.

12 (Signature reserved.)

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* * * * *

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1 DEPOSITION OF: HAILEY SINOFF

2 DEPOSITION DATE: APRIL 11, 2022

3 IN RE: MONTANA DEMOCRATIC PARTY, et al.,
4 vs. JACOBSEN

5 COURT REPORTER: JONNY B. NORDHAGEN

6 I have read my deposition and make the following
7 corrections or additions:

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Signed under penalty of perjury this ____ day

of _____, _____.

HAILEY SINOFF

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EXHIBIT 4

RETRIEVED FROM DEMOCRACYDOCKET.COM

IN THE MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,
YELLOWSTONE COUNTY

Montana Democratic Party and Mitch Bohn,
Plaintiffs, Consolidated Case No. DV-21-0451
WESTERN NATIVE VOICE, Montana Native Vote,
Blackfeet Nation, Confederated Salish and
Kootenai Tribes, Fort Belknap Indian Community
and Northern Cheyenne Tribe,
Plaintiffs,
Montana Youth Action, Forward Montana
Foundation, and Montana Public Interest Group,
Plaintiffs,
vs.
Christi Jacobsen, in her official capacity as
Montana Secretary of State,
Defendant.

VIDEOCONFERENCE VIDEO-RECORDED DEPOSITION OF GAVIN ZALUSKI

Taken at:
Nordhagen Court Reporting
1734 Harrison Avenue
Butte, Montana
April 12, 2022
9:03 a.m.

1 APPEARANCES OF COUNSEL (by videoconference):

3 FOR THE PLAINTIFF MONTANA DEMOCRATIC PARTY:

4 MATTHEW GORDON, ESQ.
5 PERKINS COIE LLP
6 1202 Third Avenue, Suite 4900
7 Seattle, WA 98101-3099
8 mgordon@perkinscoie.com

10 PETER MICHAEL MELOY, ESQ.
11 MELOY LAW FIRM
12 P.O. Box 1241
13 Helena, MT 59624
14 mike@meloylawfirm.com

16 FOR THE DEFENDANT CHRISTI JACOBSEN:

17 DAVID F. KNOBEL ESQ.
18 CROWLEY FLECK, PLLP
19 P.O. Box 2529
20 Billings, MT 59103-2529
21 dknobel@crowleyfleck.com

23 Also present (in-person):

24 John Nordhagen, Recording Operator

I N D E X

2	Witness:	Page:
3	GAVIN ZALUSKI	
4	Examination by Mr. Knobel	. . . 6
5	Examination by Mr. Gordon	. . .136

E X H I B I T S

9	NO.	PAGE	DESCRIPTION
10	45	69	Zaluski declaration

1 GAVIN ZALUSKI

2 APRIL 12, 2022; BUTTE, MONTANA

3 - - -

4 BE IT REMEMBERED THAT, pursuant to Notice, the
5 Deposition of Gavin Zaluski was taken at the time and
6 place and with the appearances of counsel hereinbefore
7 noted before Jonny B. Nordhagen, Court Reporter -
8 Notary Public for the State of Montana.

9 It was further stipulated and agreed by and
10 between counsel for the respective parties that this
11 deposition was taken pursuant to the Montana Rules of
12 Civil Procedure.

14 The following proceedings were had:

16 RECORDING OPERATOR: The time is 9:03 a.m.
17 We are on the record.

18 This is the Videoconference Video-Recorded
19 Deposition of Gavin Zaluski taken by the attorneys for
20 the defendant in the matter of Montana Democratic
21 Party, et al., Plaintiffs, vs. Christi Jacobsen, in
22 her official capacity as Montana Secretary of State,
23 Defendant.

24 This is Cause No.: DV 21-0451 in the
25 Montana Thirteenth Judicial District Court,

1 Yellowstone County.

2 This deposition is being taken on Tuesday,
3 the 12th day of April, 2022, from Nordhagen Court
4 Reporting, 1734 Harrison Avenue in Butte, Montana.

5 The recording operator is John Nordhagen.

6 The court reporter is Jonny Nordhagen.

7 Counsel will now introduce themselves,
8 after which the court reporter will swear in the
9 witness.

10 MR. KNOBEL: This is David Knobel. I'm
11 here on behalf of the defendant, Secretary of State.

12 MR. GORDON: This is Matt Gordon on behalf
13 of Plaintiffs Montana Democratic Party and Mitch Bohn.

14 And for the record, Counsel stipulated
15 that objections will be reserved except as to form.

16 MR. MELOY: And this is Mike Meloy also
17 representing MDP and Mitch Bohn.

18

19

20

21

22

23

24

25 ///

///

Page 5

1 A. No, I have not.

2 **Q. Do you understand that you're under oath**
3 **right now?**

4 A. Yes, sir.

5 **Q. Will you, will you agree to try to answer**
6 **audibly and wait until I'm done speaking so that the**
7 **court reporter can take down your answer accurately?**

8 A. Yes, sir.

9 **Q. And will you agree to tell me if you, if**
10 **you don't hear or you don't understand one of my**
11 **questions?**

12 A. Yes, sir.

13 **Q. Okay. And if you answer one of my**
14 **questions, can I presume that you understood the**
15 **question?**

16 A. Yes, sir.

17 **Q. Any reason you can't tell the truth today?**

18 A. No.

19 **Q. Any reason you won't be able to remember**
20 **anything today?**

21 A. Possibly, but I don't, I don't believe so.

22 **Q. Can you say that again?**

23 A. Possibly, but I don't believe so.

24 **Q. Okay. What possible reason could there be**
25 **that you might have problems remembering things today?**

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1 GAVIN ZALUSKI,
2 having been called as a witness by the
3 defendant, being first duly sworn, was
4 examined and testified as follows:

5 EXAMINATION

6 BY MR. KNOBEL:

7 **Q. Gavin, can you hear me?**

8 A. I can hear you.

9 **Q. Okay. Can you state your name for the**
10 **record, please?**

11 A. My name is Gavin Zaluski.

12 **Q. Okay. What's your middle name?**

13 A. Oh, Andrew; Gavin Andrew Zaluski.

14 **Q. Okay. And what's your address?**

15 A. 210 South 15th Avenue, Apartment No. 24.

16 **Q. Okay. In Bozeman, Montana, correct?**

17 A. In Bozeman, Montana, yes.

18 **Q. And is that where you're at right now?**

19 A. Yes. I'm in my bedroom right now.

20 **Q. Okay. Is there anybody in your room with**
21 **you besides just you?**

22 A. No, no one in my room.

23 **Q. Have you ever had your deposition taken**
24 **before?**

Page 6

1 A. I just might have forgotten a small detail
2 of something.

3 **Q. Okay. And you understand that the court**
4 **reporter is here taking down everything that we say,**
5 **correct?**

6 A. Yes, sir.

7 **Q. Okay. What did you do to prepare for this**
8 **deposition?**

9 A. I talked to Matthew last -- or yesterday,
10 and that was it.

11 **Q. Okay. And what did you say to Matthew?**

12 A. We just talked about my declaration, and
13 he kind of explained to me what a deposition is and
14 how I should go with this and what type of questions
15 might be asked.

16 **Q. Okay. And what specifically did he say**
17 **about the types of questions?**

18 A. He basically told me if I know the
19 question, tell the truth; if I don't know the
20 question, ask again or say, "I don't know."

21 **Q. Okay. Did you talk about the merits of**
22 **the lawsuit at all?**

23 A. No.

24 **Q. Okay. Do you understand how your**
25 **testimony is being used by the Montana Democratic**

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1 Party in this case?

2 A. Not completely.

3 Q. Okay. Did you review any documents to
4 prepare for the deposition?

5 A. I just read over my declaration.

6 Q. Okay. Any other documents?

7 A. No, sir.

8 Q. Have you talked to anybody else about this
9 deposition besides Mr. Gordon?

10 A. I told my roommates that I was in it, but
11 no, other than Mr. Gordon, no.

12 Q. Okay. What did you tell your roommate?

13 A. I told him I'm in a deposition tomorrow
14 for the State of Montana. That was it.

15 Q. Where were you born?

16 A. I was born in Missoula, Montana.

17 Q. Okay. And where did you go to middle
18 school?

19 A. Middle school, I hopped around a lot. I
20 started in South Carolina; and then I came back to the
21 Bitterroot Valley, Florence, Montana.

22 Q. Is that just because your parents were
23 moving for jobs, or what?

24 A. My parents -- yeah, pretty much. My mom
25 got a better job in Missoula and my dad wanted to do

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1 skied. That was about it.

2 Q. Okay. What did you do after you graduated
3 high school?

4 A. The first six months, I did construction,
5 went to MSU for a semester.

6 When COVID happened, I moved to Missoula. And
7 then for the year of 2020, I was in Missoula and then
8 -- or 2020 to 2021 until May.

9 And then like late July - early August of 2021,
10 I moved to Bozeman to finish school here.

11 Q. Where did you do construction work?

12 A. RZ Construction. It's out of the
13 Bitterroot. It's my dad's company.

14 Q. Okay. And why did you leave that job?

15 A. Because I don't like building in the cold.

16 Q. And why did you decide to move to Bozeman?

17 A. School. I wanted to be an engineer at
18 first, but now I'm here on management. And I -- the
19 reason that like kind of I came back was Missoula is
20 just so close to the Bitterroot, and where I lived, it
21 was only 15 minutes away. So it was just seeing the
22 same people every day, and I wanted something a little
23 different.

24 Q. Okay. So why did you originally, when --
25 you know, after you got done working construction and

Page 11

1 construction again, so we came back to Missoula -- or
2 to the Bitterroot.

3 Q. Okay. And how old were you when you moved
4 back to the Bitterroot?

5 A. Either 11 or 12.

6 Q. And how old were you when you had moved to
7 -- did you say "North Carolina"?

8 A. South Carolina. I was nine.

9 Q. Okay. So you had lived in Missoula from
10 when you were born until nine, then you moved to South
11 Carolina for three years, then moved back to the
12 Bitterroot?

13 A. No. I lived in Florence from zero to 3,
14 Bozeman from 3 to 6, Anaconda from 6 to 7, Philipsburg
15 from 7 to 8, South Carolina 9 to 11 or 12, and then
16 Florence until I graduated high school.

17 Q. And you graduated high school from
18 Florence?

19 A. Florence, yeah, Florence-Carlton High.

20 Q. And you played sports in high school?

21 A. Yes. I was year-round. I did softball,
22 football, golf, and basketball.

23 Q. Okay. What other extracurriculars did you
24 do in high school?

25 A. I coached soccer teams, I played -- I

Page 10

1 you moved to Bozeman, you said you went to MSU; is
2 that right?

3 A. Yes, sir.

4 Q. And you were doing engineering at the
5 time?

6 A. Hm-hmm [affirmative].

7 Q. And that's a "yes"?

8 A. Yes. Sorry.

9 Q. And how long were you in Bozeman at that
10 time when you were studying engineering?

11 A. Until March. Then I was in Mexico for
12 spring break, and I got an email telling me I wasn't
13 allowed to come back because of the COVID-19 breakout.

14 Q. Come back to, to what? Campus, or --

15 A. Come back to campus, my dorm, yeah. So --

16 Q. What was the --

17 A. Go ahead. I'm sorry.

18 Q. What was the reasoning?

19 A. What was the reasoning to going back home?

20 Q. No, that they told you you couldn't come
21 back.

22 A. Oh, the COVID-19 breakout.

23 Q. Okay. There was specific breakout on --
24 in Bozeman?

25 A. It was the main -- when they were shutting

Page 12

1 down borders, when -- it was about March 15th or 16th
2 of 2020, so it was right when there was starting to
3 become like 300,000 cases in America, or something
4 like that. And they decided to cancel all public
5 school and make it online.

6 **Q. Okay. So did you continue going to the**
7 **MSU classes online?**

8 A. I finished MSU online that semester, and
9 then I registered for Missoula for the next semester
10 so I could be closer to family.

11 **Q. Okay. So you originally left Bozeman to**
12 **go back to Missoula to be closer to family, and**
13 **then --**

14 A. Yeah.

15 **Q. -- you left Missoula to come back to**
16 **Bozeman to be further away from everybody you kind of**
17 **grew up with.**

18 A. Yeah.

19 **Q. Okay. Now, where did you -- when you**
20 **first moved to Bozeman, where did you live?**

21 A. The dorms -- or originally, like when I
22 was a child?

23 **Q. No. Good clarification. After you left**
24 **the construction job, I assume you were 18 or 19, and**
25 **you first moved --**

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1 **expect somebody in your situation to do if you didn't**
2 **have somewhere else to live other than the dorms? Do**
3 **you know?**

4 A. I'm not sure. It was kind of just
5 something that happened all of a sudden. I was
6 fortunate enough to be close so I was just able to go
7 home after, but like I said, I had a few friends who
8 didn't get to go home right away, so they stayed in
9 the dorms just for a couple months. I think they kept
10 one of the dining halls open, but yeah, I'm not
11 completely sure.

12 **Q. Okay. So at that time, did you move back**
13 **in with your parents temporarily in Missoula or where**
14 **did you go?**

15 A. I moved back to my parents' in Florence,
16 the Bitterroot. And that's also where my grandparents
17 live, so occasionally I would just bounce back and
18 forth from their house to my grandparents' house.

19 **Q. Okay. And then, and then that's where you**
20 **were doing your online MSU Bozeman engineering**
21 **classes?**

22 A. Yes. That's why I was at my
23 grandparents', because my parents don't have Wi-Fi at
24 their home. So we were doing all Zoom meetings and
25 Zoom calls, and everything had turned online, so I had

Page 15

1 A. Oh. I --

2 **Q. -- and you moved to Bozeman then.**

3 A. I lived in North Hedges, the dorms, yeah.

4 **Q. Okay. And how long did you live in the**
5 **dorms?**

6 A. Three months. I was there from December
7 to March.

8 **Q. Okay.**

9 A. Like end of December.

10 **Q. And where did you -- did they not allow**
11 **you to live in the dorms during the COVID-19 shutdown**
12 **that happened in March of 2020?**

13 A. The only way you were allowed to live in
14 the dorms is if you never left for spring break and
15 you weren't able to get back home. So they would let
16 -- there was -- I had probably eight friends that were
17 in the dorms still after the COVID-19 breakout, but
18 most people went home. And if they didn't go home
19 then, they went home before spring break and
20 weren't -- didn't come back.

21 **Q. Okay. And who did you go to spring break**
22 **with?**

23 A. My family: My parents, grandparents,
24 aunts and uncles, and brother.

25 **Q. Okay. And so what did, what did MSU**

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1 to be at my grandparents' to use their Wi-Fi.

2 **Q. Okay. But you were sleeping at your**
3 **parents' house?**

4 A. Sleeping at my parents', yes.

5 **Q. Okay. So, then, where did you, where did**
6 **you move after that? You moved to Missoula; is that**
7 **right?**

8 A. Yeah. It was 541 Eddy Avenue. It was
9 right across the -- like on Eddy and Arthur right
10 across the street from the University of Montana.

11 **Q. Okay. And is that a single-family**
12 **residence?**

13 A. It was a fourplex, I think. I'm not sure.
14 It was one normal house that the landlord had turned
15 into four different apartments, little areas. So we
16 were Apartment A.

17 **Q. Okay. And who did you live with at the**
18 **time?**

19 A. My friend from high school, Jared Thomas;
20 and then my friend that I met at Montana State, Isaac
21 Mills. And he was one of the reasons that like kind
22 of convinced me to move to Missoula.

23 **Q. Okay. And what were you studying?**
24 **Were you a registered student at University of**
25 **Montana at that time?**

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1 A. For the first -- like the fall semester of
2 2020, I was, yes. I was a business student. I had
3 switched my major.

4 **Q. Say that again. You said you switched**
5 **your major?**

6 A. I switched my major and became a business
7 student, yes, for the fall semester of 2020 at
8 University of Montana.

9 **Q. Okay. Why did you do that?**

10 A. Bad at math. Engineering has a lot of
11 math.

12 **Q. Have you been -- I mean, were you, when**
13 **you were at MSU, were you actually taking engineering**
14 **classes or just general education?**

15 A. Just like pre-rec classes for engineering,
16 so a lot -- like I was taking like two or three math
17 classes, and I had to take probably eight more or nine
18 more.

19 **Q. Okay. And so then what classes, what**
20 **classes were you taking during that fall semester at**
21 **University of Montana?**

22 A. A math class, it was like a co-rec between
23 algebra and calculus; an African-American studies
24 class; anthropology; and a business general -- or two
25 business general classes.

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1 he had a four-bedroom, so that's where I'm at now.

2 **Q. Okay. And where was your two-bedroom**
3 **apartment?**

4 A. It was on Black in Bozeman, I think Black
5 and Garfield. I can't -- I'm not exactly sure which
6 street it was on. It was kind of secretive until you
7 moved in.

8 **Q. Okay. Was it, was it a single-family**
9 **residence?**

10 A. No. It was, I think, four or six
11 apartment complexes in this little apartment area.

12 **Q. Okay. And who paid for the utilities**
13 **there?**

14 A. Nobody because we never moved in. We had
15 to pay a fee to get out of it, actually.

16 **Q. So you never actually moved into it.**

17 A. No.

18 **Q. Okay. Why did you -- did you just decide**
19 **to not move there because you preferred the**
20 **four-bedroom place that you're at now?**

21 A. Pretty much. The four bedroom is a better
22 location, it was a lot better price. We were -- I did
23 the math. We would have saved \$4,000 in a year, but
24 we still had to pay, each, a \$1,000 fee for moving
25 out, which was a little silly in my opinion.

Page 19

1 **Q. Okay. Who paid for the utilities at your**
2 **house on Eddy?**

3 A. The utilities? It was the, our landlord.
4 We just paid rent, and he paid for everything else.

5 **Q. Okay. And how long did you live at that**
6 **house on Eddy -- or that fourplex on Eddy?**

7 A. From July 1, 2020, to May 1, 2021 -- or it
8 was either May 1st or June 1st. I can't remember.

9 **Q. Okay. Did you have a yearlong lease?**

10 A. It was like a 10- or 11-month-long lease.
11 He was looking for people in May but wasn't able to
12 find anyone until the end of June when I gave him a
13 call.

14 **Q. Okay.**

15 A. Excuse me.

16 **Q. Okay. So then that was -- you said you**
17 **left the -- you stopped living at the fourplex on Eddy**
18 **in May of 2022 -- or no.**

19 A. No, 2021.

20 **Q. I'm sorry. 2021, okay. And then where**
21 **did you -- and then you moved to Bozeman.**

22 A. I moved back to my parents for -- from
23 that May to end of July. And then my roommate
24 Sebastian and I had just a two-person apartment, but
25 then my roommate Oscar gave us a call and was -- said

Page 18

1 **Q. It was what?**

2 A. A little silly. I got him tenants the day
3 before we were supposed to move in, but he still
4 charged us \$2,000.

5 **Q. Had you signed a contract that --**

6 A. Yeah, I signed a contract --

7 **Q. -- allowed them to do that?**

8 A. -- but it pretty much said if I was able
9 to find tenants before the lease, it wouldn't have
10 happened, but it still happened.

11 MR. GORDON: Hey, Gavin?

12 **Q. (By Mr. Knobel) Okay.**

13 MR. GORDON: Sorry. Just please make sure
14 that you allow Mr. Knobel to finish his question
15 before you answer --

16 THE WITNESS: Oh, sorry.

17 MR. GORDON: -- so you're not talking over
18 each other.

19 **Q. (By Mr. Knobel) Who pays for the utilities**
20 **at your current house?**

21 A. My roommate Oscar.

22 **Q. Okay. And is your current four-bedroom**
23 **place, is that a single-family residence?**

24 A. It's a townhouse. So we have two other
25 people's garages connected to our home, but it's a

Page 20

1 townhouse in the middle of like an apartment complex.
 2 So for us, yeah, it's a single-residence home, but
 3 around us, there's apartments.

4 **Q. Okay. And do you receive mail at that**
 5 **location?**

6 A. Yes.

7 **Q. Okay. And you've got a mailbox out front?**

8 A. Yeah. It's like a P.O. box.

9 **Q. What do you mean by, what do you mean by**
 10 **that?**

11 A. There's just everybody's apartment -- like
 12 all the mail is sent to this box for the whole
 13 apartment section.

14 **Q. Okay. But when you give your mailing**
 15 **address, you don't give a P.O. box, you give the**
 16 **actual --**

17 A. No.

18 **Q. -- street address, correct, in the**
 19 **apartment?**

20 A. Yes, yes.

21 **Q. In the apartment, okay. Were you able to**
 22 **receive mail at your house where you lived in Missoula**
 23 **on Eddy?**

24 A. Yes.

25 **Q. Do you have a lease for your current**

Page 21

1 like -- I'm not sure why. Oscar kind of handled that
 2 part.

3 **Q. Okay. And did you sign up for electronic**
 4 **delivery of your utility bills?**

5 A. Yes, we did.

6 **Q. So do you get, do you get emails monthly**
 7 **with utility bills?**

8 A. Yes.

9 **Q. And you can think of at least three that**
 10 **you get, right?**

11 A. Yes.

12 **Q. And how long do you plan to live in that**
 13 **location?**

14 A. Not completely sure. We want to live here
 15 until we probably graduate, but depending on rent
 16 increase for price or if our landlord decides to let
 17 us keep the place just in case he has a kid, or
 18 something, who is coming up to college -- I called two
 19 weeks ago asking about keeping the place, and they
 20 said they would send us a letter towards the end of
 21 April - beginning of May.

22 **Q. You must feel pretty grateful to have a**
 23 **good living location in Bozeman of all places, huh?**

24 A. Yeah, I'm very grateful. I have friends
 25 that are moving here right now that are struggling,

Page 23

1 **living arrangements?**

2 A. I do.

3 **Q. Okay. And is that a yearlong lease, or**
 4 **what?**

5 A. Yes, it is a yearlong lease.

6 **Q. Okay. And is there four of you that live**
 7 **there?**

8 A. Yes, there's four of us.

9 **Q. And all four of you have signed the lease?**

10 A. Yes.

11 **Q. And is Oscar an MSU student?**

12 A. Yes. All four of us are MSU students.

13 **Q. Okay. Why are the utilities in Oscar's**
 14 **name?**

15 A. They're under all of our names, but it's a
 16 virtual payment. So we just Venmo Oscar, and then
 17 Oscar pays the, like pays our landlord company.

18 **Q. Okay. So what utilities are, are you guys**
 19 **paying for at that location?**

20 A. Heat, gas, and I believe garbage, but I'm
 21 not sure about the garbage one.

22 **Q. And why did you guys decide to put all**
 23 **four of your names on the utilities?**

24 A. It was a last-minute thing. We were
 25 trying to get the apartment and make us look as

Page 22

1 and I feel pretty bad. We pay a pretty good price
 2 here, too.

3 **Q. All right, that's great. So your first**
 4 **job, I guess, after you turned 18 was construction,**
 5 **working for your dad's company, right?**

6 A. Yes.

7 **Q. Okay. And did you get paychecks from that**
 8 **job or did you get direct deposit?**

9 A. Paychecks.

10 **Q. Okay. And would you get a pay stub with**
 11 **your paychecks?**

12 A. Yes.

13 **Q. Okay. And what was your next job after**
 14 **that?**

15 A. It was when I came to Bozeman, I became a
 16 mattress salesman.

17 **Q. Where, where was that?**

18 A. It's called -- it's a little local shop
 19 called "Nights Delight Sleeping Boutique."

20 **Q. Okay. And how long did you work there?**

21 A. The three months before I got sent back
 22 for COVID.

23 **Q. And was that an hourly job or commission**
 24 **or both?**

25 A. Both.

Page 24

1 **Q. Did you get direct deposit there or**
 2 **paychecks?**
 3 A. Paychecks.
 4 **Q. Did you have the, did you have the option**
 5 **to do direct deposit and you chose paychecks or was it**
 6 **the only option?**
 7 A. It was the only option.
 8 **Q. Okay. And did you get a pay stub with**
 9 **your paychecks?**
 10 A. Yes.
 11 **Q. Okay. What was your next job after that?**
 12 A. I went and worked for my dad again when I
 13 was living back home, but after that, when I was
 14 living in Missoula, I worked for him until about
 15 August, I would say, the middle of August. And when I
 16 started school, I started a job at Bridge Pizza --
 17 **Q. Okay. And where does --**
 18 A. -- as a line cook. I'm sorry.
 19 COURT REPORTER: I didn't catch what you
 20 said at the very end there.
 21 THE WITNESS: I cut out?
 22 COURT REPORTER: Right after "Bridge
 23 Pizza," I didn't hear what you said, yeah.
 24 THE WITNESS: I was a line cook.
 25 **Q. (By Mr. Knobel) And where is Bridge Pizza?**

Page 25

1 the mornings. And, yeah, I was just a line cook
 2 there.
 3 **Q. Okay. And what town is that place in?**
 4 A. That was in Florence.
 5 **Q. And did you get a paycheck there or direct**
 6 **deposit?**
 7 A. Direct deposit.
 8 **Q. Okay. And did they send you a pay stub?**
 9 A. Via email.
 10 **Q. You would get it in an email?**
 11 A. I would get an email and through the app
 12 that we used.
 13 **Q. Okay. And it would be just like a normal**
 14 **pay stub that showed your wages and your taxes that**
 15 **had been taken out, and that kind of a thing?**
 16 A. Yes, sir.
 17 **Q. Okay. And you could have printed it if**
 18 **you wanted to?**
 19 A. Yes.
 20 **Q. And you have a printer?**
 21 A. I do.
 22 **Q. Okay. Do your roommates have printers?**
 23 A. No. They all use mine.
 24 **Q. When did you get a printer?**
 25 A. My old roommate Isaac was moving into his

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1 A. It's on, if you're -- if you know
 2 Missoula, it's on like Higgins Bridge, right at the
 3 end of Higgins Bridge, right next to the Missoulain
 4 store.
 5 **Q. Okay. And how long did you work there?**
 6 A. Until June of 2021.
 7 **Q. Okay. So you pretty much worked there the**
 8 **entire time you were in Missoula; is that fair?**
 9 A. Yes.
 10 **Q. Okay. And did you get a paycheck there or**
 11 **direct deposit?**
 12 A. Paycheck.
 13 **Q. Okay. Did you have an option for direct**
 14 **deposit?**
 15 A. No.
 16 **Q. Okay. And did you get a pay stub with**
 17 **your paycheck?**
 18 A. Yes.
 19 **Q. And then after that, what was your next**
 20 **job?**
 21 A. When I was living with my parents for a
 22 little -- like the two months of the summer, I was
 23 working construction again, and then I was also
 24 working at this place called "Backyard Tap House." I
 25 was making food there and doing construction during

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1 truck out of nowhere, so he gave me a bunch of free
 2 stuff, and one of the things he gave me was a printer.
 3 **Q. Okay. And it works fine?**
 4 A. Works great.
 5 **Q. Okay, okay. And then after that time**
 6 **period where you're -- the summer you were doing**
 7 **construction and working at the place in Florence,**
 8 **then what was your next job after that?**
 9 A. I worked at Plonk Wine Shop for two -
 10 three weeks. I left because they kind of lied to me a
 11 little bit about hours and about like if I request
 12 days off, I would get those days off, but they were
 13 just scheduling me the days I requested off. And I
 14 was working like 10-1/2 hours for \$8.50.
 15 **Q. For \$8.50 an hour?**
 16 A. For \$8.50, yes, sir.
 17 **Q. Really, in Bozeman?**
 18 A. Yeah, really, in Bozeman.
 19 **Q. Okay. So, then, what did you do after,**
 20 **after that, those two or three weeks, in terms of**
 21 **work?**
 22 A. I explained to them that I had to find a
 23 better job for school.
 24 And I talked to my roommate Oscar, who was
 25 working at Red Tractor Pizza at the time, and I got a

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1 job at Red Tractor Pizza. And that's where I'm at
 2 right now.
 3 **Q. Okay. And how long have you been working**
 4 **at Red Tractor Pizza?**
 5 A. Since about August, end of August of 2021.
 6 **Q. And how many hours a week do you work at**
 7 **Red Tractor Pizza?**
 8 A. It kind of depends. Right now, I'm
 9 working more because my manager tore his ACL skiing,
 10 but normally I work about 25 to 30 hours a week.
 11 **Q. Okay. Kind of going back to all of your**
 12 **previous jobs, were any of those jobs that required**
 13 **you to work at least 40 hours a week?**
 14 A. None of them were required, but when I was
 15 working for my dad, I was definitely working 40 to 60
 16 hours a week.
 17 **Q. Okay. Any of the other jobs that you**
 18 **mentioned where you did more than 40 hours a week?**
 19 A. Possibly Bridge. I don't remember because
 20 the spring of 2020, I wasn't going to school because I
 21 wasn't enjoying online schooling and wasn't -- I
 22 didn't think it was worth what I was paying. So I
 23 just worked at Bridge then, and I was
 24 probably working, I think I was working four to five
 25 shifts a week.

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1 **Q. Do you still have that email somewhere?**
 2 A. Yes, I think so, I believe so.
 3 **Q. Okay. Did you ever talk to anybody about**
 4 **that email?**
 5 A. No.
 6 **Q. Do you recall what website the email**
 7 **directed you to to register?**
 8 A. No.
 9 **Q. Did you know who the person was that sent**
 10 **you the email?**
 11 A. Yes. He was the one who called me about
 12 this, all of this. He's the one who wrote my
 13 declaration.
 14 **Q. Okay. Do you get paychecks or direct**
 15 **deposit from your current job?**
 16 A. Direct deposit.
 17 **Q. Do they provide you with electronic access**
 18 **to a pay stub?**
 19 A. Yeah, through email and through an app,
 20 just like the last job.
 21 **Q. And you could print those if you wanted**
 22 **to?**
 23 A. Yes.
 24 **Q. Have you ever had occasion to print any of**
 25 **your pay stubs?**

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1 **Q. Okay. Are you getting paid to be a**
 2 **witness in this lawsuit?**
 3 A. I have to register to be paid, but I'm not
 4 completely sure.
 5 **Q. What do you mean by you have to register**
 6 **to be paid?**
 7 A. I got an email in January saying if I
 8 wanted to get money out of this, I would have to
 9 register myself up. And I --
 10 **Q. Register on what, though?**
 11 A. Just a website, I believe. I didn't think
 12 I would be here in March -- or I mean April, so I
 13 never did it.
 14 **Q. Why did you think that?**
 15 A. I'm not sure. I didn't think I would get
 16 a call back.
 17 **Q. Okay. Who was the email from that you're**
 18 **referencing?**
 19 THE WITNESS: Matt, what was his name?
 20 Hans?
 21 **Q. (By Mr. Knobel) What was the first name?**
 22 A. I'm not sure of his -- I can't remember
 23 his first name at the moment. It's --
 24 **Q. Okay. Do you --**
 25 A. I'm not sure.

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1 A. Yeah. I had to do it for my mom once
 2 because she wanted to know about taxes.
 3 And also, a couple of the houses I was trying to
 4 apply for, I had to print my pay stubs so I could show
 5 them I was making -- what monthly income I was making
 6 at the time.
 7 **Q. Okay. So your understanding is that**
 8 **you're not getting paid to be a witness in this**
 9 **lawsuit, correct?**
 10 A. Correct.
 11 **Q. And your understanding is that's because**
 12 **you didn't register?**
 13 A. Yeah, yeah.
 14 **Q. Is that right?**
 15 A. Correct.
 16 **Q. Okay. Any other jobs that you've had that**
 17 **we haven't talked about?**
 18 A. No -- I mean, the occasional -- I'm always
 19 looking on Craigslist for a little bit of work, just
 20 helping like rake leaves, or something, but nothing --
 21 no major jobs.
 22 **Q. Have you done sort of odd jobs like, like**
 23 **that before?**
 24 A. Yeah. I've done that since I was probably
 25 18. Just with like a construction background a little

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1 bit, it's kind of easy to just go and hammer something
 2 back together and get paid for it.
 3 **Q. Okay. Would you, would you say that your**
 4 **parents are politically involved?**
 5 A. Sort of -- no, not really, I wouldn't.
 6 **Q. Why would you --**
 7 A. I would say my grandparents more.
 8 Oh, sorry. Go ahead.
 9 **Q. No, I didn't mean to cut you off. Sorry.**
 10 A. No, that's okay.
 11 **Q. Did you say your grandparents?**
 12 A. I would say my grandparents are more, but
 13 not my parents too much.
 14 **Q. What political involvement are you aware**
 15 **of that your parents have done?**
 16 A. Honestly, they care probably -- I mean, if
 17 you consider school or like golf board, that's about
 18 it. I'm not sure what political things they've done.
 19 **Q. Okay. And what political involvement**
 20 **about your grandparents are you aware of?**
 21 A. My grandma is just really vocal about her
 22 beliefs. I don't know if she has a lot of
 23 involvement, but she just talks about what her
 24 political beliefs are all the time.
 25 **Q. Okay. And is she a Democrat?**

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1 they want to be and who they want.
 2 **Q. Okay. Have you ever been involved in any**
 3 **political campaigns?**
 4 A. No. I helped, well, I helped my friend
 5 run for school president once, but that was it.
 6 **Q. Okay. Have you ever been to any political**
 7 **meetings?**
 8 A. I went to a couple board meetings for my
 9 high school, but -- I don't know, just political high
 10 school stuff, not --
 11 **Q. What board?**
 12 A. The Florence-Carlton High School board.
 13 **Q. Say that again. Sorry.**
 14 A. The Florence-Carlton High School board.
 15 **Q. Okay. Is that like student, is that like**
 16 **student council or is that different?**
 17 A. It's like, it's different. There's
 18 student council there, but then there's like the old
 19 higher-up people who have a say.
 20 **Q. Okay. Did you ever run for student**
 21 **council or the board?**
 22 A. No.
 23 **Q. Okay. Have you ever been to a college**
 24 **Democrats or college Republican meeting?**
 25 A. Uh-uh; no, sir.

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1 A. No.
 2 **Q. Do you know what political party she would**
 3 **characterize herself as?**
 4 A. Very Republican, yeah.
 5 **Q. Okay.**
 6 A. Yeah, yeah.
 7 **Q. And do you know the political leanings of**
 8 **your parents?**
 9 A. Sometimes -- I don't know, my parents are
 10 pretty 50/50.
 11 **Q. Okay. And you're, you're a Democrat,**
 12 **right?**
 13 A. Probably swing more Democrat than
 14 Republican.
 15 **Q. Do you consider yourself a member of the**
 16 **Democrat party?**
 17 A. Not necessarily.
 18 **Q. And why not?**
 19 A. Just certain things I believe in that go a
 20 little differently.
 21 **Q. Do you mind sharing what those are?**
 22 A. Taxes, just giving away free things I
 23 don't think is right.
 24 **Q. Okay.**
 25 A. But I also think everybody should be what

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1 **Q. Okay. What hobbies do you have?**
 2 A. I skateboard, I ski, mountain bike, I'm on
 3 a soccer team right now, play volleyball, I was on --
 4 I want to play softball this summer, just sports
 5 anything, that's active. I like watching movies and
 6 music.
 7 **Q. Okay. Do you play music or --**
 8 A. No. Occasionally will sing in the shower,
 9 but that's it.
 10 **Q. Okay. And are you taking classes right**
 11 **now?**
 12 A. Yes.
 13 **Q. Okay. And did you take classes last**
 14 **semester?**
 15 A. Yes.
 16 **Q. And when I say "last semester," that's**
 17 **referring to fall of 2021. Is that right?**
 18 A. Yes, that's what I was -- yes.
 19 **Q. Okay. And how many credits did you take**
 20 **in fall of 2021?**
 21 A. Fourteen or fifteen. I'm not -- I can't
 22 remember.
 23 **Q. How many credits are you taking right now?**
 24 A. I'm part-time, so I'm taking only seven.
 25 **Q. And why are you part-time now?**

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1 A. Just money. I wanted -- I needed more
2 money, so I'm working more -- or trying to work more.

3 **Q. Okay. In the fall of 2021 when you were**
4 **taking 14 or 15 credits, how many hours were you**
5 **working at that time per week?**

6 A. Per week, probably 10 to 15, or maybe 15
7 to 20 depending on just what week it was, what shifts
8 I got.

9 **Q. Do you remember what your class schedule**
10 **was in the fall of 2021?**

11 A. Roughly, I had a class Monday -- Monday,
12 Wednesday, Friday, I had like a 10 a.m. class, a 1
13 p.m. class, and then a 3 p.m. class.

14 And then Tuesday, Thursdays, I had like a 12:00
15 class, I think, that was like an hour and a half.
16 That was it on Tuesday and Thursdays.

17 **Q. Okay. So then when did you, when did you**
18 **do your 10 to 15 or 15 to 20 hours at work?**

19 A. I would do those on Tuesday, Thursday.
20 And then -- or it was more like a Tuesday, Sunday, and
21 occasional Thursday.

22 **Q. Okay. And would that be just afternoon or**
23 **would you work in the morning, too?**

24 A. Just afternoon.

25 **Q. Okay. So you would -- what would you**

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1 **do -- last fall, what were you doing on the mornings**
2 **of Tuesday and Thursday?**

3 A. Either finding little odd jobs or doing
4 homework.

5 **Q. Okay. Were you doing any like formal**
6 **extracurriculars at the, at the fall 2021 time period?**

7 A. I was on a soccer and a volleyball team.

8 **Q. Intramural or --**

9 A. Intramural, but they were advanced
10 intramural. I don't know if that makes a difference.

11 **Q. What does that mean?**

12 A. It just means like if you actually know
13 how to play the sport rather than just wanting to play
14 a sport. I'm not sure.

15 **Q. Okay.**

16 A. It's just a difference in skill levels.

17 **Q. You said you were doing soccer and --**

18 A. Volleyball.

19 **Q. Okay. And what was your schedule for, for**
20 **those two?**

21 A. Monday and Fridays, soccer was like -- or
22 I don't know, for regular season, soccer was Monday,
23 Friday at five or four.

24 And then play-offs, it was throughout the whole
25 weekend, and then like -- it would be like Fridays,

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1 Saturday, Sunday, Monday, Tuesday was playoff and
2 championships.

3 And then for volleyball, it was Sundays -- or
4 Mondays at like 8 p.m. or something like that.

5 **Q. Just once a week, or --**

6 A. Just once a week for volleyball.

7 **Q. And how long was that?**

8 A. Two months, I want to say.

9 **Q. Okay. And like how many hours were the,**
10 **the once-a-week volleyball?**

11 A. Two hours, probably, a week.

12 **Q. Okay.**

13 A. But my math class was five credits, so it
14 was like a 30-hour-a-week class. We'd get two
15 assignments a night, and the homework -- like she, our
16 professor, was very avid on having three to five hours
17 a night of study.

18 **Q. Was that one of the Monday, Wednesday,**
19 **Friday classes?**

20 A. Yeah. But that class went -- I'm sorry, I
21 -- the Tuesday and Thursday was also on those days.
22 It was Monday, Tuesday, Wednesday, Thursday, Friday.

23 **Q. So you had math class every day of the**
24 **week.**

25 A. Every day of the week.

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1 **Q. Okay. And then you were doing homework**
2 **for that class pretty much every day, too?**

3 A. Yeah. We would have two assignments, one
4 online and one on paper.

5 **Q. And did you complete all that, the**
6 **homework?**

7 A. Yes.

8 **Q. What grade did you get in that class?**

9 A. I don't remember, like a high "C" - low
10 "B."

11 **Q. Was there any other hobbies or**
12 **extracurriculars that you were doing in the fall of**
13 **2021 besides the soccer and volleyball?**

14 A. Just skateboarding, getting ready for ski
15 season.

16 **Q. Okay. And how much, how much time were**
17 **you spending skateboarding in the fall of 2021,**
18 **approximately, per week?**

19 A. I'd try to skateboard an hour or two a
20 day --

21 **Q. Okay.**

22 A. -- so 7 to 14 hours, I guess.

23 **Q. Okay. And then you mentioned some of your**
24 **other hobbies were music and watching movies; is that**
25 **right?**

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1 A. Yeah.
 2 **Q. And you were doing some of that in the**
 3 **fall of 2021 as well?**
 4 A. Occasionally. I mean, I listen to music
 5 every chance I can get, but movies was a little
 6 different. I don't watch as much movies as I used to.
 7 **Q. Okay. In the fall of 2021 --**
 8 A. Oh, sorry.
 9 **Q. -- were you doing much then?**
 10 A. I was probably watching two movies a week,
 11 a movie a week.
 12 **Q. Okay. So in the fall of 2021, you're**
 13 **taking 14 or 15 credits of schooling.**
 14 A. (Nodding head affirmatively.)
 15 **Q. You're doing approximately 15 hours a week**
 16 **at Red Tractor Pizza, give or take.**
 17 A. Hm-hmm [affirmative].
 18 **Q. You're doing volleyball and soccer.**
 19 A. Hm-hmm [affirmative].
 20 **Q. You're doing maybe an odd job sort of here**
 21 **and there, correct?**
 22 A. Correct.
 23 **Q. Okay. Go ahead.**
 24 A. With the soccer and volleyball, they
 25 weren't at the same time. I'd like to clarify that.

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1 **semester?**
 2 A. Yes. I'm on a soccer team.
 3 **Q. Are you trying to get more hours than,**
 4 **than 25?**
 5 A. Yeah, occa -- well, I just pick up shifts
 6 like as much as much as possible.
 7 **Q. Okay. Do you know how many credits your**
 8 **roommates are taking?**
 9 A. I think they're each -- or two of them are
 10 taking 16, one of them is taking 14.
 11 **Q. And do they have jobs?**
 12 A. Yes, two of them do.
 13 **Q. Do you know how many hours a week they're**
 14 **working?**
 15 A. No. One of them is a ceramics major, so
 16 he just goes to the studio at night and makes stuff
 17 for his work; and then the other one works at a
 18 different pizza place, and I think he's working just
 19 Friday and Saturday.
 20 **Q. Okay. Would you say you're busier now or**
 21 **were you busier in the fall of 2021?**
 22 A. I would say fall of 2021, and that's why
 23 -- I registered for next semester, and I'm taking 17
 24 credits next semester because it's just, 7 is too
 25 little.

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1 **Q. Okay.**
 2 A. As soon as we had our championship game
 3 for soccer, the next day was the start of volleyball,
 4 so then I transitioned to that.
 5 **Q. Okay. Do you smoke marijuana?**
 6 A. Yeah, sometimes.
 7 **Q. Okay. Were you doing that at all in the**
 8 **fall of 2021?**
 9 A. Sometimes.
 10 **Q. How often, approximately, in the fall of**
 11 **2021?**
 12 A. Two - three times a week.
 13 **Q. Okay. Any other, any other activities**
 14 **that you were doing in the fall of 2021 other than the**
 15 **ones that, you know, we just talked about?**
 16 A. Not that I can think of, no.
 17 **Q. Okay. So how many, how many hours a week**
 18 **are you working this semester?**
 19 A. This semester, 25 to 30 a week, probably.
 20 **Q. Okay. And then --**
 21 A. I was pushing more 25.
 22 **Q. Okay. And then you're doing seven**
 23 **credits.**
 24 A. Yes.
 25 **Q. Are you doing any extracurriculars this**

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1 **Q. So here in the, in the fall of 2022,**
 2 **you're going to be taking 17 credits?**
 3 A. Yes.
 4 **Q. And what are your plans for the summer?**
 5 A. For the summer, for the month of May, I'll
 6 be back in Florence working for construction, and then
 7 I'm planning on coming back here in June and working
 8 at a golf course until August.
 9 **Q. Okay. And you're going to quit the Red**
 10 **Tractor Pizza job?**
 11 A. Yes, but I already talked to my boss and
 12 told him, like depending on my availability, I could
 13 pick up shifts this summer or -- and if that's not the
 14 case, I would love to get the job back next year when
 15 I am back at school.
 16 **Q. Okay. Ever had any difficulties**
 17 **registering for your classes?**
 18 A. Yes, I have. I was up -- I woke up at
 19 5:55 or 5:45 the other day and waited until 6:00 so I
 20 could get my classes.
 21 And then when I like -- well, the day before
 22 that, two of the classes that I wanted were completely
 23 filled, and then at 6:00 that day when I registered
 24 for my class -- if I didn't register at 6:00, three of
 25 my classes would have been filled.

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1 Q. Okay. So you --

2 A. It's really competitive.

3 Q. Okay. Can you explain how you, how you go
4 about registering?

5 A. Depending on like what your level of
6 credits are, you get a certain day, and at 6 a.m. you
7 open up -- or your -- you get, you get opened up to
8 pick your classes. I think mine was Wednesday, my day
9 was Wednesday.

10 And I just went to my advisor the day before,
11 had a chat with her, asked her if she agreed and
12 thought my classes that I chose were okay. And then
13 she gave me a pin number and told me that 6 a.m. was
14 when they opened.

15 Q. And is it all online?

16 A. Schooling or registering?

17 Q. No, like the registering.

18 A. Pretty much, yeah, it is online. If you
19 don't get a class, you could talk to the professor and
20 try to -- like in person and try to get into their
21 class, but --

22 Q. Okay. What's the platform or website
23 called that you use to register for classes?

24 A. CatCourse.

25 Q. Okay. And you have to log in, I presume.

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1 Q. Okay. And do -- did you have to show
2 identification to get your Griz Card?

3 A. No. They just search me up and see if I'm
4 a registered student, and if I'm a registered student,
5 they give me a Griz Card.

6 Q. And do they charge you a fee?

7 A. If you lose it and get another one
8 printed.

9 Q. The first one is free, though?

10 A. The first one's free.

11 Q. Okay. Did you have to -- do you know if
12 you ever had to show an ID to become a registered
13 student at University of Montana in Missoula?

14 A. I don't recall. There's a chance that I
15 had to take a picture and like turn it into a pdf and
16 send it, because when I was signing up for the U of M,
17 it was all through COVID -- or it was during COVID, so
18 it was all online. But I'm, I'm not 100 percent sure
19 if I sent a picture of my ID or not.

20 Q. Okay. Do you know how they determined
21 that you were who you said you were when you went to
22 the UM bookstore to get your student ID?

23 A. I had to give them my student ID number
24 that was sent to my email, so I -- they were just --
25 that was, that was it.

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1 A. You have to log in with your account, and
2 then like I was saying, then the advisor gives you a
3 pin number that you can use to register for classes.

4 Q. And has that process changed or is that
5 kind of how it's always been in your experience?

6 A. That's how it's always been in my
7 experience. Even with the University of Montana,
8 that's pretty much how it was.

9 Q. Okay. And did you have a University of
10 Montana ID card?

11 A. I did, but I don't have it anymore.

12 Q. Why don't you have it anymore?

13 A. Some kid grabbed it from me and threw it,
14 yeah.

15 Q. Okay. And do you have a -- is it called a
16 "CatCard"?

17 A. Yeah, it's a CatCard. I have my CatCard.

18 Q. Okay. Tell me what it required to get
19 your Griz Card.

20 A. You just sign up for classes and you go to
21 the, the sub. I'm not sure what the building is
22 called at the University of Montana with the
23 bookstore, but the one at MSU is called the "sub." So
24 you just go to UM's bookstore area and get a picture
25 taken, and they print you out a card.

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1 Q. Okay.

2 A. Yeah.

3 Q. Do you know if, do you know if, when you
4 gave them your student ID, if they punched it in, and
5 it showed a picture of you, and then they looked at
6 you and determined if it was you?

7 A. Possibly.

8 MR. GORDON: Objection; calls for
9 speculation.

10 Go ahead, Gavin.

11 THE WITNESS: Possibly. I'm not sure.

12 Q. (By Mr. Knobel) You just don't know?

13 A. I don't know. I just gave -- I remember
14 going up, giving them my student ID number that was
15 sent to my email, and they took a picture of me and
16 printed out a card.

17 Q. Okay. Did you ever lose your Griz Card
18 and go to get another one?

19 A. No.

20 Q. Okay. Tell me what was required to get
21 the CatCard.

22 A. Just the same thing. Theirs is under
23 Miller Dining Hall, if you know where that's at.

24 But I just went there, I was like, "My name is
25 Gavin Zaluski. My student ID is this," and they took

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1 a picture of me and printed it out.

2 **Q. Do you remember if you had to show them an**
3 **identification card?**

4 A. No, I don't think I had to.

5 **Q. Okay. Do you know if you had to pay a**
6 **fee?**

7 A. No, I didn't have to pay a fee. He just
8 told me if I lose it, next time it will be \$15.

9 MR. KNOBEL: Okay. Well, we've been going
10 for an hour here. Do you guys mind if we take a
11 five-minute break?

12 MR. GORDON: Yeah. Can we make it 10
13 minutes, Counsel? I just have to run to --

14 MR. KNOBEL: Yeah, let's make it 10
15 minutes. Let's go off the record. Thank you.

16 COURT REPORTER: Okay. The time is 10:00
17 a.m. We are off the record.

18 (A brief recess was taken.)

19 COURT REPORTER: Okay. The time is 10:12
20 a.m. We are on the record.

21 BY MR. KNOBEL:

22 **Q. Gavin, do you have your phone near you?**

23 A. Yeah. It's in my pocket.

24 **Q. All right. Would you be able to find that**
25 **email that you referenced earlier in your deposition?**

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1 A. Yeah, sure. Let me --

2 **Q. Would you look for it?**

3 MR. GORDON: Counsel, can you clarify
4 which email you're asking him to look for?

5 MR. KNOBEL: Yeah. Gavin testified
6 earlier about an email he had received about
7 registering.

8 **Q. (By Mr. Knobel) Do you know, Gavin, do you**
9 **know what email I'm talking about?**

10 A. Yeah, I know what you're talking about.
11 Let me see -- (perusing cellular phone.)

12 **Q. And once you find it, just let me know,**
13 **and I'll ask you -- I've got a couple questions.**

14 A. Yeah, sounds good. Sorry, it was awhile
15 ago -- (perusing cellular phone.)

16 I'm having trouble finding it.

17 **Q. Okay. Are you not able to find it or do**
18 **you just -- would you need more time to do so?**

19 A. I'm not -- just I don't think I'm able to
20 find it right now. I'm still looking, but -- (pause.)

21 **Q. Okay. Well, if you get to a point where**
22 **you don't believe you're going to be able to find it,**
23 **tell me.**

24 A. Yeah -- (perusing cellular phone.)

25 Yeah, I'm not finding it.

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1 **Q. Okay. Did you --**

2 A. Sorry about that.

3 **Q. Did you do anything to provide documents**
4 **or to bring documents with you to this deposition?**

5 A. I brought my declaration.

6 **Q. Okay. Were you, were you aware that there**
7 **was a request for you to bring certain documents to**
8 **this deposition?**

9 A. Yes. And I brought my IDs, like what --

10 **Q. Say that again.**

11 A. I brought my IDs as well, but the other
12 documents I did not have.

13 **Q. Okay. So did you review a document that**
14 **was titled "Notice of Deposition of Gavin Zaluski"?**

15 A. No.

16 **Q. Okay. So how did you know which documents**
17 **were requested?**

18 A. Matthew and I talked about it.

19 **Q. Okay. So one of the, one of the requested**
20 **documents was communications with the plaintiffs'**
21 **attorneys in this case. Didn't you testify that the**
22 **email that you were just looking for was a**
23 **communication with the plaintiffs' attorneys?**

24 A. Yes.

25 **Q. Okay. Do you have any other written**

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1 **communications with the plaintiffs' attorneys?**

2 A. Yeah. I have -- (videoconference
3 malfunction.)

4 COURT REPORTER: And I think we might have
5 -- at least on my end, I lost you there. Okay.

6 **Q. (By Mr. Knobel) Yeah. Can you say that**
7 **again, Gavin? You cut out.**

8 **Can you hear us, Gavin?**

9 A. Oh, there. Yeah, I can hear you guys now.

10 **Q. Okay. You cut out there for a second, so**
11 **if you could repeat your answer to my question about**
12 **your, your written communications with Plaintiffs'**
13 **attorneys.**

14 A. Yes. I got two emails from him. One was
15 just an email of our -- my declaration, and then the
16 other email just says: Perfect. Many thanks.

17 **Q. Okay. And then, and then also the one**
18 **that you had mentioned about registration, correct?**

19 A. Yes, but I can't find that.

20 **Q. Okay. And do you know who sent you that**
21 **one?**

22 A. It should be from Henry Brewster.

23 **Q. Okay. And is that the -- is Henry**
24 **Brewster the person you worked with on your**
25 **declaration?**

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1 A. Yes, I think so.
 2 **Q. Okay. What other attorneys have you**
 3 **worked with on your declaration?**
 4 A. I think just Henry, but -- and Matt, but I
 5 didn't really work -- just Henry -- or he goes by
 6 "Hal." That's what I was thinking of.
 7 **Q. Okay. And have you had any written**
 8 **communications with anybody else besides the attorneys**
 9 **with respect to this lawsuit?**
 10 A. No.
 11 **Q. Okay. Do you have an understanding of who**
 12 **the plaintiff is in the lawsuit?**
 13 A. No.
 14 **Q. Okay. Do you know who the defendant is?**
 15 A. I think so, maybe, know.
 16 **Q. Okay. And do you have, do you have any**
 17 **written communications with anybody about voter**
 18 **registration issues?**
 19 A. No.
 20 **Q. Okay. You've never, you've never sent any**
 21 **emails or received any emails that relate to voter**
 22 **registration?**
 23 A. No. I only -- Hal called me after I
 24 wasn't able to vote and asked me some questions.
 25 **Q. Okay. Any written communications with the**

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1 go to vote yesterday? Were you able to? Are you
 2 upset that you couldn't? Why weren't you able to?"
 3 pretty much questions like that.
 4 **Q. Okay. Did he explain to you who he was or**
 5 **who he was representing?**
 6 A. Yeah. We talked about it a little bit.
 7 **Q. Okay. What did he say?**
 8 A. He said he was fighting to make it able to
 9 register the day of voting.
 10 **Q. Okay. What date did he call you? Do you**
 11 **remember?**
 12 A. No, I don't remember the exact date. Let
 13 me see. It was --
 14 **Q. And what document are you looking at now?**
 15 A. I'm just looking at my declaration,
 16 looking at the date that I went to vote -- (perusing
 17 document.)
 18 He either called me on November 2nd or November
 19 3rd.
 20 **Q. Okay. Did you, did you ask him -- or let**
 21 **me, let me go back.**
 22 **When he called you, did a number show up on your**
 23 **phone that he was calling from?**
 24 A. I think it just came up as "Hal Brewster."
 25 **Q. Okay. Did it --**

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1 **County about voter registration?**
 2 A. No, none that I know of.
 3 **Q. Okay. So how did, how did you get**
 4 **involved with this lawsuit?**
 5 A. I went to vote and they wouldn't let me,
 6 so I registered, and then the next day I got a phone
 7 call.
 8 **Q. Who did you get a phone call from?**
 9 A. Hal.
 10 **Q. How did he, how did Hal know to call you?**
 11 MR. GORDON: Objection; foundation,
 12 speculation.
 13 Go ahead, Gavin.
 14 THE WITNESS: I'm not sure. I guess he
 15 just saw - (inaudible, videoconference malfunction) -
 16 registered.
 17 **Q. (By Mr. Knobel) Can you say that one more**
 18 **time? You broke up here.**
 19 A. I'm not sure. I guess he just saw that I
 20 wasn't able to vote but I had registered.
 21 **Q. Did he call you on your cell phone?**
 22 A. Yes.
 23 **Q. Okay. Did he -- what did he say to you?**
 24 A. He just asked some simple questions and
 25 that like were on the line of, "Where did -- did you

Page 54

1 A. Yeah.
 2 **Q. Did it say the location where the number**
 3 **was from?**
 4 A. Yeah, it said "Billings."
 5 **Q. Okay. So you got a call from a Billings**
 6 **number that said it was Hal Brewster?**
 7 A. Yes.
 8 **Q. Okay. And at that, at the time that he**
 9 **had called, who had you told, at that point who had**
 10 **you told that you didn't -- you weren't able to vote**
 11 **in the November 2021 election?**
 12 A. Just my roommates. I was with them at the
 13 time. We were all -- or not "all" of us, but three of
 14 us, so two of my roommates and I went to go vote, and
 15 I wasn't able to. That's all I told other than the
 16 person who made me register while I was there.
 17 **Q. Okay. Do you remember who that was?**
 18 A. No. It was, I think, a college student or
 19 just some -- it was just a girl, that's all I
 20 remember.
 21 **Q. Okay. Are your roommates Democrats?**
 22 A. Yes.
 23 **Q. Okay. Are they politically active?**
 24 A. No.
 25 **Q. Why do you, why do you say that they're**

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1 Democrats?

2 A. Two of them are from Portland, one is from
3 Boulder, Colorado.

**4 Q. Okay. And how did you, how did you meet
5 your current roommates?**

6 A. I met Sebastian, one of the two from
7 Portland, freshman year of college. And when I was
8 living in Missoula, he came and stayed at my house a
9 couple times. And he said he was going to move back
10 to Bozeman, I told him I was going to move back to
11 Bozeman, and then he introduced me to my two other
12 roommates.

13 Q. Okay. Where did you meet the first one?

14 A. Oh, sorry, in the dorms.

15 Q. Okay. Do you party?

16 A. Sometimes.

**17 Q. Okay. You didn't meet them at a party or
18 anything like that?**

19 A. No. My friend -- Sebastian is a film
20 major, and my friends are really into skiing, so
21 they're pretty -- they do hardcore stuff and were
22 trying to get someone to film them.

23 Q. Okay.

24 A. And he just happened to walk in the room
25 while I was in there.

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1 A. It either, it either came up as "Hal" or
2 "Henry," but yes, it came up with a name, not a
3 number.

4 Q. Okay.

5 A. It didn't say anything when I got a call
6 from Matt.

**7 Q. Okay. Did you have, did you have any of
8 those numbers saved in your phone as a contact?**

9 A. No.

**10 Q. Okay. Did you ask Hal -- or -- Hal how he
11 got your number?**

12 A. Yeah, I did.

13 Q. Okay. What did he say?

14 A. He just saw I wasn't able to vote and was
15 able to get my number through there.

**16 Q. When he said "through there," did you have
17 an understanding of what that meant?**

18 A. Yeah. I think it meant -- well, I guess
19 not a complete understanding, but I believe it meant
20 like when I registered because I had to put my phone
21 number down, my Social Security, and all that.

**22 Q. Okay. And when you say you registered and
23 you put your phone number down, are you talking about
24 the November 2021 registration?**

25 A. Yes.

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**1 Q. Okay. Did you, did you guys hit it off
2 well because you also ski, or did that come into it?**

3 A. Sort of. We didn't really -- I wouldn't
4 say we hit it off like perfect. Like we didn't have
5 anything against each other; it just, it kind of took
6 time to become friends. We would see each other on
7 the occasion, but I don't know, we just got along
8 fine.

9 So I told him if he ever needed a place to stay
10 in Missoula, he had one. And he stayed twice, and
11 that's kind of how we got to know each other a little
12 more.

13 And honestly, moving in together, we weren't
14 really like very close at the time. It was kind of
15 just like we both knew we needed a roommate and we
16 both knew we had things in common, so we'd just work
17 out.

**18 Q. Okay. When you got the phone call from
19 Hal Brewster, why did you answer?**

20 A. I was just sitting on my couch. And I
21 normally answer the phone.

22 Q. Okay. And what kind of phone do you have?

23 A. An iPhone.

**24 Q. Okay. And it actually came up with his
25 name? It wasn't just a number?**

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1 Q. Okay. And what's your phone number?

2 A. It's 406-360-6561.

**3 Q. Okay. Were you upset at all that he had
4 called you, at all?**

5 A. No. I don't know, I think I was just
6 doing homework or studying, or something.

**7 Q. Did you ask him how he found out that you
8 weren't able to vote?**

9 A. At first it caught me on surprise -- it
10 was surprising. I didn't know how he would know and
11 how it was so soon after. But he kind of just
12 explained to me his job, and it made more sense.

13 Q. Okay. What did he, what did he say?

14 A. He just said he's part of the Democratic
15 team trying to get -- make it so that you can register
16 the day of and then vote, and I guess what -- my
17 reason I wasn't able to vote is because I was a day
18 late to register.

**19 Q. Okay. What else, what else do you
20 remember about that, that first phone call?**

21 A. He just said he was going to call me back
22 a couple other times and just have a couple more
23 conversations, and then he would -- then I like didn't
24 hear from him until probably January, and that's when
25 he called me again.

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1 He asked if I would give out a declaration.
 2 And I said, "Yes."
 3 And then he sent me an email, which that was the
 4 email I was able to find, was the declaration, and
 5 then I found that other email which was what I said
 6 earlier. And then we haven't really talked since.
 7 **Q. So he didn't ask you to sign a declaration**
 8 **in that first phone call in November?**
 9 A. No.
 10 **Q. How --**
 11 A. It was later.
 12 **Q. Well, okay. What was the -- how did that**
 13 **conversation end in November?**
 14 A. He just asked questions and I gave him
 15 answers -- or I just -- he just asked me about voting.
 16 And I told him what happened, and I told him
 17 that I would have voted if I could have.
 18 And he just asked if I could get another call
 19 from him in the future.
 20 And I said, "Yes."
 21 **Q. Okay. So to this day, you don't, you**
 22 **don't have a specific understanding of exactly how he**
 23 **figured out your informa -- your phone number and the**
 24 **fact that you hadn't voted; is that fair?**
 25 A. Yeah, that's fair. I guess I don't know

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1 like questions that I could answer on the declaration.
 2 **Q. Okay. And then he wrote the declaration**
 3 **and then emailed it to you?**
 4 A. Yes.
 5 **Q. Okay. And was that in January as well?**
 6 A. Yes.
 7 **Q. Did you responded and say "perfect" or**
 8 **"looks good," or what?**
 9 A. I said it looked fine, but -- yeah, I just
 10 said it looked fine.
 11 He called me back and asked if I got it.
 12 I said, "Yeah. I just read it. I'll sign it
 13 and send it over."
 14 **Q. Okay. So then, what, did you print it off**
 15 **on your home printer or what did you do?**
 16 A. Yeah, I printed it off on my home printer.
 17 **Q. Okay. And then you signed it. And then**
 18 **did you scan it and send it back, or what?**
 19 A. I used, I used DocuSign to sign it.
 20 **Q. Okay. And then you emailed it back to**
 21 **Hal?**
 22 A. Yes.
 23 **Q. And then did you hear from him again?**
 24 A. No, I don't think so.
 25 **Q. Okay. Are you -- go ahead.**

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1 exactly, but --
 2 **Q. Okay. So why did you agree to sign a**
 3 **declaration?**
 4 A. I don't know. I just said "yes" because
 5 he said it would help, but --
 6 **Q. Okay. So you personally support being**
 7 **able to register to vote and vote on the same day,**
 8 **whether that's the day of the election or the day**
 9 **before?**
 10 A. Yeah.
 11 **Q. Had you thought about that issue much**
 12 **prior to this incident in November?**
 13 A. No, because I didn't think it would be an
 14 issue.
 15 **Q. Okay. And why do you support Election Day**
 16 **registration?**
 17 A. For people who are busy. I don't know, I
 18 had exams that week, and work, so it's kind of hard
 19 sometimes to get certain places or find the time. So
 20 when I found the time, I took advantage of it.
 21 **Q. Okay. So during that January phone call,**
 22 **is that -- did he ask you more questions then about**
 23 **what had happened or did he already have enough**
 24 **information? Do you know?**
 25 A. He asked me questions, but it was more

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1 A. Yeah. He called me back -- or, yeah, he
 2 just got ahold of me and told me about Matthew one
 3 other time, and I think that was in March.
 4 **Q. Okay. And, then, since then have you been**
 5 **dealing more with Matthew or Hal?**
 6 A. I didn't hear from Hal since and I've
 7 talked to Matthew twice.
 8 **Q. And that was about this deposition?**
 9 A. Yeah. And on the first time, he was just
 10 calling me to introduce himself.
 11 **Q. Okay. You said earlier that your**
 12 **roommates are not politically active. How do you know**
 13 **that?**
 14 A. They're just, I don't know, they're not
 15 doing anything politically active at the moment.
 16 **Q. Okay. Are you familiar with Montana Youth**
 17 **Action?**
 18 A. Yes.
 19 **Q. Okay. How?**
 20 A. My old roommate Isaac kind of supported
 21 it.
 22 **Q. Okay. What's Isaac's last name?**
 23 A. Mills.
 24 **Q. Okay. And what's your understanding of**
 25 **what is Montana Youth Action?**

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1 A. I'm not -- I don't have a huge
2 understanding on it, but he like was part of under --
3 or people without majors, or something. I'm not sure.
4 **Q. Okay.**
5 A. It was pretty -- when he was doing it or
6 was kind of part of it, it was right when I first had
7 met him, so I didn't ask a lot about it.
8 **Q. And have you ever, have you ever joined**
9 **Montana Youth Action?**
10 A. No.
11 **Q. Ever been to their website?**
12 A. No.
13 **Q. Ever been to their social media pages?**
14 A. No.
15 **Q. Do you know if Isaac is a Democrat?**
16 A. Yes.
17 **Q. And he is a Democrat?**
18 A. Yes.
19 **Q. Okay. Do you have any other knowledge**
20 **about Montana Youth Action other than what you have**
21 **said?**
22 A. No.
23 **Q. Are you familiar with Forward Montana?**
24 A. A little bit, yes.
25 **Q. Okay. What's your understanding of**

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1 **does, or --**
2 A. Uh-uh [negative]. It says: Click here to
3 find more information.
4 **Q. Okay. And why haven't you ever clicked on**
5 **it?**
6 A. I don't know.
7 **Q. Okay. Ever been to Forward Montana's**
8 **social media pages or web page?**
9 A. No.
10 **Q. Are you familiar with Montana Public**
11 **Interest Group?**
12 A. No.
13 **Q. Are you familiar with MontPIRG?**
14 A. Say that again. Sorry.
15 **Q. MontPIRG.**
16 A. No.
17 **Q. Okay. You've never heard of the Montana**
18 **Public Interest Research Group?**
19 A. Uh-uh [negative].
20 **Q. Okay. Are you familiar with the Montana**
21 **Democratic Party?**
22 A. A little bit.
23 **Q. Okay. What's your understanding of, of**
24 **the Montana Democratic Party?**
25 A. It's the Montana Democratic group. I

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1 **Forward Montana?**
2 A. I don't know too much about it. I just
3 know of it through the school. They'll send emails
4 about it sometimes.
5 **Q. The university will send emails about**
6 **Forward Montana?**
7 A. Yes.
8 **Q. Okay. From what part of the school or**
9 **from who?**
10 A. Just maybe advisors. I'm not sure. Just
11 the school, I think -- I couldn't give you like a
12 solid answer on that.
13 **Q. Okay.**
14 A. I don't know all the people who email me.
15 **Q. Say that last part again.**
16 A. I don't know all the people who email for
17 MSU.
18 **Q. Okay. What's your --**
19 A. They're not always my advisor.
20 **Q. Okay. If you're a member, what are sort**
21 **of -- what do those emails say about Forward Montana?**
22 A. There's always like a little tiny
23 description and then a "click here," and I haven't
24 clicked there.
25 **Q. Okay. Does it say what Forward Montana**

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1 don't know other than that.
2 **Q. Okay.**
3 A. Not too much research.
4 **Q. Okay. Have you ever, have you ever been**
5 **involved with the Montana Democratic Party in any way?**
6 A. No.
7 **Q. Other than this lawsuit, I mean.**
8 A. Yeah; other than this lawsuit, no.
9 **Q. Okay. Do you consider yourself involved**
10 **with the Montana Democratic Party as a result of your**
11 **involvement in this lawsuit?**
12 A. Other than this, no, not really.
13 **Q. Have you communicated with any other**
14 **attorneys other than the ones you've already**
15 **mentioned?**
16 A. No.
17 MR. KNOBEL: Okay. I'm going to mark
18 Gavin Zaluski's declaration as Exhibit 45. Matthew,
19 if you've got your copy - I know Gavin has his copy -
20 I won't share my screen, if that's okay with you.
21 MR. GORDON: That's fine with me.
22 Just, Gavin, you have your copy of the
23 declaration?
24 THE WITNESS: Yeah, I do.
25 MR. GORDON: Okay. Yeah, that's fine.

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1 (Document subsequently marked Deposition
2 Exb. 45 for identification.)
3 **Q. (By Mr. Knobel) Okay. So let's just start**
4 **with Paragraph, Paragraph 1. And the second sentence,**
5 **the second part of the second sentence says that you**
6 **make this declaration based -- or:**
7 **"based upon my personal knowledge and**
8 **experience, and in support of Plaintiffs' application**
9 **for preliminary injunction in the above-captioned**
10 **matter."**
11 **Do you see that?**
12 A. Yeah.
13 **Q. What's your understanding of what that**
14 **means?**
15 A. My understanding, my personal knowledge at
16 the time when I was talking to Henry about this -- or
17 Hal, was just what he had told me about how like when
18 I wasn't -- when I went to vote and I wasn't able to.
19 That was about my personal experience.
20 **Q. Okay. Do you know, do you know what**
21 **"Plaintiffs' application for preliminary injunction"**
22 **means?**
23 A. Not exactly.
24 **Q. Okay. Do you know, do you know what the**
25 **plaintiffs were requesting in their application for**

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1 **the plaintiffs' application for preliminary**
2 **injunction?**
3 A. No.
4 **Q. Okay. So when you reviewed the, when you**
5 **reviewed your declaration, you didn't have any**
6 **concerns about the Paragraph 1 stating that you make**
7 **the declaration in support of Plaintiffs' application**
8 **for preliminary injunction?**
9 A. I just didn't ask. I should have.
10 **Q. Okay. Can you -- okay, that's all right.**
11 **Do you have an understanding of how the**
12 **plaintiffs used your declaration in this lawsuit?**
13 A. A little bit, yeah.
14 **Q. And what's your understanding of that?**
15 A. They're using it to -- like my voice or my
16 experience as proof. I'm not sure, I guess.
17 **Q. Okay. Are you still 20 years old?**
18 A. Yes.
19 **Q. Okay. And when's your birthday?**
20 A. June 6th.
21 **Q. 2001?**
22 A. Yes, sir.
23 **Q. Okay. Do you know what it means to**
24 **preregister to vote?**
25 A. I think I have an understanding of it,

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1 **preliminary injunction?**
2 A. No -- like to make the change to law on
3 voting days or voting registration days.
4 **Q. Okay. So make it so that people can vote**
5 **on Election Day; is that right?**
6 A. Yes.
7 **Q. And do you have an understanding about the**
8 **status of Plaintiffs' application for preliminary**
9 **injunction?**
10 A. No.
11 **Q. Have you seen any news articles about this**
12 **lawsuit?**
13 A. I have not.
14 **Q. Okay. Do you have any plans to do another**
15 **declaration?**
16 A. No.
17 **Q. Okay. Do you plan to testify at trial, if**
18 **there is one?**
19 A. Possibly. Henry asked me about it.
20 **Q. And what did you say?**
21 A. I said, "Maybe, if I have, if I have the
22 time when it happens."
23 He said it was like June 20-something. Is that
24 right?
25 **Q. Sounds right. Did you talk to Hal about**

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1 yeah.
2 **Q. Okay. What's your understanding of what**
3 **it means to preregister to vote?**
4 A. Register -- going to like a registration -
5 what's the word I'm looking for - like a registration
6 booth somewhere outside before voting -- like not
7 "outside" but just outside of the voting area. Like
8 MSU has registration booths set up throughout campus.
9 **Q. Okay. Did you register to vote before you**
10 **turned 18?**
11 A. No.
12 **Q. Okay. When did you first register to**
13 **vote?**
14 A. I'm not sure what month, but I went with
15 my mom in Ravalli County when I was 18.
16 COURT REPORTER: I didn't catch after you
17 said with your mom. Sorry.
18 THE WITNESS: Oh, it was in Ravalli County
19 when I was 18.
20 **Q. (By Mr. Knobel) And do you remember when,**
21 **when exactly that was?**
22 A. No, I do not.
23 **Q. Was it, I mean was it like right after you**
24 **turned 18 or months later, or do you know?**
25 A. I think it was like either August or

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1 September.

2 **Q. Okay. And why did you go to register to**
3 **vote that first, that first time?**

4 A. My mom was doing it and she asked if I
5 wanted to go register, so I said "yes."

6 **Q. Were you in high school at the time or had**
7 **you -- you had graduated.**

8 A. I had graduated. That's when I was
9 working construction with my dad.

10 **Q. And you were about to go to University of**
11 **Montana, is that right, or no?**

12 A. Montana State.

13 **Q. Okay.**

14 A. I was going to go to Montana State three
15 months later. That was about the time I was
16 registering and picking out classes.

17 **Q. Okay. So where did you go to register to**
18 **vote that first time in Ravalli County?**

19 A. The school.

20 **Q. Okay. Why did you go to the school?**

21 A. That's where they were holding it.

22 **Q. That's where there was what?**

23 A. In the high school gym is one of the
24 places they were holding registrations.

25 **Q. Okay. And when you say "they" were**

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1 A. I think -- I'm not sure. I think it was
2 the County, but I don't know.

3 **Q. Okay. Did you fill out a registration**
4 **form?**

5 A. Yes.

6 **Q. And did you use your Ravalli County**
7 **address?**

8 A. Yes.

9 **Q. Do you remember what that was?**

10 A. 5608 Trinity Way.

11 **Q. Okay. Did you ever receive a voter**
12 **registration card in Ravalli County?**

13 A. I don't know. I think, maybe. I'm not
14 sure.

15 **Q. Okay. Did you ever vote in any elections**
16 **in Ravalli County?**

17 A. No, because by the -- I already moved to
18 Bozeman.

19 **Q. Okay. So when you're talking about that**
20 **sort of late summer - early fall time period when you**
21 **registered in Ravalli County, that was when you were**
22 **18, which would have made it sometime in late 2019,**
23 **correct?**

24 A. Yes.

25 **Q. Okay. And do you know if there was an**

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1 **holding registrations, who were you referring to?**

2 A. I don't know, whoever deals with that.
3 They just -- it's a small town, so they always do it
4 in the high school gym.

5 **Q. Was there, was there an election that day?**

6 A. No, but there was an election coming up.

7 **Q. Okay. And was it a, was it a one-time**
8 **thing that a registration was available in the gym or**
9 **was that like an everyday thing?**

10 A. It was like an everyday thing for a week.

11 **Q. Do you know if you successfully registered**
12 **to vote that time?**

13 A. Yes.

14 **Q. Okay. And how do you know that?**

15 A. My mom told me. I don't know.

16 **Q. Okay. During that week time period that**
17 **they were holding the voter registrations in the gym,**
18 **how soon before the election was that?**

19 A. A month, I think; two months, maybe.

20 **Q. Okay. And do you have an understanding of**
21 **why they chose that particular week to do it?**

22 A. No, I have no idea.

23 **Q. Okay. Is it your understanding that it**
24 **was, it was the County that was doing that or was it a**
25 **third-party organization?**

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1 **election in Montana in 2019?**

2 A. No. I think there was, but I'm not sure.
3 I wasn't -- I had already left by then if there was.

4 **Q. Okay. When you registered in Ravalli**
5 **County, did you check the box on the registration form**
6 **to vote absentee?**

7 A. To vote what?

8 **Q. To vote absentee.**

9 A. Maybe. I don't remember. I was --

10 **Q. Okay.**

11 A. That was awhile ago.

12 **Q. Who did you talk to about your voter**
13 **registration in Ravalli County during that time period**
14 **when you registered?**

15 A. I don't know.

16 **Q. Okay. Did you talk to the people that**
17 **were helping you register?**

18 A. The people working there, yeah.

19 **Q. And what do you remember about that?**

20 A. I just asked them what to do. They sent
21 me like to a table, and then basically just talked to
22 my mom about it for the rest of the time.

23 **Q. Okay.**

24 A. Yeah.

25 **Q. And do you know if there were municipal**

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1 primary elections in September of 2019?

2 A. No, I don't remember.

3 Q. Okay. And is it fair to say that by

4 November 5th of 2019, you had already moved away from
5 Ravalli County?

6 A. No. I was probably still, I was probably
 7 still in Ravalli -- or I was in Ravalli County by then
 8 still.

9 Q. Okay. And you don't know if there were
10 municipal elections in Ravalli County in November of
11 2019, or do you?

12 A. No, I don't remember. I just registered
 13 because I was 18.

14 Q. Do you think it's possible that you did
15 not register in Ravalli County ever?

16 A. I mean, unless I messed something up, but
 17 I remember going and filling out a registration sheet.
 18 But I --

19 Q. Okay.

20 A. -- I think I registered.

21 Q. But you don't --

22 A. I don't, I don't know if it didn't -- like
 23 I said, messed up. I don't know.

24 Q. Okay. But you don't specifically remember
25 getting a registration confirmation card, correct?

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1 A. I think that's where -- what he's talking
 2 about.

3 Q. Okay. So when you're -- during that time
4 period when you went to Bozeman and then came back,
5 you never registered to vote in Bozeman; is that
6 right?

7 A. That's right.

8 Q. At least that time.

9 A. Yeah, not at that time.

10 Q. Okay. So then you moved back to Florence
11 and then you moved to Missoula. And that was the next
12 time you registered to vote, was in Missoula.

13 A. Yes, for the main presidential election.

14 Q. Of 2020.

15 A. Yeah.

16 Q. Okay. And when did you register to vote
17 in Missoula, approximately?

18 A. September, I think --

19 Q. Okay.

20 A. -- or October. I can't remember.

21 Q. Okay. And how did you register to vote in
22 Missoula?

23 A. I did it through the mail.

24 Q. Okay. Did you print the form off
25 yourself?

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1 A. No. I remember getting one when I was in
 2 Missoula, but I don't remember getting one in Ravalli.

3 Q. Okay. And you've never voted in Ravalli
4 County, correct?

5 A. No.

6 Q. Okay. So in Paragraph 2 of your
7 declaration, it says: When I turned 18, I registered
8 to vote in Ravalli County, where I resided at the
9 time.

10 Do you see that?

11 A. Yeah, I see that.

12 Q. Okay. And then it says: "Shortly after
13 my 19th birthday, I moved to Missoula, Montana and
14 updated my registration to that address."

15 Do you see that?

16 A. Yes.

17 Q. Okay. Did you move from Ravalli County to
18 Missoula or from Ravalli County to Bozeman at that
19 time?

20 A. I was, I was at -- well, originally when I
 21 was 18, I was from Missoula to Bozeman, but then I
 22 came back to -- or not "Missoula"; Florence to
 23 Bozeman. Then I came back to Florence and moved to
 24 Missoula.

25 Q. Okay.

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1 A. No. They sent it to me.

2 Q. Okay. And how did they, how did they know
3 to send it to you?

4 A. I don't know. I was 18 -- or I was 19.

5 Q. You didn't request a voter registration
6 form to be sent to you?

7 A. No. All three -- or two of my roommates
 8 at the time, so three of us, we all got one in the
 9 mail.

10 Q. Okay. And who was it from? Do you know?

11 A. No. The main voting -- I don't know. I
 12 don't have the envelope.

13 Q. Say that again.

14 A. I don't know where -- it just said: "Vote
 15 registration 2020" on it. I don't know the --

16 Q. Do you know if -- was it Missoula County
17 that sent it or somebody else?

18 A. It could have been Missoula County. I
 19 think it was Missoula County. I'm not sure.

20 Q. Okay. At that time when you registered,
21 were you intending to stay in Missoula long term?

22 A. At that time, yeah, I was. And then
 23 around December --

24 Q. Okay. So September 2020, you get the
25 voter registration form in the mail, and you filled it

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1 out and then mailed it back; is that right?

2 A. Yes. And then I, when I went to vote, I
3 voted in person.

4 Q. Okay. When you did your 2020 voter
5 registration in Missoula, did you check the box to
6 receive your ballot in the mail?

7 A. Yes. I did receive a ballot in the mail,
8 but I still voted in person.

9 Q. Okay. And why did you check the box to
10 receive your ballot in the mail when you registered in
11 Missoula in 2020?

12 A. Because I didn't think I was going to go
13 to the booth because of COVID, but I decided to
14 because I was just right next to it at the time. I
15 don't know, it was next to the skate park.

16 Q. Okay. And did you have any difficulties
17 filling out your voter registration form and mailing
18 it?

19 A. No, not that I remember.

20 Q. Okay. Do you remember where you dropped
21 it off in terms of mailing it?

22 A. Yeah. I went to the post office in
23 Missoula and dropped it off in there.

24 Q. Okay.

25 MR. GORDON: Counsel, is there a good time

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1 A. No.

2 Q. Okay. And I think you said you do
3 remember getting the registration confirmation card in
4 the mail from Missoula. Is that right?

5 A. That is right.

6 Q. Okay. And what did you do with that voter
7 registration card?

8 A. I kept it at my desk at the time. I don't
9 have it anymore. I have my Bozeman one.

10 Q. Okay. Did you eventually throw it out,
11 or --

12 A. Yeah, I just threw it away.

13 Q. Okay. How did you -- okay, let me ask you
14 this: Would you have registered to vote in Missoula
15 in 2020 even if they hadn't mailed you the voter
16 registration form?

17 A. Yes.

18 Q. And why do you say that?

19 A. It was a presidential race.

20 Q. Okay. So you were going to -- you were
21 planning to register anyway, and it just was easy that
22 they had mailed you the form?

23 A. Yes.

24 Q. Okay. Have you ever checked your voter
25 registration status online?

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1 -- is now a good time for a break or sometime in the
2 next few minutes?

3 MR. KNOBEL: Yeah, we can take another
4 break. Let's go off the record.

5 COURT REPORTER: The time is 11:05
6 Mountain Time. We are off the record.

7 (A brief recess was taken.)

8 COURT REPORTER: The Time is 11:17 a.m.
9 Mountain Time. We are on the record.

10 BY MR. KNOBEL:

11 Q. You have a Montana driver's license,
12 correct?

13 A. Yes, sir.

14 Q. Okay. And you've got a Social Security
15 number as well, correct?

16 A. Yes.

17 Q. And when you registered to vote in 2020 in
18 Missoula via mail, you filled out your driver's
19 license number and the last four of your Social
20 Security number on your voter registration form,
21 correct?

22 A. Yes.

23 Q. Okay. And so you didn't, you didn't have
24 to show an ID, a photo ID to register to vote in
25 Missoula in 2020, right?

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1 A. No.

2 Q. Are you aware that in Montana, you can,
3 you can check your voter registration status online?

4 A. Yeah, I would assume so, but I didn't,
5 just didn't ever do it.

6 Q. Okay. Why not?

7 A. I don't know, just didn't. I didn't
8 think, think about it.

9 Q. So after you received your voter
10 confirmation card in the mail that you said you put at
11 your desk, then you also received the 2020 general
12 election ballot in the mail; is that right?

13 A. Yes.

14 Q. Okay. And what did you do with the ballot
15 when you got it?

16 A. I filled it out, and then it got like
17 water all over it because I left it on my dining room
18 table. And then I -- that's why I voted in person.

19 Q. Okay. So did you just throw out your
20 ballot that got water on it?

21 A. Yes.

22 Q. Okay. And then did you wait until
23 Election Day 2020 to vote in person?

24 A. No. It was a few, a few days before, I
25 believe.

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1 **Q. Okay. And where did you go to vote?**
 2 A. It was like a warehouse ordeal. I'm not
 3 -- it was on -- it was near Broadway and Orange
 4 Street.
 5 **Q. Okay. Is it your understanding that that**
 6 **was not the normal Missoula County Elections Office?**
 7 A. Yeah. They were doing it because of
 8 COVID.
 9 **Q. And what did you, what did you say when**
 10 **you got there?**
 11 A. What did I say when I got there? I don't
 12 know. It was, it was weird. We had to drive in a
 13 line, and they gave it to us in our car.
 14 **Q. And, then, is that because of COVID?**
 15 A. Yes.
 16 **Q. Okay. Did you tell them that, "Hey, my**
 17 **other ballot got damaged. I want a new one"?**
 18 A. Oh, yeah. And then I got the --
 19 **Q. What else did you say to them?**
 20 A. That was it. I kept it pretty short.
 21 **Q. And what was their response?**
 22 A. "Okay. Here's a new one."
 23 **Q. Okay. Did they ask you for an ID?**
 24 A. Maybe. I think so. I don't remember.
 25 **Q. Okay. If they did, you would have just**

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1 **Q. Okay. So do you understand the difference**
 2 **between a primary election and the general election?**
 3 A. No.
 4 **Q. Okay. So when you say that you voted in**
 5 **2020, you're talking about the election that was in**
 6 **November of 2020.**
 7 A. Yes.
 8 **Q. Did you vote in the election that was in**
 9 **June of 2020?**
 10 A. No.
 11 **Q. Okay. So what other elections had you**
 12 **voted in before the November 2020 vote?**
 13 A. Just -- well, I don't think any. I --
 14 **Q. Okay.**
 15 A. Yeah.
 16 **Q. So the first time you ever voted was in**
 17 **the November 2020 presidential election?**
 18 A. Yes.
 19 **Q. Okay. And did you, did you fill out your**
 20 **ballot completely?**
 21 A. Yes.
 22 **Q. You voted on every candidate and every**
 23 **issue.**
 24 A. I voted on everything, yes.
 25 **Q. And how old were you as of November 2020?**

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1 **shown them your driver's license?**
 2 A. Yes, which I have with me right now.
 3 **Q. Okay. Why did you go vote a couple of**
 4 **days before the election instead of, instead of voting**
 5 **on Election Day?**
 6 A. I didn't know who I wanted to vote for,
 7 but -- and, I don't know, I just had time, or
 8 something. I really don't remember why.
 9 **Q. Okay, okay. Did you vote in the 2020**
 10 **primary?**
 11 A. Yes.
 12 **Q. And where did you vote in the 2020**
 13 **primary?**
 14 A. The drive-through place.
 15 **Q. Okay. In Missoula?**
 16 A. In Missoula, yes.
 17 **Q. So what was, what was the date that you**
 18 **had registered in Missoula? Do you recall?**
 19 A. No, I don't recall.
 20 **Q. Okay. It was before the primary. Is that**
 21 **what you're saying?**
 22 A. Yes, it was before the primaries.
 23 **Q. Okay. And do you know when the primaries**
 24 **were in 2020?**
 25 A. November.

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1 A. I was 19.
 2 **Q. And, then, did you have any difficulties**
 3 **voting in Missoula in 2020?**
 4 A. Difficulties in like who I was choosing or
 5 just difficulties in general?
 6 **Q. Difficulties as in like the process of**
 7 **actually voting.**
 8 A. No. It was really simple.
 9 **Q. Okay. Did you have any issues or**
 10 **difficulties in getting registered to vote in Missoula**
 11 **in 2020?**
 12 A. Not that I remember, no.
 13 **Q. Okay. Would you agree with the**
 14 **characterization that registering to vote was easy?**
 15 A. Yes.
 16 **Q. And would you agree with the**
 17 **characterization that voting in Missoula in 2020 was**
 18 **easy?**
 19 A. Yeah.
 20 **Q. So, then, after that, after the November**
 21 **2020 election, you moved back to Bozeman. And when**
 22 **you moved back to Bozeman, did you intend to stay in**
 23 **Bozeman long term?**
 24 A. Yes. I'm intending on staying in Bozeman
 25 until I finish school.

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1 Q. Okay. And you didn't register to vote in
2 Bozeman right away after you moved to Bozeman; is that
3 right?
4 A. That's right.
5 Q. And why not?
6 A. It wasn't my first concern.
7 Q. And other than that sort of one place that
8 you were going to live but ended up not living, you've
9 lived in your current place since you moved to Bozeman
10 after the 2020 election, right?
11 A. Correct.
12 Q. That's a "yes"?
13 A. Yes.
14 Q. Okay. So let's go back to your
15 declaration.
16 A. Okay.
17 Q. In Paragraph 2, you mention a voter
18 registration table on campus, and it says: "Shortly
19 after returning to college this past semester."
20 Do you see that?
21 A. Yeah, I -- (pause.)
22 Q. Okay. So when you say: "Shortly after
23 returning to college this past semester," you're
24 referencing --
25 A. I was referencing --

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1 Q. (By Mr. Knobel) Right. So, I mean, that's
2 kind of what I'm getting at is, is --
3 A. Oh.
4 Q. Yeah. I mean, the voter registration
5 tables are pretty prevalent, and they ask students
6 quite regularly about registering, correct?
7 A. Yes.
8 MR. GORDON: Objection; speculation,
9 foundation.
10 Q. (By Mr. Knobel) Okay. And you would, you
11 would estimate that you were asked if you're
12 registered approximately 12 times or more, or what?
13 A. Or more, yeah.
14 Q. Okay. You don't, you don't remember if
15 these were organizations that were running these
16 tables? Is that what you said?
17 A. Yeah, I don't remember. There was -- they
18 were booths, but they were also like Bobcat-colored
19 and -- (pause.)
20 Q. Okay. And who was working at the booths?
21 Do you know?
22 A. Students, I was assuming. I don't know.
23 Q. Okay. And why would you, why would you
24 assume that it was students?
25 A. They looked young.

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1 Q. -- the fall?
2 A. Yes.
3 Q. Go ahead.
4 A. Sorry. Yes, the fall semester. So after
5 around September - October, they started having booths
6 coming out to register to vote.
7 Q. Okay. And when you say "they," who are
8 you referring to?
9 A. It was either through the State or through
10 the school. I'm not sure. It was just, there were --
11 they would be by Montana Hall, by the dining halls.
12 There would just be booths where people were sitting
13 at, and it would say: "Register to vote."
14 Q. And what organizations were running the
15 tables?
16 A. I don't know.
17 Q. Okay. Would you, would you agree that
18 most students at MSU were asked if they're registered
19 to vote by people working at those tables?
20 MR. GORDON: Objection; foundation,
21 speculation.
22 You can answer, Gavin.
23 THE WITNESS: Oh, possibly. I don't know.
24 I would assume that they were all asked. I mean, I
25 got waved over like 12 times.

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1 Q. Okay. And is that for all of the voter
2 registration tables?
3 MR. GORDON: Objection; foundation.
4 THE WITNESS: Possibly, at least what I
5 remember.
6 Q. (By Mr. Knobel) Okay. So was it -- so how
7 many times had you passed by a voter registration
8 table before you decided to stop and actually fill out
9 the form?
10 A. Like three times. But I never filled out
11 the form because when I got there, they said I was
12 already registered.
13 Q. When you got where?
14 A. When I went to the booth, they said I was
15 already registered as a -- for Montana, and then they
16 let me get --
17 Q. Okay.
18 A. Yeah, so --
19 Q. So let me ask you this: Is what's in your
20 declaration accurate?
21 A. This: "I filled out a voter registration
22 form updating," I misread that when I was reading
23 this.
24 I thought they meant -- or I thought what Hal
25 meant, when I read that, was when I went to actually

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1 vote because that was when I actually registered at a
2 table. But that was on me. I misread this
3 Paragraph 2 towards the end.

4 Because when I went up to the booth, I asked --
5 I was like, "I need to register."

6 And they said, "Oh, you're already registered,
7 so you're okay."

8 And after that, I didn't go back to the booths.

9 **Q. Okay. Do you have any understanding about**
10 **what they did to determine whether or not you were**
11 **registered already?**

12 A. I gave them my name, and they searched me
13 up and they -- what I'm assuming is they didn't read
14 "Missoula," they probably just read Montana. But I
15 can't assume. I don't know.

16 **Q. Okay. So this part of Paragraph 2 where**
17 **it says that you came upon a voter registration table**
18 **on campus and:**

19 "decided to update my registration to my
20 off-campus address so that I could vote in Bozeman in
21 the 2021 election."

22 **Do you see that?**

23 A. Yes. And that's, that's where I misread.
24 I don't know. When I went up to the booth originally,
25 they told me I was already registered. That was how I

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1 read that.

2 **Q. Okay. Well, is that the part that you**
3 **misread or is it the next sentence where it says:**

4 "I filled out a voter registration form
5 updating my address and returned it to the person
6 staffing the table?"

7 A. The second one.

8 **Q. Okay.**

9 A. Because I was going there to like change
10 my address from the Eddy Avenue -- or Eddy Street to
11 15th and -- (pause.)

12 **Q. Okay. So when you were, when you were on**
13 **campus in the fall semester of 2021 and you saw the**
14 **voter registration tables, you knew at that point that**
15 **you needed to update your voter registration address,**
16 **right?**

17 A. Yes, I knew I was because I was living in
18 Missoula prior.

19 **Q. Okay. And how did you know that you were**
20 **required to update your voter registration address to**
21 **your Bozeman address?**

22 A. My roommates told me.

23 **Q. Okay. What did they say?**

24 A. They said, "You need to switch to Bozeman
25 if you were in Missoula last year."

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1 **Q. Okay. So that's why you stopped at the**
2 **tables, because you knew you needed to update your**
3 **voter registration address, correct?**

4 A. Correct.

5 **Q. Okay. And then they tell -- they told you**
6 **at the table, "You're already voted" -- or, "You're**
7 **already registered."**

8 **Correct?**

9 A. Correct.

10 **Q. Okay. And did you not, did you not say to**
11 **them, "Well, yeah, I'm registered, but I'm registered**
12 **in Missoula, not Bozeman"?**

13 A. No, I didn't say that because they told me
14 I was.

15 And I was going to class, so I just was like,
16 "Oh, cool," and left.

17 **Q. Okay. So in your mind, were you thinking**
18 **that it was possible that, that somehow your voter**
19 **registration had already been updated to Bozeman?**

20 A. Yes.

21 **Q. Okay. And is that -- or I guess why would**
22 **you, why would you have thought that?**

23 A. Because they told me I was already
24 registered.

25 **Q. Okay. And, I mean, I guess is it -- are**

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1 **you saying that maybe, you thought maybe something**
2 **with registering as a student, you know, got you**
3 **registered to vote, or what was in your mind in terms**
4 **of thinking, you know, How would it be possible that**
5 **my registration was updated?**

6 MR. GORDON: Objection; compound.

7 THE WITNESS: I don't know how I -- or
8 what I was, I just -- when I went to the table, they
9 said I was registered, so I went with it because I was
10 busy going to classes.

11 **Q. (By Mr. Knobel) Okay. And what would you**
12 **have done if they had not incorrectly told you that**
13 **you were already registered?**

14 A. I would have registered.

15 **Q. Okay. And do you remember how many people**
16 **were at that voter booth?**

17 A. Ten, maybe. There was like three -- or
18 two or three people working it, and then there was
19 people around me and in line.

20 **Q. Okay. And they had the forms right there?**

21 A. Yeah.

22 **Q. Okay.**

23 A. Or they had them in like a folder. They
24 would give them to you.

25 **Q. Do you remember the names of anybody that**

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1 was working at that voter table?

2 A. No, I do not.

3 Q. Do you remember if there were any signs
4 around the, the registration table?

5 A. Yes. There was a sign that was connected
6 to the booth that said "register here" with an arrow
7 pointing down.

8 Q. Okay. Did you ask them any questions
9 about who they are?

10 A. No. I just, I kind of already knew who
11 they were -- or like not the people, but like I knew
12 why they were there.

13 Q. Okay. It wasn't important to you to know
14 what the organization was that was running the table?

15 A. No.

16 Q. Okay. And why is that?

17 A. Because I was on my way to class.

18 Q. Okay. So is it fair to say that you
19 believed that the people working at the table were a
20 legitimate voter registration group because they were
21 allowed on campus?

22 A. Yes. My roommate registered there, from
23 Portland.

24 Q. Okay. Had you, at that point in time, had
25 you received a voter registration confirmation card in

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1 Q. Okay. Have you ever gone to the United
2 States Postal Service and updated your address with
3 the, with the post office?

4 A. Yes.

5 Q. Okay. And when did you do that?

6 A. After I moved from Missoula so I would
7 stop getting mail to that address.

8 Q. Okay. Did you do, did you do mail
9 forwarding?

10 A. Mail forwarding? I'm not sure if I know
11 what that means. Like -- (pause.)

12 Q. Okay. When you were -- when you moved to
13 Bozeman, why did you go to the post office to update
14 your address with the post office?

15 A. Oh, because my mom told me to.

16 Q. Okay. And do you recall what kind of form
17 you filled out at the post office?

18 A. No, I don't recall. They were certain --
19 like I just kind of like changed -- like got stuff
20 sent to my new address, and it started working from
21 that.

22 And then when I went to the post office, I
23 explained to them that I was moving. And they did
24 make me fill out a sheet, but I don't know what kind
25 of sheet it was.

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1 the mail for your Bozeman address?

2 A. No.

3 Q. Okay.

4 A. But I received like a list of who to vote
5 for and their credentials.

6 Q. Okay. And that was sent directly to you?

7 A. It was sent directly to me, yes.

8 Q. Okay. And who sent you that?

9 A. The State or the -- I don't know, Bozeman.

10 Q. Okay.

11 A. It was like a --

12 Q. Was it -- go ahead.

13 A. It was a pamphlet, basically. You opened
14 it up, and it showed you who, like faces of who you
15 could vote for.

16 You flipped another page, it would tell you what
17 their credentials were.

18 And then it was just that for about 12 pages
19 going back and forth through who was running to be
20 voted for.

21 Q. Okay. Let me ask you this: Had you
22 updated your address on your Montana driver's license
23 at any point in time?

24 A. No. It's not even where my parents live
25 anymore.

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1 Q. Okay. Did you, after you had filled out
2 that sheet, did you start receiving mail at your
3 Bozeman address that was actually addressed to any of
4 your previous addresses?

5 A. No, I don't think so. Like do you mean
6 like it was addressed to my old address and then came
7 there instead?

8 Q. Correct.

9 A. No.

10 Q. Okay.

11 A. I didn't have anything that said 5 -- my
12 Eddy address.

13 Q. Okay. I mean, because typically if you go
14 to the post office and you say, "Hey, I moved," and
15 you want to update your address, they'll usually give
16 you an option of saying, "Do you want your mail
17 forwarded so that if somebody mails something to your
18 old address, we'll send it to your new address?"

19 A. Oh.

20 Q. Did that happen?

21 A. Kind of. I just don't, I don't get a lot
22 of mail.

23 Q. Okay. So when you got the, I guess I'll
24 call it the "voter information packet" from the State
25 in 2021, was that addressed to your Missoula address?

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1 A. It was addressed to my Bozeman address,
2 but it was under my name.
3 **Q. Okay. And do you have any understanding**
4 **about how the State got your Bozeman address for that?**

5 MR. GORDON: Objection; foundation,
6 speculation.

7 THE WITNESS: Through the post office, but
8 I don't know.

9 **Q. (By Mr. Knobel) Okay. So if you had to**
10 **guess, you would guess it was from the post office.**

11 A. Yeah.

12 MR. GORDON: Objection; speculation.

13 **Q. (By Mr. Knobel) Okay. Because you hadn't,**
14 **you hadn't done a -- you hadn't updated your driver's**
15 **license with your new address, correct?**

16 A. Right.

17 **Q. Okay. And you hadn't, you hadn't filled**
18 **out an address update for your voter registration**
19 **information, correct?**

20 A. Correct.

21 **Q. Okay. And you hadn't, you hadn't filled**
22 **out any other forms that would be sent to the State of**
23 **Montana that would provide them with your new Bozeman**
24 **address, or did you?**

25 A. I don't think so.

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1 told me I was registered, so I just -- I don't know.

2 **Q. Okay.**

3 A. I didn't, I didn't feel -- didn't know to
4 check, didn't -- (pause.)

5 **Q. Can you, can you say -- approximately, how**
6 **often would you see the voter registration tables on**
7 **campus at MSU in the fall of 2021?**

8 A. Between like a week prior to election and
9 like for like three weeks, I'd probably see them four
10 times a day.

11 **Q. Okay. So did they -- did those tables**
12 **only start appearing once, once it got closer to the**
13 **election? Is that what you're saying?**

14 A. Yes.

15 **Q. Okay. And you said approximately how many**
16 **weeks before the election did the voter registration**
17 **tables start appearing?**

18 A. Sorry, say that again.

19 **Q. How many weeks prior to the election did**
20 **you start noticing the voter registration tables?**

21 A. Oh, like three weeks - a month.

22 **Q. Okay. And did you -- when you -- your**
23 **incident at the voter registration table, did that**
24 **happen kind of right away or was it closer to the**
25 **election?**

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1 **Q. Okay. So the only sort of form you filled**
2 **out updating your address was the post office one.**

3 A. Yes.

4 **Q. Okay. When they -- well, let me ask you**
5 **this: Do you feel that the workers at the voter**
6 **registration table on campus gave you incorrect**
7 **information?**

8 A. Yes.

9 **Q. Okay. And do you blame them for your**
10 **inability to be registered in time to vote in 2021?**

11 A. Not entirely, but partially, yeah. Just
12 like, like I said, I went to the booth, and they said
13 I was registered. And if I wasn't, I would have been
14 able to vote -- or if they told my I wasn't, I would
15 have been able to vote.

16 **Q. Okay. Now, you said you've never gone to**
17 **the Secretary of State's website to check your voter**
18 **registration status, right?**

19 A. Right.

20 **Q. Okay. When they told you that you are**
21 **already registered to vote, why didn't you**
22 **double-check what they had told you, you know, later**
23 **and verified whether you're actually registered to**
24 **vote under your Bozeman address?**

25 A. Because they -- I don't know, because they

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1 A. Kind of sooner, probably like three weeks
2 or two weeks from election.

3 **Q. Okay. So two or three weeks prior to the**
4 **election, you were informed that you were already**
5 **registered, and you went about your business and**
6 **didn't check whether that was correct or not at any**
7 **point up until the day before the election, correct?**

8 A. Correct.

9 **Q. Do you remember anything else about the**
10 **conversation you had with anybody working at the voter**
11 **registration table?**

12 A. No.

13 **Q. Would you have updated your voter**
14 **registration information to Bozeman even if you had**
15 **never seen the voter registration tables on campus?**

16 MR. GORDON: Objection; speculation.

17 THE WITNESS: Yeah, but seeing the tables
18 made it easier.

19 **Q. (By Mr. Knobel) Okay. But you think that**
20 **-- well, let me ask you this: Do you consider being**
21 **registered to vote to be an important thing?**

22 A. Yeah.

23 **Q. Okay. And do you consider voting**
24 **important?**

25 A. Yes.

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1 Q. And why?

2 A. Because every vote counts.

3 Q. So going back to Paragraph 2 of your
4 declaration, that last sentence where it says: "I
5 filled out a voter registration form updating my
6 address and returned it to the person staffing the
7 table," that is not correct. Fair?

8 A. Yeah, that's not correct.

9 Q. Did you talk to the people at the voter
10 registration table about absentee voting?

11 A. No.

12 Q. Okay.

13 A. Like I said, I was rushing to class, so I
14 just made it as quick as possible. When they told me
15 I was registered, I just left because it was like a
16 10-minute gap I had.

17 Q. Okay. At that point, your understanding
18 was, is that you were registered, right?

19 A. Correct.

20 Q. Did you believe that you were registered
21 to vote absentee?

22 A. Yes.

23 Q. Okay. You never got a ballot in the mail
24 for the November 2021 election, correct?

25 A. Correct.

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1 Q. Okay. Do you remember talking to anybody
2 about their receipt of their ballot in the mail for
3 the November 2021 election?

4 A. Sorry, could you say that again? All my,
5 all my electricity just disconnected from my house for
6 like two seconds.

7 Q. Oh, okay. Did you talk to anybody about
8 anybody else's receipt of their 2021 ballots in the
9 mail?

10 A. No.

11 Q. Okay. Did you know when people received
12 their 2021 ballots in the mail?

13 A. No.

14 MR. GORDON: Objection; speculation,
15 foundation.

16 THE WITNESS: No, I did not.

17 Q. (By Mr. Knobel) Okay. Did you ever have
18 any concerns that you had not yet received your
19 ballot?

20 A. No.

21 Q. Okay. Why not?

22 A. Because I wasn't thinking about it. I
23 voted in person before, so I thought I was just going
24 to vote in person again.

25 Q. Do you have any understanding about how

Page 107

1 Q. Okay. Do you know if Missoula sent a
2 ballot to your old address for the November 2021
3 address?

4 A. I do not know. I don't think so.

5 Q. Okay. And why do you say you don't think
6 so?

7 A. I guess I shouldn't say "I don't think
8 so." I don't know.

9 Q. Okay. You were still registered to vote
10 in Missoula and to vote absentee in Missoula, correct?

11 A. Correct.

12 Q. Okay. So you have no reason to believe
13 that Missoula County did not send your 2021 ballot to
14 your old Missoula address, right?

15 A. Right.

16 MR. GORDON: Objection; speculation,
17 foundation.

18 Q. (By Mr. Knobel) You can answer.

19 A. I said "right."

20 Q. I'm sorry?

21 A. I said "right." Sorry.

22 Q. Okay. Do you remember, in that 2021
23 election, your roommates' receiving their ballots in
24 the mail?

25 A. No.

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1 the people that were at the voter registration table
2 actually returned the voter registration forms?

3 A. No.

4 Q. Okay. Are you aware that you can fill out
5 a form, take a picture of it, and email it to the
6 County to register to vote?

7 A. No, I did not know that.

8 Q. Okay. Are you aware of any assurances
9 that the people at the voter registration table were
10 providing to people about the services that they were
11 providing?

12 MR. GORDON: Objection; speculation,
13 foundation.

14 THE WITNESS: No, I do not.

15 Q. (By Mr. Knobel) Okay. You are aware that
16 you can print a voter registration form, fill it out,
17 mail it, and be registered to vote that way, correct?

18 A. No, I don't think so.

19 Q. Okay. You didn't know that you could do
20 that.

21 A. I don't think so, no.

22 Q. All right. If you go to Paragraph 3 of
23 your declaration, it says:

24 "Although I have only been eligible to
25 vote for a few years, I have voted in every election

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1 since my 18th birthday."

2 Do you see that?

3 A. Yeah, I see that.

4 Q. Okay. Is that correct?

5 A. I thought so, but I don't think I ever
6 voted in that Ravalli County election.

7 Q. Okay. And are you -- and that was the
8 twenty -- there was a couple of elections in Ravalli
9 County in --

10 A. The 2019, yeah, when I --

11 Q. Okay. And then you don't know if you
12 voted in the June of 2020 election, correct?

13 A. Correct.

14 Q. Or do you know that you did not vote in
15 the June 2020 election?

16 A. I don't know. I can't remember.

17 Q. Okay. So the only election that you are
18 confident that you voted in is the November 2020
19 election, right?

20 A. Right.

21 Q. Okay.

22 A. I believe I voted in the June one, but I
23 just don't remember exactly.

24 Q. Okay. Do you drive as part of your job?

25 A. Not for my job.

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1 A. My Costco card.

2 Q. Okay. And your Costco card has your
3 picture on it and your name, correct?

4 A. Yes.

5 Q. Okay. Any other documents that you have
6 that show your picture and your name?

7 A. Not that I can think of, no.

8 Q. You have a bank account in your name,
9 correct?

10 A. Yes, multiple.

11 Q. How many bank accounts do you have?

12 A. Three or four.

13 Q. Okay.

14 A. One is -- my mom takes care of because
15 it's money from my great-grandfather.

16 Q. Okay. Do you personally know any students
17 at MSU who do not have a bank account?

18 MR. GORDON: Objection; foundation,
19 speculation.

20 THE WITNESS: I'm not sure if they don't
21 own a bank -- or have a bank account. It was -- I
22 think they would, but I know a lot of people that
23 don't have credit cards.

24 Q. (By Mr. Knobel) No, I'm asking you if you
25 have personal -- do you have personal knowledge of

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1 Q. Do you personally know any students at MSU
2 who do not have a vehicle?

3 A. Yes.

4 Q. Okay. How many people?

5 A. I don't know that -- I don't know. One of
6 my best friends doesn't have a car. That's mainly
7 like most of my friends from like Chicago or New York
8 or LA.

9 Q. Okay. You have a vehicle registration
10 card, don't you?

11 A. Yes.

12 Q. And you've got a passport?

13 A. Yeah, but it's expired right now.

14 Q. Okay. You've got a Montana driver's
15 license?

16 A. Yes.

17 Q. You've got a university ID?

18 A. Yes.

19 Q. Do you have a season ski pass?

20 A. Yes.

21 Q. And does that have your photo on it?

22 A. No, it doesn't.

23 Q. Do you have any other forms of photo
24 identification other than your passport, your Montana
25 driver's license, and your university ID?

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1 anybody that you can think of specifically that you
2 know for a fact they do not have a bank account?

3 A. No.

4 Q. Okay. Do you know any students at MSU
5 that do not have a job?

6 A. Yes.

7 Q. Okay. Do you know any students at MSU
8 that do not have a driver's license?

9 A. No.

10 Q. Okay. So even, even the people that don't
11 have a vehicle there at MSU, to your knowledge those
12 people likely have a driver's license. Is that what
13 you're saying?

14 A. Yeah.

15 MR. GORDON: Objection; foundation,
16 speculation.

17 THE WITNESS: Yes, they have IDs to prove
18 who they are.

19 Q. (By Mr. Knobel) Okay. Do you know any MSU
20 students that do not have a university ID?

21 MR. GORDON: Objection; foundation.

22 THE WITNESS: No, unless they lost it, but
23 no.

24 Q. (By Mr. Knobel) Okay. Have you ever --
25 COURT REPORTER: I'm sorry, I didn't catch

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1 that answer.

2 THE WITNESS: I said: No, unless they
3 lost it, but I don't think so.

4 **Q. (By Mr. Knobel) Have you ever had any**
5 **conversations with anybody about difficulties in**
6 **obtaining a driver's license?**

7 A. Yes.

8 **Q. Okay. Who?**

9 A. My roommate Oscar.

10 And my friend Nicky, he's the one from Chicago
11 who doesn't have a car. He's been struggling for six
12 months to get his driver's license.

13 **Q. Okay. And do you know why?**

14 A. Because they've been on such a -- they've
15 been on like a three-month schedule. And he got a
16 staph infection, so he missed his first appointment
17 and had to get -- three months for the next
18 appointment to happen.

19 **Q. Okay. What about the other person you**
20 **mentioned?**

21 A. Well, my friend Luke just got on that long
22 list, so his license expired, so he can't buy beer
23 anymore. So he's on that list.

24 My roommate Oscar, he got on that list but went
25 in and asked if he could take a picture. They said

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1 **Q. Okay. So you agree that you were very**
2 **busy in --**

3 A. Yeah.

4 **Q. Okay. And why does your declaration**
5 **reference trips to the county clerk's office?**

6 A. I'm not sure. I didn't -- I just told him
7 I don't even have really enough time to visit my
8 family who lives in Bozeman.

9 **Q. Okay. But what does a trip to the county**
10 **clerk's office have to do with what your declaration**
11 **is about?**

12 A. Because I wasn't able to register in time,
13 or the one time I went to the county clerk's office
14 they told me "no." I don't know.

15 **Q. Okay. Is it your understanding that you**
16 **have to take the trip to the county clerk's office to**
17 **register?**

18 A. No, but that's what I did when I did
19 register.

20 **Q. Well, wasn't that trip to the county**
21 **clerk's office more about going to vote?**

22 A. Yes.

23 **Q. Okay.**

24 A. But then I had to -- I registered instead
25 because they said I couldn't vote.

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1 "no," so he's still on that list.

2 Pretty much everybody that I know that's turning
3 21 is struggling to get an ID.

4 **Q. And is that just because the schedule of**
5 **trying to get an appointment?**

6 A. That, and the rules are different now
7 because of COVID.

8 **Q. Okay.**

9 A. It's the same reason I don't have a
10 passport right now or a --

11 **Q. Okay. If you look at Paragraph 4 of your**
12 **declaration, it says:**

13 **"Between work and school, I am very busy,**
14 **and trips to the county clerk's office take valuable**
15 **time away from my other responsibilities."**

16 **Do you see that?**

17 A. Yeah.

18 **Q. Do you know why that's included in your**
19 **declaration?**

20 A. I told him that with school, like my math
21 class I was telling you guys about, the teacher
22 expected 25 to 30 hours, plus work, plus when I was
23 playing soccer and volleyball. I was pretty low on
24 time. And then I had also all my other classes and
25 I'm in school from nine to four.

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1 **Q. Okay. So when you say in your declaration**
2 **that going to the county clerk's office would take**
3 **valuable time, what do you mean by "valuable"?**

4 A. Either time of studying or time I can be
5 making money.

6 **Q. Okay. Did you know at the time, in the**
7 **fall of 2021, that you didn't have to take a trip to**
8 **the county clerk's office to register?**

9 A. Yes.

10 **Q. Okay. In your opinion, does it, does it**
11 **take too much time to register to vote in Montana?**

12 A. No, but I had already been told I was
13 registered, so I didn't really -- I don't know, I
14 don't think it takes too much time.

15 **Q. Okay.**

16 A. But at the time, I was probably the
17 poorest I've been in my life and I was struggling to
18 pay rent, so I was trying to work as much as possible
19 plus go to school.

20 **Q. Okay. So, then, going to Paragraph 5 of**
21 **your declaration, it says you arrived at the Bozeman**
22 **clerk's office around 4 p.m. on November 1, 2021, the**
23 **day prior to Election Day. Do you see that?**

24 A. Yes, yes.

25 **Q. Okay. What made you decide to go to the**

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1 clerk's office at 4 p.m. on November 1st?

2 A. I was studying for an exam, and my
3 roommates came into the living room where I was
4 studying. I was reading my math equations, or
5 whatever I was studying.

6 And my roommates came in and said, "We're going
7 to go vote if you want to come with us. It will only
8 be like 20 minutes."

9 And I said, "Okay."

**10 Q. Okay. What was your, what was your plan
11 to vote before your roommates brought it up?**

12 A. I was going to vote the next day.

**13 Q. And so as of, as of that November 1, 2021
14 date, you had not received a voter registration
15 confirmation card in the mail, correct?**

16 A. Correct.

**17 Q. You hadn't received any kind of
18 confirmation that you were registered to vote in
19 Bozeman, correct?**

20 A. Correct.

**21 Q. And you had never checked online to check
22 your registration status at that point, correct?**

23 A. Correct.

**24 Q. But you still believed that you were
25 registered to vote in Bozeman because that's what the**

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1 speculation.

2 THE WITNESS: I don't know. It's really
3 hard to answer. I don't know. I mean, my dad works
4 like 80 hours a week, so he might be busier than I am,
5 but I also was trying to study all night -- or not
6 "all night" but like during nights and still make
7 money. And I was, I was on the busier level.

**8 Q. (By Mr. Knobel) Do you consider your job
9 more important than voting?**

10 A. At the time, yeah. I mean, I needed to
11 make, I needed to make money. I seriously couldn't
12 afford rent at the time, and I had to still eat food.

**13 Q. Okay. And has your -- has that changed
14 now? Like now do you believe that voting is more
15 important than your job?**

16 A. No.

**17 Q. You still, you still think your job is
18 more important than voting, right?**

19 A. Right.

**20 Q. Okay. And wouldn't you agree that your
21 studies at MSU are more important than voting?**

22 A. Yeah.

**23 Q. Okay. Would you say that your intramural
24 sports are more important than voting?**

25 A. No.

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1 people at the table on campus told you, correct?

2 A. Correct.

**3 Q. Okay. Did you have any other reasons to
4 believe that you were already registered to vote?**

5 A. No, just that, just from the table.

**6 Q. Do you know who was living in your old
7 Missoula address in the fall of 2021?**

8 A. The people who took over?

**9 Q. So in the fall of 2021, you know, you're
10 living in Bozeman.**

11 A. (Nodding head affirmatively.)

**12 Q. Do you know who was living in your old
13 house in Missoula?**

14 A. No, I don't know who they were.

**15 Q. Okay. The reason I ask is because if it
16 was your friends that were still living in that
17 house in Missoula, I was going to ask if they ever
18 told you that your Missoula ballot showed up.****19 But nobody ever told you that your Missoula
20 ballot showed up, right?**

21 A. No. It was a group of girls that I didn't
22 know who moved in.

**23 Q. Do you think your schedule in the fall of
24 2021 was busier than the average Montanan?**

25 MR. GORDON: Objection; foundation,

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**1 Q. Would you say skateboarding is more
2 important than voting?**

3 A. No, I guess not, you know?

**4 Q. Okay. So let me just ask it this way: Do
5 you believe that anything in your busy schedule in the
6 fall of 2021 was more important than voting other than
7 your job and your studies?**

8 A. No but yes. I mean, I just -- like with
9 the sports, I was in a commitment. I couldn't really
10 get out of it to go vote because at that time we were
11 in play-offs.

12 Skateboarding, I wasn't really doing that much
13 because it was November and it was cold.

14 Q. Okay.

15 A. But I guess like school and work
16 definitely go before voting for me, but -- I wouldn't
17 say normally intramural sports would, but at that time
18 it was because it was part of a commitment I made, and
19 the exercise --

**20 Q. Okay. Had you ever been to the Bozeman
21 clerk's office prior to November 1st?**

22 A. No.

**23 Q. And where was the, where was the Bozeman
24 clerk's office that you went to on November 1st?**

25 A. It was on Main Street across the street

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1 from an elementary school. I can't remember which one
2 it was.

3 **Q. Okay. And was there a line there?**

4 A. There were people, but it wasn't -- there
5 was not a line.

6 **Q. Okay. Was there a line when you voted in
7 Missoula?**

8 A. Yes.

9 **Q. Okay. And how long was that line?**

10 A. I don't know. It was a line of cars that
11 wrapped around a building, so maybe like 20 - 30.

12 **Q. And how long did it take you to get
13 through the line?**

14 A. Forty-five minutes - hour.

15 **Q. Okay. So tell me about what happened at 4
16 p.m. on November 1st. You walk into the Bozeman
17 clerk's office, and what happened?**

18 A. I walked in and I go upstairs to where
19 they told me, like where the signs were pointing. I
20 walked into the building, I talked to the lady in the
21 front, and I tell her my name, I give her my ID.

22 And she says, "You're not registered to vote.
23 You can go to that table over there and register for
24 next election."

25 **Q. Okay. And what did you say?**

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1 **Q. You had made no effort to, to vote in
2 Missoula in the 2021 election.**

3 A. No, because I thought I was going to vote
4 from Bozeman.

5 **Q. Okay. Did you ask if you could vote in
6 Missoula or did she just voluntarily tell you that you
7 could?**

8 A. She said I could, but I wasn't -- I had an
9 exam the next day. Like I wasn't going to drive six
10 hours to vote.

11 **Q. Okay. Did you contact anyone in Missoula
12 about voting?**

13 A. No.

14 **Q. Did you make any effort to vote in
15 Missoula in 2021 after you learned that you were
16 registered to vote in Missoula?**

17 A. No, because like I said, I had an exam the
18 next day. And it was Tuesday and I usually work
19 Tuesdays, so I wouldn't have been able to go.

20 **Q. Okay. What exam did you have?**

21 A. A math exam.

22 **Q. And who was the professor?**

23 A. Carah Pearson.

24 **Q. Okay. And what was the class?**

25 A. It was an algebra class.

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1 A. I said, "Why am I not registered to vote?
2 I was told I was registered."

3 She said, "Well, you're registered at the
4 Missoula" -- or "in Missoula County."

5 And I said, "Okay," and then walked over and
6 registered.

7 **Q. Okay. Did you ask for a provisional
8 ballot?**

9 A. I don't know what that is.

10 **Q. Okay. Did she offer you a provisional
11 ballot?**

12 A. Maybe. I don't know if she did. I don't
13 know what it is.

14 **Q. Okay. Did you tell her that, "There must
15 be an error. I should be registered to vote in
16 Bozeman"?**

17 A. Yeah. I told her I registered at the MSU
18 booth.

19 And she said, "I'm sorry, you're not. You're
20 registered for Missoula. You could drive to Missoula,
21 if you like, and could vote."

22 And I said, "I can't do that."

23 **Q. Okay. Had you thought about voting in
24 Missoula before that day?**

25 A. No.

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1 **Q. Okay. Did you ask that professor to
2 accommodate your attempt to vote?**

3 A. No, because I didn't think she would. I
4 don't know, I don't think that would have been an
5 acceptable reason to miss an exam.

6 **Q. Okay. You didn't ask, though?**

7 A. Uh-uh [negative].

8 **Q. That's a "no"?**

9 A. "No." Sorry.

10 **Q. Have you ever heard of any professors at
11 MSU make an accommodation so that people can vote?**

12 A. No.

13 MR. GORDON: Foundation.

14 **Q. (By Mr. Knobel) Any other reasons you
15 didn't go to that professor and ask for some kind of
16 accommodation so that you could go vote in Missoula?**

17 A. I mean, I had work that night, so it
18 wouldn't have worked out anyway.

19 **Q. Okay. If, if you had, if you had placed
20 voting in importance above work and above school, you
21 could have driven to Missoula and voted, right?**

22 MR. GORDON: Objection; speculation.

23 THE WITNESS: I guess, I mean, but that
24 just -- I wouldn't have done that.

25 **Q. (By Mr. Knobel) Okay. There was no, to**

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1 **your knowledge, there was no law that prevented you**
2 **from driving to Missoula and voting; is that fair?**

3 A. No, there was -- I don't, I -- yeah,
4 that's fair. Sorry, I answered.

5 **Q. Okay, okay. So your understanding was**
6 **that you were legally entitled to vote in Missoula,**
7 **right?**

8 A. Yes.

9 **Q. Okay. And you made the, you made the**
10 **personal choice to not drive to Missoula to vote,**
11 **right?**

12 A. Right, because school and money go first.

13 **Q. Any other, any other reasons besides**
14 **school and work that you chose not to drive to**
15 **Missoula to vote?**

16 MR. GORDON: Objection; asked and
17 answered.

18 THE WITNESS: Six-hour drive, wouldn't
19 want to do that.

20 **Q. (By Mr. Knobel) Okay. If you did not have**
21 **that exam on November 2nd, would you still not have**
22 **driven to Missoula to vote?**

23 MR. GORDON: Objection; speculation.

24 THE WITNESS: No, because I had work.

25 **Q. (By Mr. Knobel) Okay. If you didn't have**

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1 **work and you didn't have the exam, would you have**
2 **driven to Missoula to vote?**

3 MR. GORDON: Objection; speculation.

4 THE WITNESS: I don't know, maybe.
5 That's -- I don't know.

6 **Q. (By Mr. Knobel) So is it your testimony**
7 **that you were unable to vote in 2021?**

8 A. Yeah, I did not vote in 2021.

9 **Q. Okay. I asked something a little bit**
10 **different, which is: Are you testifying under oath**
11 **that you were unable to vote in 2021?**

12 A. Well, I guess I was able to if I skipped
13 an exam and skipped work.

14 **Q. Okay.**

15 A. I don't know. I don't think anyone,
16 unless you're very avid about voting, would do that.

17 **Q. Right. So it's accurate to say that you**
18 **didn't vote because you had an exam and you had to**
19 **work, right?**

20 MR. GORDON: Objection; mischaracterizes
21 testimony.

22 THE WITNESS: Correct, and it was three
23 hours away.

24 **Q. (By Mr. Knobel) Okay. So --**

25 A. -- and in the middle of the week.

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1 **Q. Okay. So you didn't --**

2 COURT REPORTER: I didn't hear what you
3 said about the week. Sorry.

4 THE WITNESS: I just said "and it was the
5 middle of the week."

6 **Q. (By Mr. Knobel) Okay. So you didn't vote**
7 **in 2021 because you had an exam, you had to work, and**
8 **it was in the middle of the week, right?**

9 MR. GORDON: Objection --

10 THE WITNESS: And it was three hours away.

11 MR. GORDON: Gavin, just a sec, please.
12 If you hear me making an objection, please pause until
13 I'm finished with the objection.

14 THE WITNESS: Oh, I'm sorry.

15 MR. GORDON: That's okay.

16 Objection; mischaracterizes testimony,
17 speculation.

18 Go ahead now.
19 THE WITNESS: I could have voted if I

20 risked failing the exam, risked getting fired, and
21 drove three hours, but I wasn't going to risk that, so
22 I didn't vote.

23 **Q. (By Mr. Knobel) Okay. If you had been**
24 **registered to vote in Bozeman, you would have been**
25 **able to vote in Bozeman in 2021, right?**

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1 A. Yes.

2 **Q. Okay. If you had, if you had filled out a**
3 **voter registration form at the table on campus, then**
4 **you would have been able to vote in 2021, right?**

5 A. Yes.

6 MR. GORDON: Objection; speculation.

7 THE WITNESS: Yes.

8 **Q. (By Mr. Knobel) Okay. And I think you,**
9 **you had testified earlier that if, if the table had**
10 **not given you incorrect information, that you would**
11 **have registered. Right?**

12 A. Yes.

13 **Q. Okay. So, then, it's fair to say that if**
14 **the people at the voter registration table had not**
15 **given you incorrect information, then you would have**
16 **voted, right?**

17 MR. GORDON: Objection; speculation.

18 THE WITNESS: Right.

19 **Q. (By Mr. Knobel) Okay. So, fair to say**
20 **that the reason you didn't vote was because the voter**
21 **registration table gave you incorrect information.**

22 MR. GORDON: Same objection: Speculation.

23 THE WITNESS: Yes, and because I wasn't
24 able to register -- or the law with registering and
25 voting the day prior before 12 p.m. was -- (pause.)

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1 Q. (By Mr. Knobel) Okay. Were you aware, in
2 the fall of 2021, that you could check your voter
3 registration online?

4 MR. GORDON: Objection; asked and answered
5 multiple times.

6 THE WITNESS: No.

7 Q. (By Mr. Knobel) Okay. If you had known at
8 the time that you could check your registration
9 online, would you have done so?

10 MR. GORDON: Objection; speculation, asked
11 and answered.

12 THE WITNESS: Possibly. I mean, I thought
13 I -- yeah, if I had known, maybe. I don't know.
14 Again, like I said earlier, they said I was registered
15 when I went to the booth.

16 Q. (By Mr. Knobel) So you were not the one
17 that wrote this line in your declaration that you were
18 unable to vote as a result of the new Montana law,
19 correct?

20 A. "The clerk also told me that because of a
21 recent change in Montana law, I was too late to update
22 my registration."

23 Is that what you're talking about?

24 Q. Okay. In Paragraph 8 of your declaration,
25 you say that you were surprised that you had not heard

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1 Q. Okay. So you'll be able to vote going
2 forward because you're registered in Bozeman now,
3 right?

4 A. Correct.

5 MR. GORDON: Objection; speculation.

6 THE WITNESS: Sorry. Correct.

7 Q. (By Mr. Knobel) Okay. So it's fair to
8 characterize this incident in 2021 as a one-time
9 event?

10 MR. GORDON: Objection; foundation,
11 speculation.

12 THE WITNESS: Personally for me but not
13 for everybody in Montana.

14 Q. (By Mr. Knobel) Okay. In Paragraph 8 of
15 your declaration, you say that you keep up to date on
16 the news. Why do you say that?

17 A. I just watch the news, read the news on
18 the internet sometimes.

19 Q. Where do you, where do you watch the news?

20 A. KPAX.

21 Q. Okay. And when do you watch the news on
22 KPAX?

23 A. Like three times a week at like five.

24 Q. Okay. Like at the 5:30 news or 10:00
25 news, or what?

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1 about the law change earlier. Do you see that?

2 A. Yeah, I see that. That's what it says.

3 Q. Okay. Why were you surprised?

4 A. Because if I heard about it earlier, I
5 would have made sure I registered or -- if I had
6 like -- it's just like I say, if I had ever heard of
7 the website, I probably would have made sure I was
8 registered.

9 Q. Okay. Had you heard of any other voting
10 law changes prior to November 1, 2021?

11 A. No.

12 Q. Okay. Had you done any research on your
13 own into how to register to vote in Montana?

14 A. No, but I was -- it was -- my research was
15 mainly on who I was going to vote for.

16 Q. So you don't anticipate that this, the
17 Election Day registration law, will impact you going
18 forward, right?

19 MR. GORDON: Objection; speculation,
20 foundation.

21 THE WITNESS: I don't know about going
22 forward because, I mean, I'm registered for Bozeman
23 now. But at the time, it did affect me because if I
24 would have been able to register while I was there, I
25 would have been able to vote.

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1 A. 5:30 news, yeah.

2 Q. Okay. And, then, what other news sources
3 do you follow?

4 A. VICE World News. I don't know, there's
5 the internet, you know, mostly. I get a Reddit.

6 Q. Did you say "VICE news"?

7 A. Their world news, yes, VICE, but mostly
8 Reddit.

9 Q. Mostly Reddit. And which subreddits?

10 A. I don't know. I just click from one
11 subreddit to the other.

12 Q. Okay. So VICE World News, KPAX on TV, and
13 Reddit. Any other ways that you follow the news?

14 A. When I was in Missoula, I'd occasionally
15 read the Missoulian, but that's about it.

16 Q. Okay. Do you think that the news is the
17 best place to get information about voter
18 registration?

19 A. No, I don't.

20 Q. Okay. You don't claim that those news
21 sources you mentioned, the Montana ones, never ran a
22 story about the changes in voting laws in 2021, right?

23 A. I mean, not that I know of, but they could
24 have.

25 Q. Is it your testimony that if you had seen

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1 the news story about that change, then you would have
2 been able to vote in 2021?

3 A. Possibly, but again, it goes back to like
4 when I went up to the booth and they told me I was
5 registered. I didn't really think much after that
6 about registering until it was time to actually vote.

7 Q. Okay. So the fact that you didn't see the
8 news stories about the change in voting laws, that
9 didn't impact whether or not you voted in 2021. Is
10 that what you're saying?

11 MR. GORDON: Objection; speculation.

12 THE WITNESS: I don't think so, no.

13 Q. (By Mr. Knobel) Okay. Because like you
14 said, you went up to the table and they said you were
15 registered. You know, if you had seen a news story
16 that said: "Registration closes at noon the day
17 before," that wouldn't have changed how you behaved in
18 terms of when you went to vote, right?

19 A. Right.

20 MR. GORDON: Objection; speculation.

21 THE WITNESS: I'm sorry. Right.

22 Q. (By Mr. Knobel) Okay. So do you know why
23 there's this Paragraph 8 in your declaration talking
24 about how you were surprised and you keep up to date
25 on the news?

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1 A. I told Hal that I watch and read the news
2 sometimes.

3 Q. Okay.

4 A. And then I was surprised at the law change
5 because he told me it was a recent change.

6 Q. Okay. And then that last sentence in
7 Paragraph 8 says:

8 "I hope the Court will return the law to
9 the previous status quo and allow Montana's citizens
10 to register to vote on election day as has been the
11 tradition for more than a decade."

12 Do you see that?

13 A. Yes.

14 Q. And then the previous sentence, you
15 mention: "Montana's long-standing practice." Do you
16 see that?

17 A. Yes.

18 Q. What is the basis of your knowledge to
19 testify that Election Day registration is a
20 long-standing practice and a tradition for more than a
21 decade?

22 A. What Hal told me, and that was about it.

23 Q. Okay. Before you -- before Hal told you,
24 did you have a basis for knowing that Election Day
25 registration was a long-standing practice in Montana?

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1 A. Not necessarily.

2 Q. Okay. And did you know, before you spoke
3 to Hal, about whether Election Day registration has
4 been a tradition in Montana?

5 A. I wouldn't say "tradition," but kind of,
6 yeah. But --

7 Q. Okay, okay. And why wouldn't you say
8 "tradition"?

9 A. It just wouldn't be the word I would use,
10 but -- I don't know.

11 Q. How long were you at the clerk's office
12 when you went there on November 1, 2021, at 4 p.m.?

13 A. Thirty minutes.

14 Q. Okay. And how much of that time was spent
15 waiting?

16 A. Ten, maybe five.

17 Q. And the rest of the time was spent talking
18 to the people and filling out the registration form?

19 A. Yes.

20 Q. Anything else about your experiences in
21 registering and voting that you think is important
22 that I haven't asked you about?

23 A. No.

24 MR. KNOBEL: Okay. That's all I've got.

25 Thank you so much, Gavin, for your time. I appreciate

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1 it.

2 THE WITNESS: Yeah. Thank you.

3

4 BY MR. GORDON:

5 Q. Gavin, I have a couple questions for you.

6 A. Sounds good.

7 Q. Counsel asked you a couple questions about
8 what was more important and -- what things were more
9 important than voting. Do you recall those questions?

10 A. Yes.

11 Q. If I understand your testimony correctly,
12 you did make time to go and attempt to vote on
13 November 1, 2021.

14 A. I did do that, yes.

15 Q. And did I understand your testimony
16 correctly that if your roommates hadn't asked you to
17 go vote on November 1st, you would have -- you had
18 planned to make time to go vote on the next day,
19 November 2nd?

20 A. Yes, after my math exam.

21 Q. Counsel asked you a number of questions
22 about the last sentence of Paragraph 2 in your
23 deposition -- I'm sorry, your declaration. Do you
24 recall that discussion?

25 A. Yes.

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1 Q. And that sentence says that you filled out
2 a voter registration form updating your address and
3 returned it to the person staffing the table, correct?

4 A. Correct.

5 Q. Did you fill out a voter registration form
6 updating your address and return it to the person
7 staffing the table at the clerk's office?

8 A. The clerk's office, yes. I have my
9 voter's card right here.

10 Q. Okay. So this, the sentence here is
11 accurate insofar as you did fill out a voter
12 registration form updating your address and returned
13 it to the person staffing the table; it's just that it
14 wasn't the person staffing the table on campus. Do I
15 have that right?

16 A. Correct, yes.

17 Q. Counsel asked you a number of questions
18 about emails you had received from Hal Brewster. Do
19 you recall that?

20 A. Yes.

21 Q. And you were -- you searched through your
22 phone for a number of minutes looking for emails from
23 Mr. Brewster during the deposition?

24 A. Yes.

25 Q. And you identified, was it one email from

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1 Q. And during the deposition, you checked
2 both email in-boxes for the email that you had
3 referenced -- for any emails from Mr. Brewster?

4 A. Yes.

5 Q. And that included the junk, deleted, all
6 sub-folders for each email in-box?

7 A. Yes.

8 Q. And you didn't, during that search you
9 didn't find that email that you had testified you had
10 believed you had received from Mr. Brewster regarding
11 signing up, registering, and getting paid; is that --

12 A. Yeah, I did not find that.

13 MR. GORDON: Okay. Thank you for your
14 time, Gavin. I appreciate it.

15 THE WITNESS: Yes. Thank you. Do I just
16 leave now?

17 MR. KNOBEL: Yeah. Let's go off the
18 record.

19 COURT REPORTER: This concludes the
20 Videoconference Video-Recorded Deposition of Gavin
21 Zaluski.

22 The time is 12:35 Mountain Time. The date
23 is April 12, 2022. We are off the record.

24 (Signature reserved.)

25 * * * * *

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1 Mr. Brewster?

2 A. Two. One of them was my declaration, the
3 other one was just a sentence.

4 Q. So one email from Mr. Brewster was sending
5 your declaration?

6 A. Yes.

7 Q. And the second one was, I think you said
8 he said "perfect." Is that the sentence?

9 A. It was something along those lines, yes.

10 Q. And that second --

11 A. It was: Perfect. Many thanks.

12 Q. And that was after you had returned the
13 declaration or after you had signed the declaration?

14 A. Yes.

15 Q. And those are the only two emails that --
16 from Mr. Brewster that you found anywhere in your
17 email address or your email in-boxes?

18 A. Yes. I checked both emails' in-box,
19 draft, junk, deleted.

20 Q. Okay. And so to be clear, in the -- you
21 checked -- I'm sorry, how many in-boxes do you have?

22 A. Emails?

23 Q. Yeah. How many email in-boxes do you
24 have?

25 A. Two.

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1 STATE OF MONTANA)
: ss.

2 County of Silver Bow)

3

4 I, Jonny B. Nordhagen, Court Reporter - Notary
5 Public in and for the County of Silver Bow, State of
6 Montana, do hereby certify:

7

8 That the witness in the foregoing deposition,
9 Gavin Zaluski, was by me first duly sworn according to
10 law in the foregoing cause; that the deposition was
11 then taken before me at the time and place herein
12 named; that the deposition was reported by me in
13 machine shorthand and later transcribed by computer,
14 and that the foregoing one hundred thirty-nine (139)
15 pages contain a true record of the witness, all done
16 to the best of my skill and ability.

17 IN WITNESS WHEREOF, I have hereunto set my hand
18 and affixed my notarial seal this ____ day of
19 _____, 2022.

20

21

22

23

24

25

Jonny B. Nordhagen
Notary Public for the State of
Montana residing at Butte,
Montana. My commission
(NOTARIAL SEAL) expires May 8, 2022.

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1 DEPOSITION OF: GAVIN ZALUSKI
2 DEPOSITION DATE: APRIL 12, 2022
3 IN RE: MONTANA DEMOCRATIC PARTY, et al.
4 vs. JACOBSEN
5 COURT REPORTER: JONNY B. NORDHAGEN
6 I have read my deposition and make the following
corrections or additions:

7
8 PAGE # LINE CORRECTION

9
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Signed under penalty of perjury this _____ day

of _____, _____.

GAVIN ZALUSKI

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EXHIBIT 5

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EXAMINATION

BY MR. SEMMENS:

Q. All right, Mr. Bohn -- and how do you pronounce your last name, just to start with?

A. You're right with Bohn. Very few people

Q. Third, our wonderful court reporter Lisa is transcribing everything but she can only transcribe one person talking at a time, so it's important that we don't speak over each other. I'll let you finish when you're speaking and I would just ask that you do the same. Is that fair?

A. Yeah.

Q. And please answer my questions verbally so that Lisa can transcribe them. Nonverbal responses like uh-huh or uh-uh are not clear and they make Lisa's job more difficult. So would you please use verbal responses?

A. Yes.

Q. And we'll try and take a break every hour or so. I'm hoping today's deposition won't go too long.

So let's talk about your background, Mr. Bohn. What did you do to prepare for today's deposition?

A. I spoke with my attorney a few days ago and then I read over the complaint and my -- what is it called -- my declaration.

Q. Your declaration that's been filed in these proceedings?

A. Yes.

do.

Q. Perfect. My name is John Semmens. I'm here on behalf of -- and I'm an attorney here on behalf of defendant Secretary of State.

Have you ever been deposed before, Mr. Bohn?

A. No.

Q. Have you ever testified at trial?

A. No.

Q. You've probably discussed these with MDP's attorneys already, but I'd like to offer some guidelines to help make today's deposition go smoothly. First, tell the truth. And I say that just because I want to make sure you understand that if you testify differently at trial than you do today, we can use the transcript of your deposition today at trial to show that you testified differently during your deposition. Do you understand that?

A. Yes.

Q. Second, if I ask you a question and you don't understand what I'm asking, please ask me to clarify. I don't want you to answer any questions that you don't understand. Is that fair?

A. Yeah.

Q. Did you review any documents other than the complaint and the declaration that you just referenced?

A. No.

Q. Mr. Bohn, do you have any reason why you wouldn't be competent to testify today?

A. No.

Q. Are you on any medication that could affect your ability to testify accurately?

A. No.

Q. How old are you, Mr. Bohn?

A. I'm 26.

Q. And did you attend college?

A. Yes.

Q. What college?

A. Montana State University Billings.

Q. Did you graduate from Montana State university Billings?

A. I have not because my health has made me have to take breaks, so I'm in the process of still going through college.

Q. Do you anticipate graduating in the near future?

A. Yeah.

Q. And do you have a degree that you are

<p style="text-align: right;">Page 5</p> <p>1 hoping to obtain from Montana State University</p> <p>2 Billings?</p> <p>3 A. Political science education.</p> <p>4 Q. Where do you live, Mr. Bohn?</p> <p>5 A. I live in Billings, Montana.</p> <p>6 Q. And how long have you lived in Billings?</p> <p>7 A. Since I was 11, so 15 years now.</p> <p>8 Q. So before you lived in Billings where did</p> <p>9 you live?</p> <p>10 A. In Great Falls, Montana.</p> <p>11 Q. Do you currently live with anyone?</p> <p>12 A. I live with my parents, yes.</p> <p>13 Q. Do you live with anyone other than your</p> <p>14 parents?</p> <p>15 A. My brother when he's not in college</p> <p>16 himself.</p> <p>17 Q. Are you married, Mr. Bohn?</p> <p>18 A. No.</p> <p>19 Q. Do you have any kids?</p> <p>20 A. No.</p> <p>21 Q. Are you currently employed?</p> <p>22 A. I am not, no.</p> <p>23 Q. When was the last time you were employed?</p> <p>24 A. 2018.</p> <p>25 Q. With whom were you employed in 2018?</p>	<p style="text-align: right;">Page 7</p> <p>1 Q. And can you describe your role as deputy</p> <p>2 finance director or officer for Senator Tester?</p> <p>3 A. Yeah. It really was just if he had an</p> <p>4 event in Great Falls, for example let's say, I would</p> <p>5 call prospective people to invite them to the event</p> <p>6 and then email them details about the event.</p> <p>7 Q. And I just want to make sure that I'm</p> <p>8 clear on the amounts you were paid and, again, this</p> <p>9 was an estimate on your part. But I believe you</p> <p>10 testified that you worked for Senator Tester for</p> <p>11 around five months and were about \$3,000 per month?</p> <p>12 A. Correct.</p> <p>13 Q. Is that fair? So about \$15,000 was paid</p> <p>14 to you by Senator Tester in 2018?</p> <p>15 A. Correct, yes, roughly.</p> <p>16 Q. Prior to your position with Senator</p> <p>17 Tester's campaign in 2018, did you have any</p> <p>18 employment with any other employers?</p> <p>19 A. No. The only other work I have done is I</p> <p>20 did work for Governor Bullock's campaign in 2016 and</p> <p>21 then Zoo Montana in high school.</p> <p>22 Q. How long did you work for Governor</p> <p>23 Bullock's campaign in 2016?</p> <p>24 A. That again was around the same five or six</p> <p>25 months.</p>
<p style="text-align: right;">Page 6</p> <p>1 A. I worked with Senator Tester's campaign</p> <p>2 here in Billings.</p> <p>3 Q. And how long did you work for Senator</p> <p>4 Tester's campaign?</p> <p>5 A. Five months.</p> <p>6 Q. I'm sorry. You broke up. Did you say</p> <p>7 five months?</p> <p>8 A. Five months.</p> <p>9 Q. Okay. Was that a paid position when you</p> <p>10 worked for Senator Tester's campaign?</p> <p>11 A. Yes.</p> <p>12 Q. And how much were you paid by Senator</p> <p>13 Tester's campaign in 2018?</p> <p>14 A. I am not 100 percent sure. I can't</p> <p>15 remember.</p> <p>16 Q. Can you give me a rough sense?</p> <p>17 A. I think it was around 3,000 a month but</p> <p>18 I'm not -- I can't remember.</p> <p>19 Q. And what was your job title for Senator</p> <p>20 Tester's campaign in 2018?</p> <p>21 A. So my job title was -- I think it was</p> <p>22 deputy finance officer and then that transitioned</p> <p>23 when it got closer to the campaign working in the</p> <p>24 field office in Billings getting volunteers and</p> <p>25 ramping up for the end of the election.</p>	<p style="text-align: right;">Page 8</p> <p>1 Q. And what was the title of your position</p> <p>2 with Governor Bullock's campaign?</p> <p>3 A. It was -- I can't remember. It was</p> <p>4 something with organizing though. I can't remember</p> <p>5 my exact.</p> <p>6 Q. Was that a paid position, organizer --</p> <p>7 A. Yes, that was a paid position.</p> <p>8 Q. Can you give me a general sense of how</p> <p>9 much you were paid --</p> <p>10 A. I think it was like \$1,500.</p> <p>11 Q. A month?</p> <p>12 A. A month.</p> <p>13 Q. Have you ever been employed by any other</p> <p>14 political campaigns?</p> <p>15 A. No.</p> <p>16 Q. Have you ever been employed by the Montana</p> <p>17 Democratic Party?</p> <p>18 A. No.</p> <p>19 Q. Has the Montana Democratic Party ever paid</p> <p>20 you for any work that you've done?</p> <p>21 A. No.</p> <p>22 Q. Do you have a podcast, Mr. Bohn?</p> <p>23 A. I do, yeah.</p> <p>24 Q. What's the name of your podcast?</p> <p>25 A. Wide Left Sports.</p>

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1 **Q. Wide Left Sports. And what do you talk**
2 **about on Wide Left Sports?**

3 A. It's mainly in-state people that I've had
4 on that I just -- I love sports so I talk about
5 their careers in sports and sometimes high school
6 athletes that want to go on to the next level.
7 Sometimes it's college athletes that have gone on to
8 the next level. It's really just a lot of people
9 that I know that I want to try to get their stories
10 out.

11 **Q. How often do you publish podcasts**
12 **typically?**

13 A. It honestly depends. Sometimes it's more
14 than one a week, sometimes it's every couple weeks.
15 It really depends.

16 **Q. And were you one of Montana's Democratic**
17 **delegates in the 2020 presidential election?**

18 MR. SEMMENS: Did it freeze up on us?

19 MR. GORDON: It looks like we may have
20 lost Mitch.

21 (Zoom connection lost. Off the
22 record briefly.)

23 A. So what was the question?

24 **Q. (By Mr. Semmens) So we went off the**
25 **record so we'll hop back on record now and I'll just**

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1 **Q. -- along with Democrats in Billings to get**
2 **their votes and be elected to become a delegate. Is**
3 **that accurate?**

4 A. Yes.

5 **Q. What did you do as a delegate for the**
6 **Montana Democrats in 2020?**

7 A. What we did was, again, because everything
8 was virtual, we virtually attended the -- oh, what
9 it's called -- the Democratic --

10 **Q. Convention?**

11 A. -- Convention. Thank you. And there were
12 different meetings throughout the day and then we
13 virtually voted for who we wanted as president.

14 **Q. Who did you vote for?**

15 A. Joe Biden.

16 **Q. All right.**

17 MR. SEMMENS: Can we go off the record for
18 just one minute?

19 (Discussion off the record.)

20 **Q. (By Mr. Semmens) Mr. Bohn, do you have a**
21 **LinkedIn profile?**

22 A. I do, yeah.

23 **Q. I'd like to share an exhibit with you in**
24 **the chat function. I apologize, let's go off the**
25 **record for a second.**

Page 10

1 **reask the question.**

2 Mr. Bohn, were you one Montana's
3 Democratic delegates in the 2020 presidential
4 election?

5 A. I was, yes.

6 **Q. How did you become a Montana Democratic**
7 **delegate for the 2020 election?**

8 A. I was asked by one of my friends who was a
9 big part of the Yellowstone Democratic Party to run
10 and that's kind of how it went.

11 **Q. So you had to run to become a delegate for**
12 **the Montana Democrats in 2020?**

13 A. Yes.

14 **Q. And what does that process look like,**
15 **running to become a delegate for a --**

16 A. Well, I think it was a little different in
17 2020 since everything was virtual. So there was
18 like 30 people in the city of Billings and
19 surrounding area that ran. I think 30, roughly that
20 number. And then if you got in -- I can't remember
21 again -- the top I think six, then you went on to
22 the state and they voted on that at the state
23 convention.

24 **Q. So you had to campaign locally --**

25 A. Uh-huh.

Page 12

1 (Off the record briefly.)

2 **Q. (By Mr. Semmens) Mr. Bohn, you just**
3 **testified that you do have a LinkedIn profile. I've**
4 **shared with you a document containing a LinkedIn**
5 **profile with your name on it. Is this your LinkedIn**
6 **profile?**

7 A. Yep.

8 MR. SEMMENS: Would the court reporter
9 please mark the LinkedIn profile of Mitch Bohn
10 as Deposition Exhibit 55.

11 (Deposition Exhibit 55 marked
12 for identification.)

13 **Q. (By Mr. Semmens) Mr. Bohn, did you draft**
14 **the information contained in the LinkedIn profile**
15 **we've marked as Deposition Exhibit 55?**

16 A. Correct. That's me, yeah.

17 **Q. And have you had a chance to review the**
18 **information contained in your LinkedIn profile,**
19 **Deposition Exhibit 55?**

20 A. Yeah.

21 **Q. Is this information in Deposition Exhibit**
22 **Number 55 accurate to the best of your knowledge?**

23 A. To the best of my knowledge, yeah.

24 **Q. So let's go through your experience listed**
25 **in Deposition Exhibit Number 55. The first one is**

3 (Pages 9 to 12)

1 deputy finance director for Montanans for Tester,
2 correct?

3 A. Correct.

4 Q. And I believe we've already discussed
5 that. Is that accurate?

6 A. Correct, that is accurate.

7 Q. The next position listed is political
8 organizer for John Heenan for Congress. Is that
9 accurate?

10 A. That is accurate. That was not a paid
11 position. That was a volunteer position and so that
12 is why I did not mention it when you asked for paid
13 positions.

14 Q. Is the John Heenan for Congress the
15 individual listed in the second experience in
16 Deposition Exhibit Number 55, is that the same John
17 Heenan who has appeared as counsel of record for
18 plaintiff Montana Democratic Party?

19 A. Yes.

20 Q. What was your position, Mr. Bohn, when you
21 worked for Mr. Heenan's congressional campaign?

22 A. It was kind of along the same lines as it
23 was for Governor bullock, I was making phone calls
24 to volunteers and prospective voters.

25 Q. And you were not paid by Mr. Heenan?

1 says your name, right?

2 A. One second. I clicked out of it on
3 accident. There we go. Yes.

4 Q. And is that your picture at the top?

5 A. Yep.

6 Q. And underneath your name could you read
7 that for me?

8 A. Deputy field organizer at Montana
9 Democratic Party.

10 Q. And my understanding of how LinkedIn works
11 is that the title listed under the name is a
12 person's current position. Is that consistent with
13 your understanding?

14 A. I honestly -- I don't know when I created
15 this that probably was my current. I don't use
16 LinkedIn that often, to be honest with you, and so
17 that probably was my current at the time that I put
18 it up, yes.

19 Q. So how long were you deputy field
20 organizer for the Montana Democratic Party?

21 A. I was deputy field organizer, like I said,
22 for six months and it was for Governor Bullock's
23 campaign and I believe that may have been -- I don't
24 even think it was the Democratic Party itself. I
25 believe it was Governor Bullock's campaign. I just

1 A. I was not paid on his campaign, no.

2 Q. The third experience listed in your
3 LinkedIn profile is political organizer for the
4 Montana Democratic Party. Is that accurate?

5 A. And that, that is semi accurate. Do you
6 remember that special election we had where it was
7 like a two-month dash for Rob Quist and I believe it
8 was now Governor Gianforte?

9 Q. I don't remember that.

10 A. Oh, okay. Well, that is what that was,
11 that mad like two-, three-month dash of a
12 congressional campaign. I helped volunteer and,
13 again, it was the same kind of capacity I had for
14 Heenan.

15 Q. So you have worked for the Montana
16 Democratic Party in the past?

17 A. I did not receive any payment, so it was a
18 volunteer position.

19 Q. Is it accurate to say that you've worked
20 for the Montana Democratic Party in the past in a
21 volunteer capacity?

22 A. In a voluntary capacity, yes, but I have
23 never received payment from the Democratic Party.

24 Q. And, Mr. Bohn, if you look at the top of
25 the LinkedIn profile we've marked as Exhibit 55 it

1 could not find a Governor Bullock for Governor, or
2 Steve Bullock for Governor on here and so, yeah.

3 Q. If you flip to page 2 of Deposition
4 Exhibit Number 55, there is a section identified as
5 education. Do you see that, Mr. Bohn?

6 A. Yeah.

7 Q. And that lists your education at Montana
8 State University Billings, correct?

9 A. Correct.

10 Q. And is it accurate that you were the
11 president of MSU Billings Democrats?

12 A. I was for one semester prior to COVID and
13 then since COVID it has become defunct.

14 Q. And is that College Democrats the
15 organization?

16 A. Yeah, it's -- yes, our chapter of that.

17 Q. And you served as president for six
18 months?

19 A. Correct.

20 Q. How did you become the president of the
21 MSU Billings chapter of College Democrats?

22 A. Well, actually, it was just kind of by
23 default. There were three members, two were
24 graduating. I was the only one left.

25 Q. And what did you do as president of

1 **College Democrats at MSU Billings?**

2 A. Tried my hardest to get students involved.
3 It didn't work out. The only thing that I really
4 did that was big was I did put on a governor's forum
5 right at the end of -- well, actually, it was in the
6 spring semester like a week before COVID.

7 **Q. Did you do anything else as president of**
8 **the College Democrats?**

9 A. I held meetings every other week and that
10 was it.

11 **Q. When you were working in the capacity as**
12 **president of College Democrats at MSU Billings, did**
13 **you ever work with the Montana Democratic Party?**

14 A. No. And this was also not a paid
15 position. It was just fill a need basically.

16 **Q. You've had a chance to review this**
17 **LinkedIn profile?**

18 A. Correct.

19 **Q. Have you worked for the Montana Democratic**
20 **Party in any other capacity other than what's listed**
21 **in Deposition Exhibit 55, again, paid or unpaid?**

22 A. No.

23 **Q. Is the Montana Democratic Party paying you**
24 **to be a plaintiff in this litigation?**

25 A. No.

1 **Q. Has the Montana Democratic Party ever made**
2 **a payment to you?**

3 A. No.

4 **Q. You referenced earlier a declaration that**
5 **you signed in this litigation. Do you recall that?**

6 A. Yes.

7 **Q. And I believe I've shared a copy of that**
8 **declaration with you.**

9 A. Yes, I have it up right here.

10 **Q. Are you familiar with this document?**

11 A. Yes.

12 MR. SEMMENS: Could the court reporter
13 please mark the Declaration of Mitch Bohn as
14 Deposition Exhibit Number 56.

15 (Deposition Exhibit 56 marked
16 for identification.)

17 **Q. (By Mr. Semmens) Mr. Bohn -- and do you**
18 **want to take a chance, an opportunity to read**
19 **through the declaration?**

20 A. I actually read through this earlier
21 today, so we're good.

22 **Q. Is the information contained in this**
23 **declaration, again Exhibit 56, accurate?**

24 A. Yes, it is.

25 **Q. Would you please read aloud paragraph 2 of**

1 **Deposition Exhibit Number 56?**

2 A. "I'm a Montana citizen and voter residing
3 in Billings. I have a disability that confines me
4 in a wheelchair and has resulted in numerous health
5 complications over the years."

6 **Q. Before I ask this question, I just want to**
7 **clarify. I'm not seeking detailed medical history.**
8 I understand that's personal. But would you
9 generally describe your disability which you've
10 referenced in paragraph 2 of this declaration?

11 A. Sure. So in basic terms, I have spina
12 bifida. I have a different form of it. It's
13 myelomeningocele, but basically it's spina bifida.

14 **Q. And, Mr. Bohn, how does spina bifida**
15 **affect your day-to-day life generally?**

16 A. I'm in a wheelchair so, for one, I can't
17 get around easily. As you guys know, we got
18 completely dumped on in snow so that does not help
19 being a wheelchair user. And then I just have days
20 where my health isn't great because of my spina
21 bifida. I mean, I have kidney issues, I have a
22 bunch of other issues that have stemmed from my
23 spina bifida.

24 **Q. And has your spina bifida ever prevented**
25 **you from working for political campaigns in the**

1 **past?**

2 A. It has. I've been in the hospital -- just
3 this last year I was in the hospital for five months
4 and, yeah, I mean, there are times when I'll be in
5 the hospital for weeks on end. I know one of the
6 times I was working I was in the hospital for two
7 weeks and thankfully it was just one of my volunteer
8 positions but, yeah.

9 **Q. Has your spina bifida ever prevented you**
10 **from voting in a Montana election?**

11 A. Thankfully it has not to this point, no.

12 **Q. Let's talk about the First Amended**
13 **Complaint in these proceedings. Mr. Bohn, why did**
14 **you decide to join the MDP complaint as a plaintiff?**

15 A. I'm sorry. Can you repeat that? My
16 internet kind of cut out.

17 **Q. Why did you decide to join Montana**
18 **Democratic Party's First Amended Complaint as a**
19 **plaintiff?**

20 A. I decided to join this because I felt like
21 in my circumstance living with my family, yes, I
22 right now am able to get my absentee ballot out but
23 if my circumstances change, which they very easily
24 could, the laws that have been -- what's the word I
25 want to look for here -- the laws that have been

1 proposed would hamper that.

2 **Q. In what way would the laws at issue hamper**
3 **your ability to return an absentee ballot?**

4 A. Well, even as it is now, living at home, I
5 can't get to my mailbox. And so even though I live
6 at home, I have to have my mom or my dad or my
7 brother take my ballot out to the mailbox and so if,
8 God forbid, they weren't here, how would I even get
9 it to the mailbox? I can't get to our mailbox of
10 how it is and so I would then want someone to be
11 able to come and pick up my ballot.

12 **Q. Did your personal political beliefs play**
13 **any role in your desire to join this complaint as a**
14 **plaintiff?**

15 A. No.

16 **Q. How would you describe your political**
17 **beliefs?**

18 A. I would say I'm definitely more Democratic
19 leaning but I'm open minded as well.

20 **Q. And I believe you testified earlier that**
21 **your podcast name is Wide Left Sports; is that**
22 **right?**

23 A. Yes.

24 **Q. Does the phrase wide left have any**
25 **relation to your political beliefs?**

1 **loud?**

2 A. Plaintiff Mitch Bohn is a Montana citizen
3 and voter who resides in Billings. Mr. Bohn's
4 disability confines him to a wheelchair and has
5 resulted in numerous health complications over the
6 years. Because of his mobility issues, Mr. Bohn has
7 regularly given his absentee ballot to his parents
8 to return on his behalf. If it were permissible
9 under Montana law, Mr. Bohn would gladly give his
10 ballot to organizers from the MDP, whom he trusts to
11 return his ballot on his behalf. Mr. Bohn strongly
12 believes that ballot collection is a valuable and
13 valid method of returning one's ballot, particularly
14 for members of the disabled community like himself."

15 **Q. Is paragraph 15 accurate to the best of**
16 **your knowledge?**

17 A. Yes.

18 **Q. Then is paragraph 15 of this Deposition**
19 **Number Exhibit 57, does it identify the reasons why**
20 **you are challenging the constitutionality of the**
21 **statutes identified in this First Amended Complaint?**

22 A. Yes.

23 **Q. I'm sorry. It broke up.**

24 A. Yes.

25 **Q. Thank you. Are there any other reasons**

1 A. No, it is -- my friend that started it
2 with me is a huge Vikings fan and it's kind of an
3 omen to their wide left kicking.

4 **Q. Are you familiar with the Montana**
5 **Democratic Party's First Amended Complaint?**

6 A. Yes.

7 **Q. When was the last time you read the**
8 **Montana Democratic Party's First Amended Complaint?**

9 A. I just read it in full a couple days ago.

10 **Q. And I believe I've shared a copy of that**
11 **First Amended Complaint with you. Is that accurate?**

12 A. Yes.

13 MR. SEMMENS: Would the court reporter
14 please mark Montana Democratic Party's First
15 Amended Complaint as Deposition Exhibit
16 Number 57.

17 (Deposition Exhibit 57 marked
18 for identification.)

19 **Q. (By Mr. Semmens) And, Mr. Bohn, would you**
20 **please turn to page 7 of what we've marked as**
21 **Deposition Exhibit 57?**

22 A. Yep, I'm there right now.

23 **Q. Do you see paragraph 15?**

24 A. I do.

25 **Q. Would you please read paragraph 15 out**

1 **that you know of for why you are challenging the**
2 **constitutionality of the statutes identified in this**
3 **First Amended Complaint?**

4 A. Not that I can think of, no.

5 **Q. Is it fair to say then that you are only**
6 **challenging the constitutionality of House Bill 530**
7 **which regulates third-party ballot collection**
8 **practices in Montana?**

9 A. Correct.

10 MR. SEMMENS: Can we go off the the record
11 for just one moment?

12 (Break taken.)

13 **Q. (By Mr. Semmens) Mr. Bohn, let's talk**
14 **about your voting history. And for this I'll ask**
15 **you to please refer back to your declaration, which**
16 **we have marked as Deposition Exhibit 56. Do you**
17 **have that document in front of you?**

18 A. Yeah.

19 **Q. Would you please read out loud paragraph 3**
20 **of your declaration?**

21 A. I'm sorry. Can you repeat that? The
22 internet cut out really badly again.

23 **Q. Would you please read out loud paragraph 3**
24 **of your declaration?**

25 A. Yep. "I first registered to vote in 2014.

Page 25

1 My high school government teacher gave me a voter
2 registration form on my 18th birthday and I filled
3 it out right away. I have voted in every election
4 for which I have been eligible since. I believe
5 voting in an incredibly important civic
6 responsibility and the best way to have a say in our
7 government."

8 **Q. Is the paragraph you just read factually**
9 **accurate?**

10 A. Yes.

11 **Q. When is your birthday, Mr. Bohn?**

12 A. It's October 13th and then 1995.

13 **Q. If your birthday is October 13 of 1995 and**
14 **you filled out your voter registration form on your**
15 **18th birthday, is it fair to say you did not**
16 **register to vote on election day when you were 18?**

17 A. I did not vote, or register on election
18 day, no.

19 **Q. I'd like to share another document with**
20 **you, Mr. Bohn. I meant to -- and it has -- we'll go**
21 **off the record for just a moment while that comes**
22 **through.**

23 (Off the record briefly.)

24 **Q. (By Mr. Semmens) So, Mr. Bohn, I've just**
25 **shared a document with you. It's your Montana Voter**

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1 **Q. And that's your correct date of birth?**

2 A. Yes.

3 **Q. And it lists your original registration**
4 **date in the middle as October 4th of 2013. Do you**
5 **see that?**

6 A. Yeah, I do.

7 **Q. And is that consistent with your**
8 **recollection of when you registered to vote?**

9 A. You know, I'm going to be honest, it's
10 been what, eight, nine years since I registered to
11 vote. It probably is but I don't remember
12 100 percent.

13 **Q. And we agree you did not register to vote**
14 **in 2013 on election day, correct?**

15 A. That is correct. I've never been down to
16 the Metra to vote.

17 **Q. This Deposition Exhibit 58 lists your**
18 **address as 3174 Viola Lane in Billings, Montana. Is**
19 **that correct?**

20 A. That is correct.

21 **Q. I understand that you registered to vote**
22 **initially, gosh, nearly nine years ago at this**
23 **point. I'd like to go back to that date that you've**
24 **referenced in your declaration. Was it inconvenient**
25 **for you to register on a date prior to election day?**

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1 **Profile Report. Do you have that document in front**
2 **of you?**

3 A. Uh-huh. Yeah.

4 MR. SEMMENS: Would the court reporter
5 please mark Mr. Bohn's Voter Profile Report as
6 Deposition Exhibit Number 58.

7 (Deposition Exhibit 58 marked
8 for identification.)

9 **Q. (By Mr. Semmens) Have you ever seen this**
10 **document, Mr. Bohn?**

11 A. No, I have not.

12 **Q. And I'll represent to you that this is a**
13 **publicly available record maintained by the Montana**
14 **Secretary of State's Office and. I'm happy to give**
15 **you a minute to read through that. And just let me**
16 **know when you've had a chance to review it.**

17 A. Okay, I have.

18 **Q. To the best of your knowledge, Mr. Bohn,**
19 **is the information contained in this Deposition**
20 **Exhibit 58 factually accurate?**

21 A. Probably. I'm going to guess so.

22 **Q. And if you look at the top right corner,**
23 **it lists your date of birth as 10-13-1995; is that**
24 **correct?**

25 A. Yep, that's correct.

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1 A. You know, I don't remember why I did it
2 the way I did, to be honest with you. Like you
3 said, it was nine years ago so I probably was I
4 think -- like I said, my teacher gave it to me and I
5 think I just did it there out of ease of having it
6 there.

7 **Q. But you don't recall any problems that you**
8 **experienced due to your decision to register prior**
9 **to election day. Is that fair?**

10 A. Again, I was -- it was -- I was 18, almost
11 nine years ago. No, I don't.

12 **Q. Do you recall what identification you used**
13 **to register to vote back in 2013?**

14 A. I don't, but if I had to guess, probably
15 my driver's license.

16 **Q. How long have you had a driver's license?**

17 A. I got it my senior year of high school.

18 **Q. Do you recall how old you were when you**
19 **first obtained a driver's license?**

20 A. I was 18.

21 **Q. Did you register to vote in person again**
22 **back in 2013?**

23 A. I don't 100 percent recall if I did or
24 not.

25 **Q. Have you ever registered to vote on**

7 (Pages 25 to 28)

1 election day using election day registration in
 2 Montana?
 3 A. No, I have not.
 4 Q. I'll refer you back to your declaration
 5 that, again, that's Deposition Exhibit 56. And in
 6 paragraph 3 you stated that you voted in every
 7 election for which you have been eligible, correct?
 8 A. Correct.
 9 Q. Did you vote in any Montana elections in
 10 2021?
 11 A. Yes.
 12 Q. I'm sorry, it broke up.
 13 A. Yes.
 14 Q. What elections did you -- what Montana
 15 elections did you vote in in 2021?
 16 A. I can't remember exactly what it was for
 17 100 percent. I think it was for city council if I
 18 I'm remembering correctly.
 19 Q. And if you refer to Deposition Exhibit 58
 20 at page 2, do you see at the top there voting --
 21 A. Yeah.
 22 Q. -- in the municipal general election in
 23 November of 2021?
 24 A. Yep.
 25 Q. Does that stick with your recollection?

1 A. Yes.
 2 Q. Did you experience any difficulties voting
 3 in the November 2021 municipal elections?
 4 A. Since I voted absentee, my only thing I
 5 have is I have my parents take my ballot to the
 6 mailbox since I cannot get to the mailbox.
 7 Q. Did you experience any other difficulties
 8 voting in the November election?
 9 A. I did not.
 10 Q. And so if your parents took your ballot to
 11 the mailbox for the 2021 municipal election, you
 12 didn't vote in person, correct?
 13 A. No. I have never voted in person.
 14 Q. Mr. Bohn, if you read through again this
 15 page 2 of Deposition Exhibit 58, it lists the past
 16 elections that you voted in. Is that fair?
 17 A. Yep. Yeah.
 18 Q. And does this all look accurate to you?
 19 A. To the best of my knowledge.
 20 Q. Do you recall experiencing any
 21 difficulties when you voted in any of the past
 22 elections listed on page 2 of Deposition Exhibit 58?
 23 A. There was one. It was in 2018. I believe
 24 it was a general. I had -- I was working for
 25 Senator Tester at the time, as I have said, and I

1 did not fill out my ballot fast enough I felt to get
 2 it in through the mail and so then I had my parents
 3 drop it off downtown at the courthouse.
 4 Q. And is it fair to say that ultimately you
 5 were able to vote in that 2018 election?
 6 A. Ultimately in that election I was, yes.
 7 MR. GORDON: I'm sorry, Counsel. Mitch,
 8 just please make sure that you let Mr. Semmens
 9 finish his question all the way before you
 10 answer, just so you're not talking over each
 11 other.
 12 THE WITNESS: Okay.
 13 Q. (By Mr. Semmens) And I just want to
 14 understand your testimony correctly, Mr. Bohn. Is
 15 it your testimony that you have never voted in
 16 person in a Montana election?
 17 A. Correct.
 18 Q. And at least according to page 2 of
 19 Deposition Exhibit 58, in each election that you
 20 have voted absentee your ballot has been accepted,
 21 correct?
 22 A. Correct. It looks like it, yes.
 23 Q. Let's refer back to Deposition Exhibit 56,
 24 which is your declaration, Mr. Bohn. And I'm going
 25 to refer you to the second and third sentences of

1 paragraph 4. Do you see that?
 2 A. Yes.
 3 Q. Would you please read those two sentences
 4 again, the second and third sentence of paragraph 4
 5 out loud?
 6 A. "Billings typically only has one polling
 7 location at the Metra Arena on election day. I note
 8 from past experience that the arena can be extremely
 9 busy on election day, making it even more difficult
 10 for a person in a wheelchair to navigate."
 11 Q. Mr. Bohn, what is the basis for your
 12 statement that, "I know from past experience that
 13 the arena can be extremely busy on election day"?
 14 A. From working elections, I have, myself,
 15 driven down just to see the lines and I have had
 16 other coworkers that have driven down to see the
 17 lines at the Metra, and I just know that being in a
 18 wheelchair it would be more difficult than the ease
 19 of voting at home.
 20 Q. So even though you haven't personally
 21 voted at the Billings Metra on election day, you
 22 have gone down to the Billings Metra to see who how
 23 long the election lines were. Is that fair?
 24 A. Correct. Yes.
 25 Q. And how many times have you done that on

1 election day in the past?

2 A. Probably twice.

3 Q. And I believe you used the phrase
4 extremely busy in your declaration to describe the
5 scene at the Billings Metra on election day. Is
6 that fair?

7 A. That is correct.

8 Q. And what do you mean by that phrase
9 extremely busy?

10 A. Long lines and, I mean, as we know,
11 November can be kind of cold so being in a
12 wheelchair out in those extreme colds in a line
13 could be detrimental to somebody in a wheelchair.

14 Q. Do you know how long the people who are
15 waiting in line to vote in person at the Billings
16 Metra on the occasions when you went down to view
17 the lines, do you know how long those folks had to
18 wait in line to vote?

19 A. I do not know.

20 Q. Would it be your preference for in person
21 voting lines at the Billings Metra to be shorter on
22 election day?

23 A. Yes, but it would also be my preference
24 for them to be more polling locations in Billings.

25 Q. Do you think election officials should try

1 to make in person voting lines shorter?

2 A. That's not my job. I can't say.

3 Q. I'm just asking for your opinion.

4 A. I don't really think it's anything they
5 can control, to be honest with you.

6 Q. So referring back to Exhibit 56, your
7 declaration, would you please read the first
8 sentence of paragraph 4 out loud?

9 A. "I have a preference for voting by
10 absentee ballot."

11 Q. Okay. Why do you have a preference for
12 voting by absentee ballot?

13 A. Well, there is a lot of reasons. One is,
14 as I've mentioned, the just hubbub of the Metra on
15 election day, my health could be good or bad on
16 election day. It kind of is an up in the air thing
17 so I don't want to leave that up to chance. And
18 then also another thing that is just left up to
19 chance is Montana weather. I mean, the day before
20 election day it could be sunny and 65 and the next
21 day we have two feet of snow like we have now.

22 Q. And I believe your testimony is that every
23 time that you voted in Montana elections in the past
24 you have voted absentee, correct?

25 A. That is correct.

1 Q. How do you typically return your ballot,
2 Mr. Bohn, when you vote absentee?

3 A. Typically what I do is I fill it out and
4 then I have either my mom, dad, or brother take it
5 out to the mailbox and it is taken through the U.S.
6 Mail.

7 Q. And in your declaration you reference this
8 occasion in 2018. And I'm referencing paragraph 5
9 of Deposition Exhibit 56. In 2018 you had your
10 parents deliver your ballot for you to the election
11 offices; is that correct?

12 A. That is correct.

13 Q. Is that the only time your parents have
14 hand-delivered your absentee ballot directly back to
15 the election offices?

16 A. Yes, because that was the only time that I
17 haven't filled it out I felt in adequate time to
18 have it delivered by mail.

19 Q. So other than this one election in 2018,
20 is it fair to say that every time you have voted
21 absentee in Montana elections it's been by U.S.
22 Mail?

23 A. That I can remember.

24 Q. This instance in 2018 when your parents
25 returned your absentee ballot directly to the

1 elections office, did you pay your parents to do
2 that?

3 A. No.

4 Q. I'm sorry. I didn't hear the answer.

5 A. No, I did not.

6 Q. Mr. Bohn, when you've returned your
7 absentee ballot by mail in the past, have there ever
8 before any difficulties that you've experienced with
9 that ballot being delivered to the election office
10 by U.S. Mail?

11 A. Thankfully not up until this point, no.

12 Q. Have you ever asked a third party other
13 than your parents to deliver your absentee ballot
14 directly to the election office in the past Montana
15 election?

16 A. I have not needed to use that, no.

17 Q. Have you ever paid a third party to
18 deliver your absentee ballot directly to the
19 election office in a past Montana election?

20 A. No.

21 Q. To the best of your knowledge has a third
22 party ever paid someone to deliver your absentee
23 ballot directly to the election office in a past
24 Montana election?

25 A. Not to my knowledge, no.

1 **Q. So we're still on Deposition Exhibit 56,**
2 **your declaration. I'm going to refer you to**
3 **paragraph 6. Do you see that?**

4 A. Yes.

5 **Q. Would you please read the second and third**
6 **sentences of paragraph 6 out loud?**

7 A. "If it were legal I would prefer to give
8 my ballot to a paid employee of the Montana
9 Democratic Party or other similarly reliable ballot
10 collection groups to return on my behalf. I trust
11 the party's employees to return my ballot safely and
12 probably more promptly than the U.S. Postal
13 Service."

14 **Q. If I understand your testimony correctly,**
15 **Mr. Bohn, you've never actually given your ballot to**
16 **a paid employee of the Montana Democratic Party to**
17 **deliver directly to an election office in a past**
18 **Montana election. Is that accurate?**

19 A. That is accurate.

20 **Q. And you've never actually given your**
21 **ballot to a paid employee of any other ballot**
22 **collection group to deliver directly to the election**
23 **office in a past Montana election. Is that accurate**
24 **as well?**

25 A. That is accurate, yes.

1 **Q. And you've never had any difficulty**
2 **returning your absentee ballot by mail?**

3 A. No.

4 **Q. And so why, Mr. Bohn, would you prefer to**
5 **have the Montana Democratic Party return your ballot**
6 **for you?**

7 A. Well, I would like to have it as an option
8 because right now, yes, I'm able to have either my
9 parents take it in or my parents take it to the
10 mailbox for me but, again, God forbid they're not
11 with me anymore, I would not be able to. And so
12 having that ability to have someone come and get it
13 and collect it for me is a great thing to have.

14 **Q. Paragraph 6 in Exhibit 56 that you just**
15 **read, it states that you would prefer to give your**
16 **ballot to a "paid employee of the Montana Democratic**
17 **Party." Is that accurate?**

18 A. Yes.

19 **Q. Why is it important to you that the**
20 **Montana Democratic Party representative be paid to**
21 **collect your ballot?**

22 A. It is not. I just used that as a term.
23 It could be a volunteer as well.

24 **Q. You trust the Montana Democratic Party to**
25 **deliver your ballot for you. Is that fair?**

1 A. That is fair, yes.

2 **Q. Would you trust a paid employee of the**
3 **Montana Republican Party to return your ballot on**
4 **your behalf?**

5 A. Yeah.

6 **Q. And why do you say that?**

7 A. Because I feel like we all at the end of
8 the day are wanting the same things. We're wanting
9 our people in, whether it's Democrat or Republican,
10 we all want everybody to vote.

11 **Q. Mr. Bohn, why do you think the Montana**
12 **Democratic Party could return your ballot, "more**
13 **promptly than the U.S. Postal Service"?**

14 A. Well, this statement was taken in 2022
15 when there was a lot of issues with delays in the
16 postal service timing of things due to COVID and so
17 at that given time I was probably thinking yes, they
18 would be able to get it to the post office -- or not
19 to the post office, sorry -- to the election office
20 more promptly just due to the delays that we've had
21 in the postal service recently.

22 **Q. Sitting here today, do you still believe**
23 **that the Montana Democratic Party could deliver your**
24 **ballot more promptly than the U.S. Postal Service?**

25 A. If there is an office here in Billings,

1 yes, because I believe that the person from the
2 Democratic Party could pick it up and take it there
3 in less than an hour when the post office could take
4 a week. Who knows how long?

5 **Q. But, again, you've never had any problems**
6 **with the U.S. Postal Service delivering your ballot**
7 **in past Montana elections?**

8 A. No, I have not.

9 **Q. Let's talk about identification. You**
10 **testified previously that you have had a Montana**
11 **driver's license since he were 18, correct?**

12 A. Correct.

13 **Q. Do you know any adults -- and by adult I**
14 **mean somebody whose 18 or older -- who don't have a**
15 **Montana driver's license?**

16 A. Not off the top of my head that I can
17 think of.

18 **Q. And I'm not asking for the specific number**
19 **here, just to clarify, but do you have a Social**
20 **Security number?**

21 A. Yes.

22 **Q. Do you know any adults in Montana who**
23 **don't have a Social Security number?**

24 MR. GORDON: Objection, foundation. You
25 can answer, Mitch.

1 A. Not off the top of my head, no.
 2 **Q. (By Mr. Semmens) Do you have a U.S.**
 3 **passport?**
 4 A. I do.
 5 **Q. Do you currently sitting here before us**
 6 **today have a student ID card?**
 7 A. I do not currently because I lost my
 8 wallet a few months back and had to redo everything.
 9 So, no, I do not have a student ID on me at this
 10 moment.
 11 **Q. Did you have a student ID card when you**
 12 **were a student --**
 13 A. I did in my old wallet that I lost, yes.
 14 **Q. And when did you first get that student ID**
 15 **card from MSU Billings?**
 16 A. I think it was -- somewhere in 2014.
 17 **Q. Do you recall what the process was like**
 18 **for you back in 2014 when you got the student ID**
 19 **card from MSU Billings?**
 20 A. Not off the top of my head, no.
 21 **Q. Was it a pretty easy process for you to**
 22 **get one?**
 23 A. Yeah. Yes, it was.
 24 **Q. Do you recall, Mr. Bohn, did you have to**
 25 **prove your identity in any way to get that student**

1 A. Not off the top of my head, no.
 2 **Q. Did you ever use the student ID card for**
 3 **something that wasn't directly related to your**
 4 **status as a student at MSU Billings?**
 5 A. Not off the top of my head that I can
 6 remember, no.
 7 **Q. When you were a student at MSU Billings,**
 8 **Mr. Bohn, did you personally know any students who**
 9 **did not have a driver's license?**
 10 A. Are you saying a Montana driver's license
 11 or just a driver's license in general?
 12 **Q. Just a driver's license in general.**
 13 A. I don't know.
 14 MR. GORDON: Objection, foundation.
 15 **Q. (By Mr. Semmens) Given your past**
 16 **experiences and your past interactions with students**
 17 **at MSU Billings, would it strike you as unusual for**
 18 **a student not to have a driver's license?**
 19 MR. GORDON: Objection, foundation. Go
 20 ahead and answer.
 21 A. Can you repeat that question? I'm sorry.
 22 MR. SEMMENS: Would you read it back,
 23 please, Lisa?
 24 (Previous question read.)
 25 MR. GORDON: Same objection. And

1 **ID card back in 2014?**
 2 A. I don't recall.
 3 **Q. And when you did have that student ID card**
 4 **from MSU Billings, for what purposes did you use**
 5 **that student ID card when you were a student at MSU**
 6 **Billings?**
 7 A. To get into the basketball games.
 8 **Q. Anything else that you can think of?**
 9 A. My very first semester I lived in the
 10 dorms so I think meal plans were off of that.
 11 **Q. So if I understand your testimony**
 12 **correctly, you used the student ID card you received**
 13 **from MSU Billings to attend basketball games and to**
 14 **access your meal plan at MSU Billings. Is that**
 15 **accurate?**
 16 A. Yes, that is correct.
 17 (Reporter clarification.)
 18 **Q. (By Mr. Semmens) So, Mr. Bohn, if I**
 19 **understand your testimony correctly, you used your**
 20 **student ID card that you received from MSU Billings**
 21 **in 2014 to attend basketball games and to access**
 22 **your meal plan from MSU Billings. Is that accurate?**
 23 A. Yes, to the best of my knowledge.
 24 **Q. Are there any other purposes that you used**
 25 **that student ID card that you can recall?**

1 remember, Mitch, you can answer after I object
 2 unless I tell you not to.
 3 THE WITNESS: Yeah, I was just thinking.
 4 Sorry.
 5 MR. GORDON: Okay.
 6 A. I didn't really think of that, I guess, as
 7 anything so I guess it's not -- I guess I
 8 wouldn't -- I don't know. I wouldn't think it to be
 9 weird that -- I don't know what I'm trying to say
 10 here. I'm sorry. I would find it weird I guess if
 11 somebody didn't have a driver's license in college,
 12 yeah.
 13 **Q. (By Mr. Semmens) Let's talk about**
 14 **election day registration, Mr. Bohn. If I**
 15 **understand your testimony correctly, you've never**
 16 **used election day registration, correct?**
 17 A. That is correct.
 18 **Q. Do you personally know anyone who has used**
 19 **election day registration to register to vote for**
 20 **the first time on election day in a Montana**
 21 **election?**
 22 MR. GORDON: Objection, foundation.
 23 A. Not off the top of my head.
 24 **Q. (By Mr. Semmens) Let's talk about ballot**
 25 **collection. Mr. Bohn, have you ever worked as a**

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<p>1 paid ballot collector?</p> <p>2 A. No.</p> <p>3 Q. Do you personally know anyone who has</p> <p>4 worked as a paid ballot collector?</p> <p>5 A. No.</p> <p>6 Q. Do you personally know anyone who has used</p> <p>7 a paid ballot collector to return their ballot?</p> <p>8 MR. GORDON: Objection, foundation.</p> <p>9 A. No, I do not.</p> <p>10 MR. SEMMENS: Should we take another</p> <p>11 break?</p> <p>12 MR. GORDON: Sure.</p> <p>13 MR. SEMMENS: And I don't have a ton left.</p> <p>14 (Break taken.)</p> <p>15 Q. (By Mr. Semmens) Mr. Bohn, do you have a</p> <p>16 Twitter profile?</p> <p>17 A. I do.</p> <p>18 Q. And what is your Twitter handle?</p> <p>19 A. I think it's mitch_bohn0. I'm not</p> <p>20 entirely sure. I think it's what they just give you</p> <p>21 generically.</p> <p>22 Q. I'm going to share, hopefully. Do you see</p> <p>23 that, Mr. Bohn?</p> <p>24 A. Yep, that's me.</p> <p>25 Q. That's your Twitter handle?</p>	<p>1 A. Let me get out of the other one. Sorry.</p> <p>2 Yes.</p> <p>3 Q. Do you recall sending this tweet?</p> <p>4 A. No. That was almost two years ago now.</p> <p>5 Q. You did send this tweet from your account</p> <p>6 though, correct?</p> <p>7 A. Possibly. And I probably did, yeah, but I</p> <p>8 don't recall.</p> <p>9 MR. SEMMENS: Would the court reporter</p> <p>10 please mark this tweet from Mr. Bohn dated</p> <p>11 October 21st, 2019 a deposition Exhibit 60.</p> <p>12 (Deposition Exhibit 60 marked</p> <p>13 for identification.)</p> <p>14 Q. (By Mr. Semmens) Mr. Bohn, would you</p> <p>15 please read the tweet at the top from Alexis, it</p> <p>16 looks like Haridopolos, dated October 19, 2019 out</p> <p>17 loud?</p> <p>18 A. "As a female college student on a liberal</p> <p>19 campus, I will probably be voting Republican and</p> <p>20 standing with President Trump in 2020. Democrats</p> <p>21 claim that they are the party of the youth and the</p> <p>22 party of women but they don't represent me or my</p> <p>23 values."</p> <p>24 Q. Do you know Alex Haridopolos, the author</p> <p>25 of this tweet that you responded to?</p>
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<p>1 A. Yep.</p> <p>2 Q. And that's your picture?</p> <p>3 A. Yep.</p> <p>4 Q. So it looks like your Twitter handle is</p> <p>5 @mitch_bohn1013?</p> <p>6 A. Oh, yeah. Sorry.</p> <p>7 Q. No worries. And I assume that the 1013 is</p> <p>8 a reference to your birthday of October 13th?</p> <p>9 A. Yeah, probably.</p> <p>10 Q. Does anyone else have access to your</p> <p>11 Twitter account, Mr. Bohn?</p> <p>12 A. Not that I'm aware of.</p> <p>13 Q. And do you author the tweets that are sent</p> <p>14 from your Twitter account to the best of your</p> <p>15 knowledge?</p> <p>16 A. To the best of my knowledge.</p> <p>17 Q. I'm going to share, hopefully --</p> <p>18 MR. SEMMENS: And would the court reporter</p> <p>19 please mark Mr. Bohn's Twitter handle as</p> <p>20 Deposition Exhibit 59.</p> <p>21 (Deposition Exhibit 59 marked</p> <p>22 for identification.)</p> <p>23 Q. (By Mr. Semmens) And, Mr. Bohn, I'm just</p> <p>24 going to ask you about one tweet from your Twitter</p> <p>25 profile. Has that tweet showed up on your screen?</p>	<p>1 A. No. It must have just come up on my feed.</p> <p>2 Q. And you were not a college student in</p> <p>3 2019 -- is that accurate -- or were you?</p> <p>4 A. I've been off and on. I think I was but</p> <p>5 I'm not entirely sure.</p> <p>6 Q. Why did you respond to this tweet?</p> <p>7 A. I honestly almost two years ago, I don't</p> <p>8 remember.</p> <p>9 Q. Would you please read your reply to Alexis</p> <p>10 out loud?</p> <p>11 A. "Then you're a dumb privileged white</p> <p>12 girl."</p> <p>13 Q. And what did you mean when you tweeted</p> <p>14 then you're a dumb privileged white girl?</p> <p>15 A. Again, it was almost two years ago. I</p> <p>16 don't remember what I was thinking at the time.</p> <p>17 Q. Sitting here today, do you generally think</p> <p>18 that people who vote for Republican candidates are</p> <p>19 dumb?</p> <p>20 A. No.</p> <p>21 Q. Sitting here today, do you generally think</p> <p>22 that people who vote for Republican candidates are</p> <p>23 privileged?</p> <p>24 A. No.</p> <p>25 Q. Thank you for your time today, Mr. Bohn.</p>

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<p>1 I don't have any other questions for you, unless 2 Matt does. 3 MR. GORDON: Thanks, Counsel. 4 5 EXAMINATION 6 BY MR. GORDON: 7 Q. Mr. Bohn, just a couple quick questions 8 for you. 9 Counsel asked you some questions about 10 your knowledge of other people's circumstances. He 11 asked you about what you know about other students 12 and driver's licenses. Do you recall that question? 13 A. Yes, I do. 14 Q. Mr. Bohn, did you do any comprehensive 15 surveys of other students as potentially whether or 16 not they possessed driver's licenses? 17 A. No. 18 Q. And do you have personal knowledge about 19 the status of all other students that you know 20 insofar as whether or not they have a driver's 21 license? 22 MR. SEMMENS: Objection, foundation. 23 A. No. 24 Q. (By Mr. Gordon) Counsel asked you some 25 questions about what you knew about whether people</p>	<p>1 MR. SEMMENS: Objection, form. 2 A. No, I do not. 3 Q. Nothing further. Thank you, Mr. Bohn. 4 (The deposition was concluded at 5 2:50 p.m.) 6 (Signature required.) 7 * * * * * 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
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<p>1 that you know registered to vote on election day. 2 Do you recall that? 3 A. Yes, I do. 4 Q. Have you done any comprehensive surveys of 5 your friends and acquaintances with respect to how 6 they registered to vote? 7 A. No, I have not. 8 Q. Do you know with respect to your friends 9 and acquaintances and generally the people you know, 10 do you know how each of those people registered to 11 vote? 12 MR. SEMMENS: Objection, foundation. 13 A. No, I do not. 14 Q. (By Mr. Semmens) Counsel asked you some 15 questions about whether people you know had utilized 16 third parties to return their ballots. Do you 17 recall that question? 18 A. Yes, I do. 19 Q. Mr. Bohn, have you done any comprehensive 20 surveys of the people you know with respect to how 21 they have voted? 22 A. No, I have not. 23 Q. And do you know with respect to the people 24 you know, do you know how each of them has voted in 25 each of the elections in which they voted?</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

A	Alexis 47:15 48:9 aloud 18:25 Amended 20:12 20:18 22:5,8 22:11,15 23:21 24:3 amounts 7:8 and/or 1:10,14 answer 2:23 3:8 31:10 36:4 40:25 43:20 44:1 anticipate 4:22 anymore 38:11 apologize 11:24 appearance 1:5 appeared 13:17 area 10:19 arena 32:7,8,13 asked 10:8 13:12 36:12 49:9,11,24 50:14 asking 2:22 34:3 40:18 assume 46:7 athletes 9:6,7 attend 4:13 42:13,21 attended 11:8 attorney 2:3 3:20 attorneys 2:11 author 46:13 47:24 available 26:13 aware 46:12	background 3:17 bad 34:15 badly 24:22 ballot 20:22 21:3,7,11 23:7 23:10,11,12,13 24:7 30:5,10 31:1,20 34:10 34:12 35:1,10 35:14,25 36:7 36:9,13,18,23 37:8,9,11,15 37:21,21 38:2 38:5,16,21,25 39:3,12,24 40:6 44:24 45:1,4,7,7 ballots 50:16 basic 19:11 basically 17:15 19:13 basis 32:11 basketball 42:7 42:13,21 behalf 2:3,4 23:8,11 37:10 39:4 beliefs 21:12,17 21:25 believe 7:9 13:4 14:7 15:23,25 18:7 21:20 22:10 25:4 30:23 33:3 34:22 39:22 40:1 believes 23:12 best 12:22,23 23:15 25:6 26:18 30:19 36:21 42:23 46:14,16 Biden 11:15 bifida 19:12,13 19:14,21,23,24	20:9 big 10:9 17:4 Bill 24:6 Billings 4:16,18 5:2,5,6,8 6:2 6:24 10:18 11:1 16:8,11 16:21 17:1,12 19:3 23:3 27:18 32:6,21 32:22 33:5,15 33:21,24 39:25 41:15,19 42:4 42:6,13,14,20 42:22 43:4,7 43:17 birth 26:23 27:1 birthday 25:2 25:11,13,15 46:8 Bohn 1:23,25 2:6 3:18 4:5,11 5:4,17 8:22 10:2 11:20 12:2,9,13 13:20 14:24 16:5 18:13,17 19:14 20:13 22:19 23:2,6,9 23:11 24:13 25:11,20,24 26:10,18 30:14 31:14,24 32:11 35:2 36:6 37:15 38:4 39:11 41:24 42:18 43:8 44:14,25 45:15 45:23 46:11,23 47:10,14 48:25 49:7,14 50:19 51:3 Bohn's 23:3 26:5 46:19 break 3:14 24:12 45:11,14	breaks 4:20 briefly 9:22 12:1 25:23 broke 6:6 23:23 29:12 brother 5:15 21:7 35:4 bullock 13:23 16:1,2 Bullock's 7:20 7:23 8:2 15:22 15:25 bunch 19:22 busy 32:9,13 33:4,9
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EXHIBIT 6

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David M.S. Dewhirst (MT Bar #65934132)
Solicitor General
Office of the Attorney General
P.O. Box 201401
Helena, MT 59620-1401
Telephone: (406) 444-2026

Austin Markus James (MT Bar #58422031)
Chief Legal Counsel
Office of the Secretary of State
P.O. Box 202801
Helena, MT 59620-2801
Telephone: (406) 444-6197

Dale Schowengerdt (MT Bar #30342848)
Ian McIntosh (MT Bar #4384)
Leonard H. Smith (MT Bar #3445)
CROWLEY FLECK PLLP
P.O. Box 797
Helena, MT 59624-0797
Telephone: (406) 449-4165

*Lead Attorneys for Defendant Christi Jacobsen, in her
official capacity as Montana Secretary of State*

**IN THE MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,
YELLOWSTONE COUNTY**

Montana Democratic Party and Mitch Bohn,

Plaintiffs,

Western Native Voice, *et al.*,

Plaintiffs,

Montana Youth Action, *et al.*,

Plaintiffs,

vs.

Christi Jacobsen, in her official capacity as
Montana Secretary of State,

Defendant.

Consolidated Case No. DV 21-0451

Hon. Michael Moses

Second Declaration of Janel Tucek

I, Janel Tucek, state and affirm that the following statements are true and correct to the best of my knowledge:

1. I am over 18 years old. I reside in Fergus County, Montana. I make this declaration based on my personal knowledge and experience.
2. I was deposed on April 13, 2022. I am aware a transcript has not been prepared. To the best of my understanding the answers I gave were true and correct. To the best of my recollection, my testimony included the statements contained in this Declaration.
3. I have administered fifteen elections in Montana, including twelve elections in Petroleum County and three elections in Fergus County.
4. I am aware that an injunction was issued by the Montana Thirteenth Judicial District Court enjoining the enforcement of HB 176, HB 506, HB 530, and SB 169.
5. It is my understanding that the injunction changes the documentation an individual may rely on to register to vote.
6. It is my understanding that the injunction changes the documentation an individual may rely on in order to vote.
7. Prior to the issuance of the injunction, I had trained approximately one hundred and fifteen poll workers in preparation for the upcoming primary election in June 2022. Because I trained these poll workers prior to the injunction being issued, the training I administered was based on Montana election law as amended by HB 176, HB 506, HB 530, and SB 169. The training I administered included training on the amendments made by SB 169 to Montana law as to the documentation an individual may use to register to vote and the documentation an individual may use to vote. I certified one hundred and nine poll workers following this training.

Of those one hundred and nine poll workers, eighty-seven will participate in the administration of the upcoming primary election in June 2022.

8. On election night in November 2020, I remained at the Courthouse in Petroleum County until 11:30 p.m. in order to be available to assist with voter registration issues encountered by other county election administrators.

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

4.15.2022 Lewistown, MT
Date and Place

Janel Tucek
Janel Tucek

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CERTIFICATE OF SERVICE

I, Dale Schowengerdt, hereby certify that I have served true and accurate copies of the foregoing Answer/Brief - Reply Brief to the following on 04-15-2022:

Kathleen Lynn Smithgall (Govt Attorney)
215 N. Sanders St.
Helena MT 59601
Representing: Jacobsen, Christi As Secretary Of State Of Mt
Service Method: eService

Ian McIntosh (Attorney)
1915 S. 19th Ave
P.O. Box 10969
Bozeman MT 59719
Representing: Jacobsen, Christi As Secretary Of State Of Mt
Service Method: eService

Leonard Hudson Smith (Attorney)
P.O. Box 2529
Billings MT 59103
Representing: Jacobsen, Christi As Secretary Of State Of Mt
Service Method: eService

Austin Markus James (Govt Attorney)
1301 E 6th Ave
Helena MT 59601
Representing: Jacobsen, Christi As Secretary Of State Of Mt
Service Method: eService

E. Lars Phillips (Attorney)
1915 S. 19th Ave
Bozeman MT 59718
Representing: Jacobsen, Christi As Secretary Of State Of Mt
Service Method: eService

John Mark Semmens (Attorney)
900 N. Last Chance Gulch
Suite 200
Helena MT 59601
Representing: Jacobsen, Christi As Secretary Of State Of Mt

Service Method: eService

Clayton H. Gregersen (Attorney)

P.O. Box 2529

Billings MT 59101

Representing: Jacobsen, Christi As Secretary Of State Of Mt

Service Method: eService

William McIntosh Morris (Attorney)

1915 S. 19th Ave.

P.O. Box 10969

Bozeman MT 59719

Representing: Jacobsen, Christi As Secretary Of State Of Mt

Service Method: eService

David M.S. Dewhirst (Govt Attorney)

215 N Sanders

Helena MT 59601

Representing: Jacobsen, Christi As Secretary Of State Of Mt

Service Method: eService

David Francis Knobel (Attorney)

490 N. 31st St., Ste 500

Billings MT 59101

Representing: Jacobsen, Christi As Secretary Of State Of Mt

Service Method: eService

Ryan Ward Aikin (Attorney)

1018 Hawthorne St.

Missoula MT 59802

Representing: Forward Montana Foundation, Montana Youth Action

Service Method: eService

Rylee Sommers-Flanagan (Attorney)

40 W. Lawrence Street

Helena MT 59601

Representing: Forward Montana Foundation, Montana Public Interest Research Grp., Montana Youth Action

Service Method: eService

John C. Heenan (Attorney)

1631 Zimmerman Trail, Suite 1

Billings MT 59102

Representing: Mitch Bohn, Montana Democratic Party

Service Method: eService

Peter M. Meloy (Attorney)

2601 E. Broadway

2601 E. Broadway, P.O. Box 1241

Helena MT 59624
Representing: Mitch Bohn, Montana Democratic Party
Service Method: eService

Matthew Prairie Gordon (Attorney)
1201 Third Ave
Seattle WA 98101
Representing: Mitch Bohn, Montana Democratic Party
Service Method: eService

Jonathan Patrick Hawley (Attorney)
1700 Seventh Avenue
Suite 2100
Seattle WA 98101
Representing: Mitch Bohn, Montana Democratic Party
Service Method: eService

Alexander H. Rate (Attorney)
713 Loch Leven Drive
Livingston MT 59047
Representing: Western Native Voice
Service Method: eService

Confederated Salish And Kootenai Tribes (Plaintiff)
Service Method: Other Means by Consent

Northern Cheyenne Tribe (Plaintiff)
P.O. Box 128
Lame Deer 59043
Service Method: Other Means by Consent

Blackfeet Nation (Plaintiff)
Service Method: Other Means by Consent

Fort Belknap Indian Community (Plaintiff)
Service Method: Other Means by Consent

Henry James Brewster (Attorney)
10 G Street NE, Ste 600
Washington 20002
Representing: Mitch Bohn, Montana Democratic Party
Service Method: Other Means by Consent

Jonathan Topa (Attorney)
125 Broad Street 18th Floor
New York 10004
Representing: Western Native Voice
Service Method: Other Means by Consent

Electronically Signed By: Dale Schowengerdt
Dated: 04-15-2022

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