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MONTANA THIRTEENTH JUDICIAL DISTRICT COURT  
COUNTY OF YELLOWSTONE

WESTERN NATIVE VOICE, Montana )  
Native Vote, Blackfeet Nation, Confederated )  
Salish and Kootenai Tribes, Fort Belknap )  
Indian Community, and Northern Cheyenne )  
Tribe, )

Plaintiffs, )

v. )

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

Defendant. )

Consolidated Case No. DV 21-0451

Judge Michael G. Moses

**AFFIDAVIT OF ALEX RATE IN  
SUPPORT OF PLAINTIFFS'  
MOTION FOR PRELIMINARY  
INJUNCTION**

I, Alex Rate, submit the following Affidavit in support of Plaintiffs' Motion for Preliminary Injunction. I am the Legal Director of the American Civil Liberties Union of Montana (ACLU-MT) and counsel to Plaintiffs in the above-captioned case. I have become familiar with the documents that are attached to this Affidavit. If called upon to testify, I could competently testify to the matters set forth in this Affidavit.

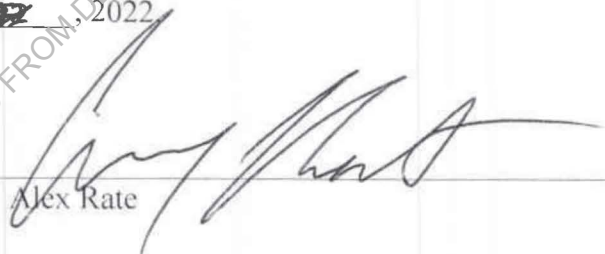
1. A true and correct copy of "Montana Absentee Ballot Counts by County", downloaded January 10, 2022, is attached to this Affidavit as Exhibit A.
2. A true and correct copy of an excel file from the Montana Secretary of State's website documenting absentee turnout data from the years 2000-2020 ("Absentee Turnout 2000 – Present"), downloaded January 10, 2022, is attached to this Affidavit as Exhibit B.
3. A true and correct copy of American Community Survey 2013-2017 American Community Survey 5-Year Estimates for Blackfeet Indian Reservation and Off-Reservation Trust Land, MT is attached to this Affidavit as Exhibit C.
4. A true and correct copy of American Community Survey 2013-2017 American Community Survey 5-Year Estimates for Fort Belknap Reservation and Off-Reservation Trust Land, MT is attached to this Affidavit as Exhibit D.
5. A true and correct copy of American Community Survey 2013-2017 American Community Survey 5-Year Estimates for Rocky Boys Reservation and Off-Reservation Trust Land, MT is attached to this Affidavit as Exhibit E.
6. A true and correct copy of American Community Survey 2013-2017 American Community Survey 5-Year Estimates for Selected Economic Characteristics, MT is attached to this Affidavit as Exhibit F.
7. A true and correct copy an excel file from the Montana Secretary of State's website documenting locations and hours of all polling places and satellite election offices ("Polling Place Locations and Satellite Offices") downloaded on January 10, 2022, is attached to this Affidavit as Exhibit G.
8. A true and correct copy of the U.S. Commission on Civil Rights' report, "Bordertown Discrimination in Montana," downloaded January 10, 2022, is attached to this Affidavit as Exhibit H.

9. A true and correct copy of the HB 176 hearing transcript from the Montana House State Administrative Hearing on January 21, 2021, is attached as Exhibit I.
10. A true and correct copy of the Montana Senate Committee on State Administration Hearing on February 15, 2021, is attached as Exhibit J.
11. A true and correct copy of the expert report of Trey Hood, produced in *Western Native Voice et al. v. Stapleton et al.*, Cause No. DV 20-0377 (2020), is attached as Exhibit K.
12. A true and correct copy of the declaration of Trey Hood, produced in *Western Native Voice et al. v. Stapleton et al.*, Cause No. DV 20-0377 (2020), is attached as Exhibit L.
13. A true and correct copy of an audio transcription of the House Judiciary Hearing on February 23, 2021 considering House Bill 406, is attached as Exhibit M.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, based on my personal knowledge.

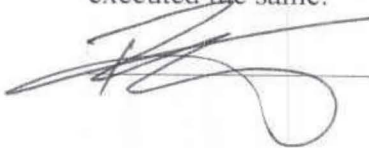
Executed in Livingston <sup>MT</sup> on 1/12 ~~12~~, 2022

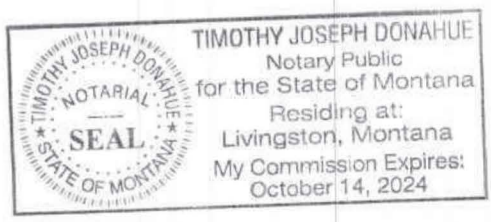
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Alex Rate

State of Montana  
County of Park

On this 12<sup>th</sup> day of January, 20 22, before me personally appeared Alexander Howard Rate, whom I know personally, and acknowledged that ~~she~~ executed the same.

  
Notary Public



# EXHIBIT A

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## Montana Absentee Ballot Counts by County

Compiled 11/30/2020 10:45:21 PM

Updated Daily

County Name	Number Sent	Number Receive
Beaverhead	6,390	5,758
Big Horn	6,421	4,943
Blaine	3,741	3,189
Broadwater	3,322	3,084
Carbon	5,553	5,148
Carter	926	870
Cascade	44,870	40,610
Chouteau	2,429	2,233
Custer	6,522	5,948
Daniels	1,101	1,029
Dawson	5,333	4,894
Deer Lodge	5,388	4,973
Fallon	1,695	1,597
Fergus	5,828	5,545
Flathead	68,391	60,749
Gallatin	79,669	72,118
Garfield	909	822
Glacier	7,356	5,834
Golden Valley	559	510
Granite	2,316	2,131
Hill	8,268	7,326
Jefferson	8,869	8,259
Judith Basin	1,434	1,360
Lake	18,645	16,851
Lewis & Clark	46,298	42,940
Liberty	1,164	1,101
Lincoln	13,146	11,874
Madison	6,595	6,187
McCone	1,220	1,138
Meagher	1,218	1,129
Mineral	2,102	1,896
Missoula	79,947	72,749
Musselshell	3,165	2,912
Park	12,734	11,754
Petroleum	282	268
Phillips	2,654	2,432
Pondera	3,463	3,048
Powder River	720	664
Powell	2,343	2,156
Prairie	801	744
Ravalli	31,189	28,895

Richland	6,726	5,891
Roosevelt	5,122	4,106
Rosebud	4,487	3,808
Sanders	8,606	7,714
Sheridan	2,277	2,077
Silver Bow	20,998	19,112
Stillwater	4,205	3,892
Sweet Grass	2,676	2,482
Teton	4,003	3,746
Toole	2,359	2,152
Treasure	344	333
Valley	4,926	4,336
Wheatland	1,234	1,117
Wibaux	369	346
Yellowstone	95,634	85,252
	<hr/>	<hr/>
	668,942	604,042

Provided by the Office of Montana Secretary of State

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# EXHIBIT B

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2020 General Election: Official Voter Turnout  
 Montana Secretary of State  
 sosmt.gov • soselections@mt.gov

2018 Gene  
 Mon  
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	2020 General Registered Voters	2020 General Votes Cast	2020 General Voter Turnout	2018 General Registered Voters
<b>Totals:</b>	<b>752,538</b>	<b>612,075</b>	<b>81.33%</b>	<b>711,844</b>
Beaverhead	7,116	5,740	81%	6,823
Big Horn	7,498	4,860	65%	7,973
Blaine	4,173	3,171	76%	4,192
Broadwater	5,017	4,136	82%	4,365
Carbon	8,285	7,184	87%	8,014
Carter	967	870	90%	1,005
Cascade	50,461	40,633	81%	49,571
Chouteau	3,713	3,022	81%	3,544
Custer	7,222	5,943	82%	7,072
Daniels	1,201	1,029	86%	1,231
Dawson	5,890	4,890	83%	5,924
Deer Lodge	5,882	4,968	84%	5,531
Fallon	1,859	1,597	86%	1,831
Fergus	7,840	6,576	84%	7,866
Flathead	76,282	60,642	79%	69,658
Gallatin	88,553	71,963	81%	79,960
Garfield	930	822	88%	877
Glacier	8,353	5,788	69%	8,318
Golden Valley	582	507	87%	594
Granite	2,453	2,123	87%	2,343
Hill	9,235	7,302	79%	9,313
Jefferson	9,466	8,247	87%	8,842
Judith Basin	1,507	1,359	90%	1,473
Lake	20,781	16,810	81%	19,286
Lewis & Clark	50,631	42,862	85%	47,509
Liberty	1,226	1,100	90%	1,189
Lincoln	14,463	11,866	82%	13,475
Madison	7,111	6,165	87%	6,613
McCone	1,241	1,136	92%	1,263
Meagher	1,320	1,127	85%	1,297
Mineral	3,382	2,602	77%	3,281
Missoula	91,095	72,491	80%	86,357
Musselshell	3,590	2,901	81%	3,278
Park	13,920	11,711	84%	13,491
Petroleum	391	351	90%	422
Phillips	2,867	2,412	84%	2,755
Pondera	3,842	3,028	79%	3,659
Powder River	1,337	1,148	86%	1,297
Powell	3,885	3,229	83%	3,647
Prairie	880	742	84%	874
Ravalli	33,739	28,846	85%	31,287
Richland	7,706	5,864	76%	7,270
Roosevelt	6,046	4,084	68%	5,974
Rosebud	5,049	3,803	75%	5,018
Sanders	9,199	7,705	84%	8,624
Sheridan	2,516	2,073	82%	2,459
Silver Bow	23,410	19,041	81%	22,931
Stillwater	6,818	5,792	85%	6,342
Sweet Grass	2,833	2,475	87%	2,798
Teton	4,205	3,736	89%	4,033
Toole	2,610	2,145	82%	2,614
Treasure	551	469	85%	557
Valley	5,136	4,327	84%	4,921
Wheatland	1,261	1,080	86%	1,356
Wibaux	738	608	82%	725
Yellowstone	104,274	84,969	81%	98,922
<b>Totals:</b>	<b>752,538</b>	<b>612,075</b>	<b>81%</b>	<b>711,844</b>





2018 General Election: Official Voter Turnout  
 Montana Secretary of State  
 gov • [soselections@mt.gov](mailto:soselections@mt.gov)

2016 General Election: Official Voter Turnout  
 Montana Secretary of State  
 gov • [soselections@mt.gov](mailto:soselections@mt.gov)

	2018 General Votes Cast	2018 General Voter Turnout	2016 General Registered Voters	2016 General Votes Cast
<b>Totals:</b>	<b>509,213</b>	<b>71.53%</b>	<b>694,370</b>	<b>516,901</b>
Beaverhead	4,957	73%	6,733	5,088
Big Horn	4,713	59%	7,994	4,434
Blaine	3,042	73%	3,937	2,818
Broadwater	3,284	75%	4,216	3,265
Carbon	6,115	76%	7,723	6,140
Carter	779	78%	962	812
Cascade	34,297	69%	53,867	35,999
Chouteau	2,689	76%	3,509	2,715
Custer	4,945	70%	7,134	5,386
Daniels	958	78%	1,214	993
Dawson	4,111	69%	5,890	4,498
Deer Lodge	4,238	77%	5,411	4,425
Fallon	1,309	71%	1,980	1,533
Fergus	5,843	74%	7,727	6,082
Flathead	48,656	70%	67,112	48,290
Gallatin	56,336	70%	75,481	55,974
Garfield	700	80%	914	735
Glacier	5,024	60%	7,782	5,334
Golden Valley	468	79%	598	503
Granite	1,818	78%	2,352	1,860
Hill	6,448	69%	9,521	6,727
Jefferson	6,896	78%	8,377	6,971
Judith Basin	1,200	81%	1,441	1,248
Lake	13,875	72%	18,799	13,626
Lewis & Clark	35,818	75%	45,342	35,974
Liberty	992	83%	1,171	992
Lincoln	9,398	70%	13,472	9,639
Madison	5,011	76%	6,176	4,935
McCone	1,042	83%	1,256	1,085
Meagher	985	76%	1,305	1,011
Mineral	2,092	64%	3,101	2,096
Missoula	62,054	72%	83,745	61,761
Musselshell	2,458	75%	3,031	2,491
Park	9,804	73%	12,622	9,726
Petroleum	315	75%	426	338
Phillips	2,108	77%	2,749	2,248
Pondera	2,719	74%	3,529	2,831
Powder River	984	76%	1,299	1,102
Powell	2,789	76%	3,538	2,898
Prairie	666	76%	879	709
Ravalli	23,571	75%	30,119	23,355
Richland	4,379	60%	7,048	4,988
Roosevelt	3,474	58%	5,813	3,825
Rosebud	3,402	68%	4,982	3,593
Sanders	6,203	72%	8,290	6,140
Sheridan	1,850	75%	2,422	1,942
Silver Bow	16,447	72%	21,950	17,251
Stillwater	4,911	77%	6,104	5,006
Sweet Grass	2,167	77%	2,664	2,176
Teton	3,179	79%	4,060	3,331
Toole	1,921	73%	2,654	2,094
Treasure	419	75%	560	461
Valley	3,925	80%	4,845	4,029
Wheatland	946	70%	1,333	983
Wibaux	558	77%	746	564
Yellowstone	69,925	71%	96,465	71,871
<b>Totals:</b>	<b>509,213</b>	<b>72%</b>	<b>694,370</b>	<b>516,901</b>



al Voter Turnout  
State  
Dmt.gov

2014 General Election: Official Voter Turnout  
Montana Secretary of State  
sosmt.gov • soselections@mt.gov

	2016 General Voter Turnout	2014 General Registered Voters	2014 General Votes Cast	2014 General Voter Turnout
<b>Totals:</b>	<b>74.44%</b>	<b>674,264</b>	<b>373,831</b>	<b>55.44%</b>
Beaverhead	76%	6,588	4,073	62%
Big Horn	55%	8,024	3,832	48%
Blaine	72%	3,903	1,903	49%
Broadwater	77%	4,073	2,582	63%
Carbon	80%	7,329	4,727	65%
Carter	84%	1,002	644	64%
Cascade	67%	51,887	26,426	51%
Chouteau	77%	3,595	2,170	60%
Custer	75%	7,200	4,116	57%
Daniels	82%	1,224	852	70%
Dawson	76%	5,499	3,313	60%
Deer Lodge	82%	4,998	3,373	67%
Fallon	77%	1,940	1,206	62%
Fergus	79%	8,013	5,015	63%
Flathead	72%	61,863	32,274	52%
Gallatin	74%	71,030	35,863	50%
Garfield	80%	924	603	65%
Glacier	69%	7,320	3,271	45%
Golden Valley	84%	612	453	74%
Granite	79%	2,189	1,543	70%
Hill	71%	9,487	5,093	54%
Jefferson	83%	8,005	5,353	67%
Judith Basin	87%	1,486	1,029	69%
Lake	72%	18,686	10,058	54%
Lewis & Clark	79%	42,929	26,466	62%
Liberty	85%	1,194	883	74%
Lincoln	72%	13,103	7,474	57%
Madison	80%	5,861	3,664	63%
McCone	86%	1,166	874	75%
Meagher	77%	1,372	792	58%
Mineral	68%	3,104	1,562	50%
Missoula	74%	86,316	42,607	49%
Musselshell	82%	3,047	2,083	68%
Park	77%	11,932	7,056	59%
Petroleum	79%	409	241	59%
Phillips	82%	2,619	1,799	69%
Pondera	80%	3,479	2,202	63%
Powder River	85%	1,272	900	71%
Powell	82%	3,491	2,350	67%
Prairie	81%	859	622	72%
Ravalli	78%	29,287	17,030	58%
Richland	71%	6,648	3,397	51%
Roosevelt	66%	5,738	2,753	48%
Rosebud	72%	4,821	2,642	55%
Sanders	74%	8,154	4,657	57%
Sheridan	80%	2,348	1,456	62%
Silver Bow	79%	19,930	12,859	65%
Stillwater	82%	5,867	3,779	64%
Sweet Grass	82%	2,555	1,652	65%
Teton	82%	4,013	2,757	69%
Toole	79%	2,609	1,685	65%
Treasure	82%	570	388	68%
Valley	83%	4,720	3,417	72%
Wheatland	74%	1,271	778	61%
Wibaux	76%	732	493	67%
Yellowstone	75%	95,971	52,741	55%
<b>Totals:</b>	<b>74%</b>	<b>674,264</b>	<b>373,831</b>	<b>55.44%</b>



2012 General Election: Official Voter Turnout  
 Montana Secretary of State  
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2010 Gene  
 Mon  
 sosmt.g

	2012 General Registered Voters	2012 General Votes Cast	2012 General Voter Turnout	2010 General Registered Voters
<b>Totals:</b>	<b>681,608</b>	<b>491,966</b>	<b>72.18%</b>	<b>651,335</b>
Beaverhead	6,699	4,896	73%	6,103
Big Horn	8,416	4,704	56%	7,895
Blaine	4,059	2,900	71%	3,950
Broadwater	3,977	3,058	77%	3,685
Carbon	7,176	5,920	83%	7,161
Carter	996	833	84%	928
Cascade	53,398	34,851	65%	49,010
Chouteau	3,856	2,884	75%	3,699
Custer	7,297	5,467	75%	6,833
Daniels	1,308	1,027	79%	1,409
Dawson	5,944	4,497	76%	6,347
Deer Lodge	5,777	4,540	79%	5,768
Fallon	1,864	1,439	77%	1,804
Fergus	7,855	6,151	78%	7,888
Flathead	61,130	44,211	72%	59,457
Gallatin	69,954	48,664	70%	63,874
Garfield	914	701	77%	882
Glacier	7,616	4,554	60%	7,958
Golden Valley	607	507	84%	578
Granite	2,171	1,728	80%	2,263
Hill	9,807	6,961	71%	9,514
Jefferson	8,125	6,629	82%	7,914
Judith Basin	1,499	1,237	83%	1,485
Lake	18,670	13,472	72%	18,262
Lewis & Clark	45,801	33,878	74%	41,688
Liberty	1,246	1,017	82%	1,240
Lincoln	12,494	9,058	73%	11,987
Madison	5,671	4,606	81%	5,507
McCone	1,239	1,018	82%	1,250
Meagher	1,442	994	69%	1,424
Mineral	3,022	2,060	68%	2,771
Missoula	83,431	58,313	70%	79,427
Musselshell	3,097	2,422	78%	2,887
Park	11,822	8,950	76%	11,051
Petroleum	387	304	79%	346
Phillips	2,792	2,274	81%	2,738
Pondera	3,642	2,761	76%	3,753
Powder River	1,312	1,044	80%	1,268
Powell	3,640	2,787	77%	3,640
Prairie	882	720	82%	889
Ravalli	29,961	22,505	75%	29,330
Richland	6,378	4,735	74%	6,644
Roosevelt	6,207	3,746	60%	5,773
Rosebud	5,113	3,580	70%	5,100
Sanders	8,338	6,040	72%	7,689
Sheridan	2,501	1,982	79%	2,442
Silver Bow	23,652	17,041	72%	21,526
Stillwater	5,926	4,758	80%	5,475
Sweet Grass	2,732	2,160	79%	2,531
Teton	3,992	3,332	83%	4,262
Toole	2,764	2,152	78%	2,758
Treasure	582	468	80%	601
Valley	4,790	3,950	82%	4,919
Wheatland	1,316	1,003	76%	1,349
Wibaux	732	554	76%	712
Yellowstone	95,589	69,923	73%	93,691
<b>Totals:</b>	<b>681,608</b>	<b>491,966</b>	<b>72.18%</b>	<b>651,335</b>



2010 General Election: Official Voter Turnout  
 Montana Secretary of State  
 gov • [soselections@mt.gov](mailto:soselections@mt.gov)

2008 General Election: Official Voter Turnout  
 Montana Secretary of State  
 gov • [soselections@mt.gov](mailto:soselections@mt.gov)

	2010 General Votes Cast	2010 General Voter Turnout	2008 General Registered Voters	2008 General Votes Cast
<b>Totals:</b>	<b>367,096</b>	<b>56.36%</b>	<b>668,085</b>	<b>497,599</b>
Beaverhead	3,809	62%	6,364	4,813
Big Horn	4,019	51%	7,799	5,306
Blaine	1,868	47%	4,080	2,955
Broadwater	2,651	72%	3,634	2,859
Carbon	4,913	69%	7,212	5,812
Carter	705	76%	890	730
Cascade	26,557	54%	54,876	36,115
Chouteau	2,344	63%	3,847	2,902
Custer	4,131	60%	6,969	5,515
Daniels	923	66%	1,427	1,103
Dawson	3,712	58%	6,463	4,515
Deer Lodge	3,429	59%	6,427	5,204
Fallon	1,153	64%	1,822	1,456
Fergus	5,239	66%	8,011	6,305
Flathead	31,727	53%	58,365	43,975
Gallatin	31,632	50%	66,153	48,420
Garfield	699	79%	859	739
Glacier	2,717	34%	8,384	5,067
Golden Valley	429	74%	598	499
Granite	1,487	66%	2,384	1,742
Hill	5,301	56%	9,468	6,777
Jefferson	5,344	68%	7,918	6,398
Judith Basin	1,067	72%	1,555	1,262
Lake	10,446	57%	18,236	14,027
Lewis & Clark	25,636	61%	39,412	33,270
Liberty	948	76%	1,272	1,069
Lincoln	7,260	61%	12,968	9,317
Madison	3,673	67%	6,000	4,622
McCone	897	72%	1,312	1,103
Meagher	869	61%	1,388	1,008
Mineral	1,874	68%	2,588	2,021
Missoula	38,451	48%	80,566	59,527
Musselshell	1,907	66%	3,066	2,338
Park	7,024	64%	11,768	9,125
Petroleum	253	73%	345	305
Phillips	1,895	69%	2,725	2,164
Pondera	2,136	57%	3,863	2,920
Powder River	916	72%	1,365	1,054
Powell	2,248	62%	3,732	2,872
Prairie	617	69%	897	743
Ravalli	17,928	61%	29,659	22,265
Richland	3,812	57%	6,117	4,557
Roosevelt	2,958	51%	6,517	4,203
Rosebud	2,693	53%	5,465	3,866
Sanders	5,268	69%	7,126	5,942
Sheridan	1,713	70%	2,579	2,039
Silver Bow	11,893	55%	21,355	17,215
Stillwater	3,793	69%	6,189	4,693
Sweet Grass	1,768	70%	2,474	2,103
Teton	2,778	65%	4,246	3,336
Toole	1,787	65%	2,836	2,170
Treasure	387	64%	597	492
Valley	3,464	70%	5,028	3,986
Wheatland	1,054	78%	1,326	1,002
Wibaux	504	71%	730	572
Yellowstone	52,390	56%	98,833	71,204
<b>Totals:</b>	<b>367,096</b>	<b>56.36%</b>	<b>668,085</b>	<b>497,599</b>



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	2008 General Voter Turnout	2006 General Registered Voters	2006 General Votes Cast	2006 General Voter Turnout
<b>Totals:</b>	<b>74.48%</b>	<b>649,436</b>	<b>411,061</b>	<b>63.30%</b>
Beaverhead	76%	6,176	4,121	67%
Big Horn	68%	7,694	4,736	62%
Blaine	72%	4,193	2,716	65%
Broadwater	79%	3,374	2,444	72%
Carbon	81%	7055	4974	71%
Carter	82%	871	679	78%
Cascade	66%	50,527	30,702	61%
Chouteau	75%	3,947	2,704	69%
Custer	79%	6,928	4751	69%
Daniels	77%	1,422	1,064	75%
Dawson	70%	6,141	4,014	65%
Deer Lodge	81%	6,261	4176	67%
Fallon	80%	1,836	1,349	73%
Fergus	79%	8,546	5,745	67%
Flathead	75%	55,730	33,930	61%
Gallatin	73%	60990	34708	57%
Garfield	86%	832	603	72%
Glacier	60%	7962	4491	56%
Golden Valley	83%	633	497	79%
Granite	73%	2,412	1,553	64%
Hill	72%	9,407	5,966	63%
Jefferson	81%	7,749	5351	69%
Judith Basin	81%	1,530	1,205	79%
Lake	77%	17,403	11,365	65%
Lewis & Clark	84%	36,844	27615	75%
Liberty	84%	1,288	1,047	81%
Lincoln	72%	12,508	7,406	59%
Madison	77%	5,345	3699	69%
McCone	84%	1,347	1058	79%
Meagher	73%	1,112	854	77%
Mineral	78%	2,358	1,657	70%
Missoula	74%	84,741	47,152	56%
Musselshell	76%	3,063	2,173	71%
Park	78%	11433	7475	65%
Petroleum	88%	312	269	86%
Phillips	79%	2,786	2,013	72%
Pondera	76%	3,917	2657	68%
Powder River	77%	1,355	1,028	76%
Powell	77%	3558	2632	74%
Prairie	83%	897	705	79%
Ravalli	75%	28,780	18,663	65%
Richland	74%	6,415	3,941	61%
Roosevelt	64%	6,700	3,926	59%
Rosebud	71%	5,395	3,481	65%
Sanders	83%	7,711	5,035	65%
Sheridan	79%	2,728	1,971	72%
Silver Bow	81%	23,147	14,593	63%
Stillwater	76%	5,755	4,005	70%
Sweet Grass	85%	2,440	1,844	76%
Teton	79%	4,150	3,111	75%
Toole	77%	2963	2061	70%
Treasure	82%	591	444	75%
Valley	79%	5,104	3686	72%
Wheatland	76%	1291	903	70%
Wibaux	78%	738	497	67%
Yellowstone	72%	93,045	59,616	64%
<b>Totals:</b>	<b>74.48%</b>	<b>649,436</b>	<b>411,061</b>	<b>63.30%</b>



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	2004 General Registered Voters	2004 General Votes Cast	2004 General Voter Turnout	2002 General Registered Voters
<b>Totals:</b>	<b>638,474</b>	<b>456,096</b>	<b>71.44%</b>	<b>624,548</b>
Beaverhead	5,820	4,310	74%	5,855
Big Horn	7,447	4,373	59%	7,323
Blaine	4,117	2,825	69%	4,167
Broadwater	3,098	2,387	77%	3,192
Carbon	7281	5399	74%	7,229
Carter	841	720	86%	907
Cascade	48,508	34,371	71%	48,894
Chouteau	4,094	2,970	73%	3,938
Custer	7214	5212	72%	7,021
Daniels	1,489	1,138	76%	1,552
Dawson	6,134	4,558	74%	6,595
Deer Lodge	6852	4636	68%	6,481
Fallon	1,892	1,509	80%	1,811
Fergus	8,256	6,127	74%	8,385
Flathead	55,138	38,941	71%	53,175
Gallatin	55936	40103	72%	51,444
Garfield	916	662	72%	914
Glacier	7745	4629	60%	7,821
Golden Valley	638	524	82%	641
Granite	2,311	1,730	75%	2,207
Hill	9,865	6,782	69%	9,922
Jefferson	7738	5924	77%	7,499
Judith Basin	1,557	1,295	83%	1,676
Lake	18,268	12,702	70%	17,472
Lewis & Clark	37951	30658	81%	35,600
Liberty	1,349	1,062	79%	1,335
Lincoln	12,421	8,557	69%	12,286
Madison	5862	4011	68%	5,347
McCone	1433	1153	80%	1,477
Meagher	1287	977	76%	1,277
Mineral	2,707	1,854	68%	2,688
Missoula	78,151	52,780	68%	76,671
Musselshell	3,185	2,348	74%	3,107
Park	11517	8283	72%	11,224
Petroleum	367	300	82%	397
Phillips	2,826	2,201	78%	2,997
Pondera	4025	2901	72%	4,155
Powder River	1,345	1,038	77%	1,349
Powell	3447	2879	84%	3,783
Prairie	907	736	81%	965
Ravalli	28,840	20,025	69%	26,802
Richland	6,510	4,308	66%	6,899
Roosevelt	6,487	4,079	63%	6,584
Rosebud	5,632	3,618	64%	5,917
Sanders	7776	5223	67%	7,294
Sheridan	2,804	2,078	74%	2,997
Silver Bow	23,305	16,170	69%	23,874
Stillwater	5,461	4,306	79%	5,637
Sweet Grass	2,611	2,005	77%	2,854
Teton	4,312	3,437	80%	4,236
Toole	3221	2337	73%	3,346
Treasure	647	486	75%	630
Valley	5105	4111	81%	6,005
Wheatland	1352	1012	75%	1,525
Wibaux	824	567	69%	835
Yellowstone	91,652	66,769	73%	88,334
<b>Totals:</b>	<b>638,474</b>	<b>456,096</b>	<b>71.44%</b>	<b>624,548</b>



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	2002 General Votes Cast	2002 General Voter Turnout	2000 General Registered Voters	2000 General Votes Cast
<b>Totals:</b>	<b>340,272</b>	<b>54.48%</b>	<b>698,260</b>	<b>417,916</b>
Beaverhead	3,260	56%	6,470	4,252
Big Horn	4,082	56%	7,374	4,253
Blaine	2,503	60%	4,614	2,808
Broadwater	1,914	60%	3,507	2,121
Carbon	4,424	61%	7,868	4,958
Carter	659	73%	1,012	649
Cascade	26,177	54%	57,016	33,716
Chouteau	2,684	68%	3,801	2,925
Custer	4,148	59%	9,099	5,088
Daniels	1,091	70%	1,626	1,140
Dawson	3,725	56%	6,721	4,392
Deer Lodge	3,906	60%	7,568	4,655
Fallon	1,332	74%	2,121	1,408
Fergus	5,288	63%	9,299	6,229
Flathead	27,257	51%	59,339	34,614
Gallatin	25,220	49%	56,574	32,532
Garfield	615	67%	1,088	749
Glacier	3,516	45%	8,639	4,335
Golden Valley	456	71%	662	537
Granite	1,379	62%	2,381	1,617
Hill	5,448	55%	11,820	6,704
Jefferson	4,498	60%	8,047	5,235
Judith Basin	1,192	71%	1,789	1,412
Lake	9,555	55%	19,096	11,580
Lewis & Clark	23,645	66%	44,023	27,768
Liberty	1,066	80%	1,443	1,084
Lincoln	6,987	57%	13,776	7,999
Madison	3,211	60%	6,040	3,704
McCone	1,107	75%	1,587	1,160
Meagher	795	62%	1,375	948
Mineral	1,424	53%	2,986	1,691
Missoula	34,529	45%	86,266	46,936
Musselshell	1,928	62%	3,388	2,242
Park	6,300	56%	12,806	7,507
Petroleum	261	66%	443	312
Phillips	1,868	62%	3,445	2,268
Pondera	2,640	64%	4,416	3,050
Powder River	983	73%	1,347	1,025
Powell	2,456	65%	4,310	2,906
Prairie	701	73%	982	770
Ravalli	14,160	53%	28,877	17,416
Richland	3,686	53%	7,928	4,107
Roosevelt	3,148	48%	7,290	3,960
Rosebud	3,069	52%	7,096	3,570
Sanders	4,181	57%	8,339	4,800
Sheridan	1,740	58%	3,414	2,021
Silver Bow	12,597	53%	26,915	17,055
Stillwater	3,358	60%	6,157	3,956
Sweet Grass	1,545	54%	2,740	1,860
Teton	2,924	69%	4,840	3,368
Toole	2,055	61%	3,635	2,449
Treasure	430	68%	653	480
Valley	3,623	60%	5,948	4,076
Wheatland	850	56%	1,539	1,012
Wibaux	579	69%	928	532
Yellowstone	48,097	54%	95,797	57,975
<b>Totals:</b>	<b>340,272</b>	<b>54.48%</b>	<b>698,260</b>	<b>417,916</b>



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	2000 General Voter Turnout	1998 General Registered Voters	1998 General Votes Cast	1998 General Voter Turnout
<b>Totals:</b>	<b>59.85%</b>	<b>639,241</b>	<b>338,733</b>	<b>52.99%</b>
Beaverhead	66%	5,866	3,678	63%
Big Horn	58%	6,945	3,497	50%
Blaine	61%	4,385	2,588	59%
Broadwater	60%	3,188	1,906	60%
Carbon	63%	7,115	4,348	61%
Carter	64%	1,070	676	63%
Cascade	59%	53,402	26,948	50%
Chouteau	77%	4,090	2,698	66%
Custer	56%	8,432	4,617	55%
Daniels	70%	1,597	1,118	70%
Dawson	65%	7,249	3,925	54%
Deer Lodge	62%	7,058	4,092	58%
Fallon	66%	2,161	1,466	68%
Fergus	67%	8,779	5,466	62%
Flathead	58%	53,033	25,906	49%
Gallatin	58%	49,407	23,469	48%
Garfield	69%	1,105	767	69%
Glacier	50%	7,991	3,858	48%
Golden Valley	81%	608	464	76%
Granite	68%	2,165	1,444	67%
Hill	57%	11,136	5,741	52%
Jefferson	65%	7,255	4,577	63%
Judith Basin	79%	1,762	1,321	75%
Lake	61%	17,401	9,274	53%
Lewis & Clark	63%	39,862	22,347	56%
Liberty	75%	1,453	1,048	72%
Lincoln	58%	12,859	6,961	54%
Madison	61%	5,481	2,985	54%
McCone	73%	1,696	1,200	71%
Meagher	69%	1,305	869	67%
Mineral	57%	2,783	1,559	56%
Missoula	54%	76,231	35,177	46%
Musselshell	66%	3,133	1,936	62%
Park	59%	11,700	6,179	53%
Petroleum	70%	413	265	64%
Phillips	66%	3,380	2,007	59%
Pondera	69%	4,190	2,704	65%
Powder River	76%	1,320	932	71%
Powell	67%	4,100	2,559	62%
Prairie	78%	909	701	77%
Ravalli	60%	26,201	13,174	50%
Richland	52%	7,598	3,950	52%
Roosevelt	54%	6,892	3,246	47%
Rosebud	50%	6,645	3,288	49%
Sanders	58%	7,612	4,270	56%
Sheridan	59%	3,366	2,274	68%
Silver Bow	63%	24,645	14,194	58%
Stillwater	64%	5,525	3,785	69%
Sweet Grass	68%	2,433	1,565	64%
Teton	70%	4,477	3,043	68%
Toole	67%	3,458	2,360	68%
Treasure	74%	690	510	74%
Valley	69%	6,168	3,731	60%
Wheatland	66%	1,466	1,001	68%
Wibaux	57%	932	706	76%
Yellowstone	61%	87,118	44,363	51%
<b>Totals:</b>	<b>59.85%</b>	<b>639,241</b>	<b>338,733</b>	<b>52.99%</b>





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	1996 General Registered Voters	1996 General Votes Cast	1996 General Voter Turnout	1994 General Registered Voters
<b>Totals:</b>	<b>590,751</b>	<b>417,232</b>	<b>70.63%</b>	<b>514,051</b>
Beaverhead	5,427	4,100	76%	4,809
Big Horn	6,531	4,346	67%	5,760
Blaine	4,227	2,943	70%	3,604
Broadwater	2,825	2,008	71%	2,327
Carbon	6,528	4,886	75%	5,671
Carter	1,029	779	76%	974
Cascade	50,709	35,839	71%	45,295
Chouteau	3,961	3,214	81%	3,588
Custer	7,801	5,512	71%	6,982
Daniels	1,582	1,345	85%	1,488
Dawson	6,796	4,817	71%	6,051
Deer Lodge	6,746	5,169	77%	6,126
Fallon	2,037	1,579	78%	1,891
Fergus	8,396	6,371	76%	7,641
Flathead	48,586	33,360	69%	41,385
Gallatin	44,309	29,584	67%	36,943
Garfield	1,004	762	76%	925
Glacier	7,209	4,303	60%	6,250
Golden Valley	635	499	79%	589
Granite	1,938	1,432	74%	1,718
Hill	10,715	7,331	68%	9,773
Jefferson	6,404	4,873	76%	5,506
Judith Basin	1,760	1,367	78%	1,732
Lake	15,721	11,051	70%	13,251
Lewis & Clark	37,503	27,050	72%	32,613
Liberty	1,445	1,195	83%	1,365
Lincoln	11,871	8,073	68%	10,648
Madison	5,007	3,563	71%	4,226
McCone	1,624	1,270	78%	1,522
Meagher	1,246	955	77%	1,162
Mineral	2,566	1,664	65%	2,182
Missoula	68,597	45,560	66%	57,043
Musselshell	2,907	2,128	73%	2,636
Park	10,750	7,569	70%	9,392
Petroleum	377	301	80%	352
Phillips	3,210	2,567	80%	2,943
Pondera	3,946	3,014	76%	3,641
Powder River	1,378	1,080	78%	1,274
Powell	3,997	2,892	72%	3,648
Prairie	1,009	829	82%	949
Ravalli	23,295	16,543	71%	19,167
Richland	7,018	4,646	66%	6,120
Roosevelt	6,283	4,151	66%	5,550
Rosebud	6,308	3,897	62%	5,298
Sanders	7,019	4,799	68%	5,945
Sheridan	3,247	2,544	78%	3,025
Silver Bow	23,690	18,061	76%	21,465
Stillwater	5,010	3,885	78%	4,408
Sweet Grass	2,302	1,868	81%	2,058
Teton	4,197	3,621	86%	3,988
Toole	3,212	2,519	78%	3,078
Treasure	639	508	79%	611
Valley	5,755	4,380	76%	5,292
Wheatland	1,512	1,104	73%	1,406
Wibaux	821	639	78%	747
Yellowstone	80,134	56,887	71%	70,018
<b>Totals:</b>	<b>590,751</b>	<b>417,232</b>	<b>70.63%</b>	<b>514,051</b>



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	1994 General Votes Cast	1994 General Voter Turnout	1992 General Registered Voters	1992 General Votes Cast
<b>Totals:</b>	<b>359,455</b>	<b>69.93%</b>	<b>529,822</b>	<b>417,564</b>
Beaverhead	3,591	75%	5,286	4,210
Big Horn	3,972	69%	6,268	4,516
Blaine	2,668	74%	4,297	3,073
Broadwater	1,773	76%	2,388	1,878
Carbon	4,385	77%	6,013	4,837
Carter	816	84%	1,126	892
Cascade	30,952	68%	46,129	36,990
Chouteau	2,960	82%	3,814	3,268
Custer	4,859	70%	7,170	5,760
Daniels	1,145	77%	1,622	1,385
Dawson	4,426	73%	6,400	5,016
Deer Lodge	4,492	73%	6,519	5,362
Fallon	1,619	86%	2,011	1,655
Fergus	6,019	79%	8,130	6,622
Flathead	28,056	68%	39,749	31,924
Gallatin	23,253	63%	37,750	29,145
Garfield	729	79%	1,049	822
Glacier	4,345	70%	6,559	4,458
Golden Valley	478	81%	631	503
Granite	1,340	78%	1,726	1,349
Hill	6,798	70%	10,657	8,279
Jefferson	4,174	76%	5,542	4,352
Judith Basin	1,439	83%	1,819	1,476
Lake	9,651	73%	13,180	10,692
Lewis & Clark	23,199	71%	33,003	26,527
Liberty	1,122	82%	1,439	1,226
Lincoln	7,613	71%	11,482	8,567
Madison	3,054	72%	4,133	3,348
McCone	1,249	82%	1,622	1,368
Meagher	846	73%	1,287	1,021
Mineral	1,453	67%	2,175	1,666
Missoula	35,900	63%	57,490	43,614
Musselshell	1,960	74%	2,882	2,253
Park	6,702	71%	9,808	7,548
Petroleum	296	84%	367	300
Phillips	2,350	80%	3,258	2,652
Pondera	2,959	81%	3,955	3,240
Powder River	981	77%	1,482	1,176
Powell	2,814	77%	3,675	3,019
Prairie	784	83%	1,040	886
Ravalli	13,146	69%	19,134	15,125
Richland	4,143	68%	6,100	4,850
Roosevelt	3,654	66%	6,249	4,284
Rosebud	3,544	67%	5,533	4,063
Sanders	4,385	74%	5,961	4,558
Sheridan	2,542	84%	3,206	2,705
Silver Bow	15,798	74%	22,827	18,665
Stillwater	3,450	78%	4,597	3,720
Sweet Grass	1,639	80%	2,169	1,826
Teton	3,168	79%	4,105	3,493
Toole	2,520	82%	3,273	2,766
Treasure	542	89%	664	549
Valley	4,179	79%	5,707	4,663
Wheatland	1,040	74%	1,503	1,166
Wibaux	611	82%	837	628
Yellowstone	47,872	68%	73,024	57,628
<b>Totals:</b>	<b>359,455</b>	<b>69.93%</b>	<b>529,822</b>	<b>417,564</b>



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	1992 General Voter Turnout
<b>Totals:</b>	<b>78.81%</b>
Beaverhead	80%
Big Horn	72%
Blaine	72%
Broadwater	79%
Carbon	80%
Carter	79%
Cascade	80%
Chouteau	86%
Custer	80%
Daniels	85%
Dawson	78%
Deer Lodge	82%
Fallon	82%
Fergus	81%
Flathead	80%
Gallatin	77%
Garfield	78%
Glacier	68%
Golden Valley	80%
Granite	78%
Hill	78%
Jefferson	79%
Judith Basin	81%
Lake	81%
Lewis & Clark	80%
Liberty	85%
Lincoln	75%
Madison	81%
McCone	84%
Meagher	79%
Mineral	77%
Missoula	76%
Musselshell	78%
Park	77%
Petroleum	82%
Phillips	81%
Pondera	82%
Powder River	79%
Powell	82%
Prairie	85%
Ravalli	79%
Richland	80%
Roosevelt	69%
Rosebud	73%
Sanders	76%
Sheridan	84%
Silver Bow	82%
Stillwater	81%
Sweet Grass	84%
Teton	85%
Toole	85%
Treasure	83%
Valley	82%
Wheatland	78%
Wibaux	75%
Yellowstone	79%
<b>Totals:</b>	<b>78.81%</b>

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# My Tribal Area

Enter name of Tribal Area

OR

- Montana
- Blackfeet Indian Reservation and Off-Reservatic



About the map



POWERED BY  
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People Jobs Housing Economy Education

## Blackfeet Indian Reservation and Off-Reservation Trust Land, MT

Source: 2014-2016 American Community Survey 5-Year Estimates

Income and Benefits (In 2018 inflation-adjusted dollars)	Estimate	ACS Margin of Error
Total households	2,929	( +/-211)
Less than \$10,000	516	( +/-93)
\$10,000 to \$14,999	473	( +/-85)
\$15,000 to \$24,999	429	( +/-98)
\$25,000 to \$34,999	335	( +/-81)
\$35,000 to \$49,999	366	( +/-78)
\$50,000 to \$74,999	357	( +/-83)
\$75,000 to \$99,999	173	( +/-56)
\$100,000 to \$149,999	132	( +/-43)
\$150,000 to \$199,999	90	( +/-43)
\$200,000 or more	58	( +/-36)
Median household income (dollars)	\$26,264	( +/-3,444)
Mean household income (dollars)	\$42,514	( +/-3,982)

Display ACS  
Margin of Error

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# EXHIBIT D

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# My Tribal Area

Enter name of Tribal Area

OR

1. Montana
2. Fort Belknap Reservation and Off-Reservation T



People    Jobs    Housing    Economy    Education

## Fort Belknap Reservation and Off-Reservation Trust Land, MT

Source: 2014-2016 American Community Survey 5-Year Estimates

Income and Benefits (In 2018 inflation-adjusted dollars)	Estimate	ACS Margin of Error
Total households	861	( +/-76)
Less than \$10,000	144	( +/-43)
\$10,000 to \$14,999	86	( +/-32)
\$15,000 to \$24,999	134	( +/-37)
\$25,000 to \$34,999	93	( +/-35)
\$35,000 to \$49,999	124	( +/-40)
\$50,000 to \$74,999	146	( +/-37)
\$75,000 to \$99,999	63	( +/-29)
\$100,000 to \$149,999	53	( +/-26)
\$150,000 to \$199,999	18	( +/-16)
\$200,000 or more	0	( +/-10)
Median household income (dollars)	\$30,875	( +/-7,901)
Mean household income (dollars)	\$42,848	( +/-4,883)

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# My Tribal Area

Enter name of Tribal Area

OR

- Montana
- Rocky Boy's Reservation and Off-Reservation Ti



About the map



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People    Jobs    Housing    Economy    Education

## Rocky Boy's Reservation and Off-Reservation Trust Land, MT

Source: 2014-2016 American Community Survey 5-Year Estimates

Income and Benefits (In 2018 inflation-adjusted dollars)	Estimate	ACS Margin of Error
Total households	920	( +/-88)
Less than \$10,000	185	( +/-43)
\$10,000 to \$14,999	88	( +/-35)
\$15,000 to \$24,999	141	( +/-36)
\$25,000 to \$34,999	118	( +/-36)
\$35,000 to \$49,999	147	( +/-39)
\$50,000 to \$74,999	108	( +/-28)
\$75,000 to \$99,999	58	( +/-24)
\$100,000 to \$149,999	58	( +/-20)
\$150,000 to \$199,999	8	( +/-9)
\$200,000 or more	9	( +/-9)
Median household income (dollars)	\$28,897	( +/-3,285)
Mean household income (dollars)	\$40,710	( +/-3,744)

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**Note:** This download or printed version may have missing information from the original table.

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American Community Survey

### Year:

2017

### Estimates:

5-Year

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Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Technical Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section. Explanation of Symbols:

An "\*" entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.

An "-" entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.

An "-" following a median estimate means the median falls in the lowest interval of an open-ended distribution.

An "+" following a median estimate means the median falls in the upper interval of an open-ended distribution.

An "\*\*\*" entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.

An "\*\*\*\*\*" entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.

An "N" entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.

An "(X)" means that the estimate is not applicable or not available.

Estimates of urban and rural populations, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization. While the 2013-2017 American Community Survey (ACS) data generally reflect the February 2013 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities. Beginning in 2017, selected variable categories were updated, including age-categories, income-to-poverty ratio (IPR) categories, and the age universe for certain employment and education variables. See user note entitled "Health Insurance Table Updates" for further details. Logical coverage edits applying a rules-based assignment of Medicaid, Medicare and military health coverage were added as of 2009 -- please see [https://www.census.gov/library/working-papers/2010/demo/coverage\\_edits\\_final.html](https://www.census.gov/library/working-papers/2010/demo/coverage_edits_final.html) for more details. The 2008 data table in American FactFinder does not incorporate these edits. Therefore, the estimates that appear in these tables are not comparable to the estimates in the 2009 and later tables. Select geographies of 2008 data comparable to the 2009 and later tables are available at <https://www.census.gov/data/tables/time-series/acs/1-year-re-run-health-insurance.html>. The health insurance coverage category names were modified in 2010. See [https://www.census.gov/topics/health/health-insurance/about/glossary.html#par\\_textimage\\_18](https://www.census.gov/topics/health/health-insurance/about/glossary.html#par_textimage_18) for a list of the insurance type definitions. Occupation codes are 4-digit codes and are based on Standard Occupational Classification 2010. Industry codes are 4-digit codes and are based on the North American Industry Classification System 2012. The Industry categories adhere to the guidelines issued in Clarification Memorandum No. 2, "NAICS Alternate Aggregation Structure for Use By U.S. Statistical Agencies," issued by the Office of Management and Budget. Workers include members of the Armed Forces and civilians who were at work last week. Employment and unemployment estimates may vary from the official labor force data released by the Bureau of Labor Statistics because of differences in survey design and data collection. For guidance on differences in employment and unemployment estimates from different sources go to Labor Force Guidance. Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the

90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data ). The effect of nonsampling error is not represented in these tables. Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities, and towns and estimates of housing units for states and counties. Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

Montana

	Estimate	Margin of Error	Percent	Percent Margin of Error
▼ EMPLOYMENT STATUS				
▼ Population 16 years and over	828,198	+/-737	828,198	(X)
▼ In labor force	526,388	+/-2,145	63.6%	+/-0.3
▼ Civilian labor force	523,071	+/-2,157	63.2%	+/-0.3
Employed	497,995	+/-2,423	60.1%	+/-0.3
Unemployed	25,076	+/-1,021	3.0%	+/-0.1
Armed Forces	3,317	+/-311	0.4%	+/-0.1
Not in labor force	301,810	+/-2,277	36.4%	+/-0.3
▼ Civilian labor force	523,071	+/-2,157	523,071	(X)
Unemployment Rate	(X)	(X)	4.8%	+/-0.2
▼ Females 16 years and over	413,871	+/-605	413,871	(X)
▼ In labor force	245,784	+/-1,828	59.4%	+/-0.5
▼ Civilian labor force	245,378	+/-1,839	59.3%	+/-0.5
Employed	235,087	+/-1,900	56.8%	+/-0.5
▼ Own children of the householder	71,242	+/-839	71,242	(X)
All parents in family in labor fo	44,987	+/-1,150	63.1%	+/-1.4
▼ Own children of the householder	142,153	+/-963	142,153	(X)
All parents in family in labor fo	102,684	+/-1,746	72.2%	+/-1.2
▼ COMMUTING TO WORK				
▼ Workers 16 years and over	490,818	+/-2,530	490,818	(X)
Car, truck, or van -- drove alone	370,953	+/-2,797	75.6%	+/-0.4
Car, truck, or van -- carpooled	47,733	+/-1,456	9.7%	+/-0.3
Public transportation (excludin	3,721	+/-453	0.8%	+/-0.1
Walked	25,139	+/-1,192	5.1%	+/-0.2
Other means	11,881	+/-784	2.4%	+/-0.2
Worked at home	31,391	+/-1,189	6.4%	+/-0.2
Mean travel time to work (minu	17.8	+/-0.2	(X)	(X)
▼ OCCUPATION				
▼ Civilian employed population 16	497,995	+/-2,423	497,995	(X)
Management, business, scienc	181,703	+/-2,533	36.5%	+/-0.5
Service occupations	94,399	+/-1,973	19.0%	+/-0.4
Sales and office occupations	111,134	+/-2,343	22.3%	+/-0.5
Natural resources, constructio	62,437	+/-1,380	12.5%	+/-0.3
Production, transportation, and	48,322	+/-1,466	9.7%	+/-0.3
▼ INDUSTRY				
▼ Civilian employed population 16	497,995	+/-2,423	497,995	(X)
Agriculture, forestry, fishing an	34,930	+/-1,181	7.0%	+/-0.2

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All people	(X)	(X)	14.4%	+/-0.3
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EXHIBIT F

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# EXHIBIT G

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### 2018 Federal Election Polling Places

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Beaverhead	PRECINCT 01	PREC_01	72	36	LUTHERAN CHURCH	715 E BANNACK	DILLON	59725	7:00 am - 8:00 pm		
Beaverhead	PRECINCT 02	PREC_02	72	36	LUTHERAN CHURCH	715 E BANNACK	DILLON	59725	7:00 am - 8:00 pm		
Beaverhead	PRECINCT 03	PREC_03	72	36	LUTHERAN CHURCH	715 E BANNACK	DILLON	59725	7:00 am - 8:00 pm		
Beaverhead	PRECINCT 04	PREC_04	72	36	LIMA FIRE HALL	5 WEST SECTION CORNER ST	LIMA	59739	*Noon - 8:00 pm		
Beaverhead	PRECINCT 05	PREC_05	72	36	LIMA COMM FIRE HALL	5 W SEC CORNER ST	LIMA	59739	*Noon - 8:00 pm		
Beaverhead	PRECINCT 06	PREC_06	72	36	LUTHERAN CHURCH	715 E BANNACK	DILLON	59725	7:00 am - 8:00 pm		
Beaverhead	PRECINCT 07	PREC_07	72	36	LUTHERAN CHURCH	715 E BANNACK	DILLON	59725	7:00 am - 8:00 pm		
Beaverhead	PRECINCT 08	PREC_08	72	36	GRANT SCHOOL	12420 HIGHWAY 324	GRANT	59725	*Noon - 8:00 pm		
Beaverhead	PRECINCT 09	PREC_09	72	36	LUTHERAN CHURCH	715 E BANNACK	DILLON	59725	7:00 am - 8:00 pm		
Beaverhead	PRECINCT 12	PREC_12	72	36	LUTHERAN CHURCH	715 E BANNACK	DILLON	59725	7:00 am - 8:00 pm		
Beaverhead	PRECINCT 14	PREC_14	72	36	LUTHERAN CHURCH	715 E BANNACK	DILLON	59725	7:00 am - 8:00 pm		
Beaverhead	PRECINCT 17	PREC_17	72	36	REICHLER SCHOOL 1	6715 SCHOOLHOUSE RD	DILLON	59732	*Noon - 8:00 pm		
Beaverhead	PRECINCT 19	PREC_19	72	36	POLARIS SCHOOL	4210 PIONEER MOUNTAINS BYWAY	POLARIS	59746	*Noon - 8:00 pm		
Beaverhead	PRECINCT 20	PREC_20	72	36	JACKSON SCHOOL	415 JARDINE	JACKSON	59736	*Noon - 8:00 pm		
Beaverhead	PRECINCT 21	PREC_21	72	36	WISDOM COMMUNITY HALL	411 COUNTY ROAD	WISDOM	59761	*Noon - 8:00 pm		
Beaverhead	PRECINCT 23	PREC_23	72	36	WISE RIVER FIRE HALL	64845 HIGHWAY	WISE RIVER	59762	*Noon - 8:00 pm		
Big Horn	PRECINCT #1	1	42	21	BHC FAIRGROUNDS	118 SAWYER LOOP	HARDIN	59034	7:00 am - 8:00 pm		
Big Horn	PRECINCT #2	2	42	21	NAT'L PARK SERV BLDG - FORT SMITH	5 AVE B	FORT SMITH	59035	*Noon-8:00 pm		
Big Horn	PRECINCT #3	3	41	21	BHC FAIRGROUNDS	118 SAWYER LOOP	HARDIN	59034	7:00 am - 8:00 pm		
Big Horn	PRECINCT #4	4	42	21	BHC FAIRGROUNDS	118 SAWYER LOOP	HARDIN	59034	7:00 am - 8:00 pm		
Big Horn	PRECINCT #5	5	41	21	CROW SCHOOL - RENO	8470 S CHILD STREET	CROW AGENCY	59022	7:00 am - 8:00 pm		
Big Horn	PRECINCT #6	6	41	21	SARPY COMMUNITY BUILDING	22959 E SARPY ROAD	BIG HORN	59010	*Noon-8:00 pm		
Big Horn	PRECINCT #7	7	42	21	CROW SCHL - CROW AGNCY	8470 S CHILD STREET	CROW AGENCY	59022	7:00 am - 8:00 pm		
Big Horn	PRECINCT #8	8	42	21	PRETTY EAGLE SCHL - ST X	3548 S MISSION ROAD	SAINT XAVIER	59075	7:00 am - 8:00 pm		
Big Horn	PRECINCT #9 aka LODGE GRASS	9	42	21	LODGE GRASS ELEMENTARY SCHOOL	1448 E LODGE GRASS SCHOOL ROAD	LODGE GRASS	59050	7:00 am - 8:00 pm		
Big Horn	PRECINCT #10	10	41	21	SPRING CREEK SCHOOL	38966 E TONGUE LANE	DECKER	59025	*Noon-8:00 pm		
Big Horn	PRECINCT #14	14	41	21	WYOLA SCHOOL - WYOLA	41220 S MONDEL AVE.	WYOLA	59089	7:00 am - 8:00 pm		
Big Horn	PRECINCT #15	15	42	21	PRYOR ELEM SCH - PRYOR	45089 W SCHOOL YARD STREET	PRYOR	59066	7:00 am - 8:00 pm		
Big Horn	PRECINCT #17	17	42	21	BHC FAIRGROUNDS	118 SAWYER LOOP	HARDIN	59034	7:00 am - 8:00 pm		
Big Horn	PRECINCT #18	18	42	21	BHC FAIRGROUNDS	118 SAWYER LOOP	HARDIN	59034	7:00 am - 8:00 pm		
Big Horn	PRECINCT #19	19	42	21	BHC FAIRGROUNDS	118 SAWYER LOOP	HARDIN	59034	7:00 am - 8:00 pm		
Big Horn	PRECINCT #21 aka GOOD LUCK PCT	21	42	21	LODGE GRASS ELEMENTARY SCHOOL	11448 E LODGE GRASS SCHOOL ROAD	LODGE GRASS	59050	7:00 am - 8:00 pm		
Big Horn	PRECINCT #25 aka LODGE GRASS	25	41	21	LODGE GRASS ELEMENTARY SCHOOL	11448 E LODGE GRASS SCHOOL ROAD	LODGE GRASS	59050	7:00 am - 8:00 pm		
Big Horn	PRECINCT #26	26	41	21	N. C. TRIBAL SCHOOL	13152 S. B STREET	BUSBY	59016	7:00 am - 8:00 pm		
Big Horn	PRECINCT #4N	4N	41	21	BHC FAIRGROUNDS	118 SAWYER LOOP	HARDIN	59034	7:00 am - 8:00 pm		
Blaine	TURNER 1-33	PREC_01	33	17	TURNER SCHOOL #1	190 15T ST E	TURNER	59542	*Noon - 8:00 pm		
Blaine	BELKNAP 9-32	PREC_03	32	16	SACRED HEART CATHOLIC CHURCH #3	210 CHIPPEWA AVE	FORT BELKNAP AGENCY	59526	7:00 am - 8:00 pm		
Blaine	HARLEM 9-32	PREC_08	32	16	HARLEM HIGH SCHOOL #8	610 1ST AVE SE	HARLEM	59526	7:00 am - 8:00 pm		
Blaine	HARLEM 9-32	PREC_09	32	16	SACRED HEART CATHOLIC CHURCH #9	210 CHIPPEWA AVE	FORT BELKNAP AGENCY	59526	7:00 am - 8:00 pm		
Blaine	SO CHINOOK 10-32	PREC_10	32	16	CHINOOK HIGH SCHOOL #10	528 OHIO ST	CHINOOK	59523	7:00 am - 8:00 pm		
Blaine	CHINOOK 11-33	PREC_11	33	17	CHINOOK HIGH SCHOOL #11	528 OHIO ST	CHINOOK	59523	7:00 am - 8:00 pm		
Blaine	NO CHINOOK 13-33	PREC_13	33	17	CHINOOK HIGH SCHOOL #13	528 OHIO ST	CHINOOK	59523	7:00 am - 8:00 pm		
Blaine	HAYS 15-32	PREC_15	32	16	HAYS/LODGEPOLE HIGHSCHOOL #15	197 THUNDERBIRD LN	HAYS	59527	7:00 am - 8:00 pm		
Broadwater	PRECINCT 1	PREC_1	70	35	WINSTON FIRE HALL	6467 HWY 287	WINSTON	59647	7:00 am - 8:00 pm		
Broadwater	PRECINCT 11	PREC_11	70	35	LIBRARY COMMUNITY ROOM	201 N SPRUCE	TOWNSEND	59644	7:00 am - 8:00 pm		
Broadwater	PRECINCT 12	PREC_12	70	35	LIBRARY COMMUNITY ROOM	201 N SPRUCE	TOWNSEND	59644	7:00 am - 8:00 pm		



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Broadwater	PRECINCT 13	PREC_13	70	35	TOSTON FIRE HALL	8852 HWY 287	TOSTON	59643	7:00 am - 8:00 pm		
Broadwater	PRECINCT 7	PREC_7	70	35	LIBRARY COMMUNITY ROOM	201 N SPRUCE	TOWNSEND	59644	7:00 am - 8:00 pm		
Carbon	P 1	001	58	29	P1 JOLIET COMMUNITY CENTER	209 E FRONT	JOLIET	59041	7:00 am - 8:00 pm		
Carbon	P 2	002	58	29	P2 JOLIET COMMUNITY CENTER	209 E FRONT	JOLIET	59041	7:00 am - 8:00 pm		
Carbon	P 3	003	58	29	P3 JOLIET COMMUNITY CENTER	209 E FRONT	JOLIET	59041	7:00 am - 8:00 pm		
Carbon	P 4	004	58	29	P4 BRIDGER HIGH SCHOOL	429 W PARK	BRIDGER	59014	7:00 am - 8:00 pm		
Carbon	P 5	005	58	29	P5 BRIDGER HIGH SCHOOL	429 W PARK	BRIDGER	59014	7:00 am - 8:00 pm		
Carbon	P 6	006	58	29	P6 BELFRY ELEMENTARY SCHOOL	200 WISCONSIN ST	BELFRY	59008	7:00 am - 8:00 pm		
Carbon	P 7	007	58	29	P7 ROBERTS FIRE HALL	5 SOUTH FIRST ST	ROBERTS	59070	7:00 am - 8:00 pm		
Carbon	P 8	008	58	29	P8 RED LODGE CIVIC CENTER	215 14th Street West	Red Lodge	59068	7:00 am - 8:00 pm		
Carbon	P 9	009	58	29	P9 RED LODGE CIVIC CENTER	215 14th Street West	Red Lodge	59068	7:00 am - 8:00 pm		
Carbon	P 10	010	58	29	P10 RED LODGE CIVIC CENTER	215 14th Street West	Red Lodge	59068	7:00 am - 8:00 pm		
Carbon	P 11	011	58	29	P11 RED LODGE CIVIC CENTER	215 14th Street West	Red Lodge	59068	7:00 am - 8:00 pm		
Carbon	P 15	012	58	29	P15 FROMBERG SCHOOL	319 SCHOOL ST	FROMBERG	59029	7:00 am - 8:00 pm		
Carbon	P 16	013	58	29	P16 LUTHER SCHOOL	4 LUTHER/ROSCOE RD	LUTHER	59068	*Noon - 8:00 pm		
Carter	PRECINCT #1 ALZADA	PREC_1	37	19	ALZADA COMMUNITY HALL	142 OFALLON STREET	ALZADA	59311	*Noon - 8:00 pm		
Carter	PRECINCT #13 EKALAKA	PREC_13	37	19	CARTER COUNTY EVENT CENTER	209 W. SPEELMON	EKALAKA	59324	7:00 am - 8:00 pm		
Carter	PRECINCT #14 RURAL EKALAKA	PREC_14	37	19	CARTER COUNTY EVENT CENTER	209 W. SPEELMON	EKALAKA	59324	7:00 am - 8:00 pm		
Carter	PRECINCT #3 HAMMOND	PREC_3	37	19	BOYES COMMUNITY HALL	10460 HWY 212	BOYES	59316	*Noon - 8:00 pm		
Cascade	P19A1	P19A1	19	10	19A1 VAUGHN FIRE STATION	14 4TH ST	VAUGHN	59487	7:00 am - 8:00 pm	** MT Expo Park Exhibition Hall:	400 3rd St NW, Great Falls
Cascade	P19A2	P19A2	19	10	19A2 SUN RIVER SENIOR CENTER	13319 MAIN HWY 200	FORT SHAW	59443	7:00 am - 8:00 pm	7:00 a.m. to 5:00 p.m. Oct. 29-Nov. 2,	
Cascade	P19A3	P19A3	19	10	19A3 ULM PUBLIC SCHOOL	6 WEST ULM RD	ULM	59485	7:00 am - 8:00 pm	7:00 a.m. to 12:00 p.m. Nov. 5;	
Cascade	P19A4	P19A4	19	10	19A4 EXHIBITION HALL/EXPO PARK	400 3RD ST NW	GREAT FALLS	59404	7:00 am - 8:00 pm	7:00 a.m. to 8:00 p.m. on Election Day, November 6	
Cascade	P19B1	P19B1	19	10	19B1 CENTERVILLE PUBLIC SCHOOL	693 STOCKETT RD	SAND COULEE	59472	7:00 am - 8:00 pm		
Cascade	P19B2	P19B2	19	10	19B2 CASCADE - WEDSWORTH HALL	13 FRONT ST	CASCADE	59421	7:00 am - 8:00 pm		
Cascade	P19C	P19C	19	10	19C CENTERVILLE PUBLIC SCHOOL	693 STOCKETT RD	SAND COULEE	59472	7:00 am - 8:00 pm		
Cascade	P19D	P19D	19	10	19D BELT SENIOR CENTER	19 CASTNER ST	BELT	59412	7:00 am - 8:00 pm		
Cascade	P19E	P19E	19	10	19E EXHIBITION HALL/EXPO PARK	400 3RD ST NW	GREAT FALLS	59404	7:00 am - 8:00 pm		
Cascade	P20A	P20A	20	10	20A EXHIBITION HALL/EXPO PARK	400 3RD ST NW	GREAT FALLS	59404	7:00 am - 8:00 pm		
Cascade	P20B	P20B	20	10	20B EXHIBITION HALL/EXPO PARK	400 3RD ST NW	GREAT FALLS	59404	7:00 am - 8:00 pm		
Cascade	P21A	P21A	21	11	21A EXHIBITION HALL/EXPO PARK	400 3RD ST NW	GREAT FALLS	59404	7:00 am - 8:00 pm		
Cascade	P21B	P21B	21	11	21B EXHIBITION HALL/EXPO PARK	400 3RD ST NW	GREAT FALLS	59404	7:00 am - 8:00 pm		
Cascade	P22A	P22A	22	11	22A EXHIBITION HALL/EXPO PARK	400 3RD ST NW	GREAT FALLS	59404	7:00 am - 8:00 pm		
Cascade	P22B	P22B	22	11	22B EXHIBITION HALL/EXPO PARK	400 3RD ST NW	GREAT FALLS	59404	7:00 am - 8:00 pm		
Cascade	P22C	P22C	22	11	22C EXHIBITION HALL/EXPO PARK	400 3RD ST NW	GREAT FALLS	59404	7:00 am - 8:00 pm		
Cascade	P23	P23	23	12	23 EXHIBITION HALL/EXPO PARK	400 3RD ST NW	GREAT FALLS	59404	7:00 am - 8:00 pm		
Cascade	P24	P24	24	12	24 EXHIBITION HALL/EXPO PARK	400 3RD ST NW	GREAT FALLS	59404	7:00 am - 8:00 pm		
Cascade	P25	P25	25	13	25 EXHIBITION HALL/EXPO PARK	400 3RD ST NW	GREAT FALLS	59404	7:00 am - 8:00 pm		
Cascade	P26A	P26A	26	13	26A EXHIBITION HALL/EXPO PARK	400 3RD ST NW	GREAT FALLS	59404	7:00 am - 8:00 pm		
Cascade	P26B	P26B	26	13	26B EXHIBITION HALL/EXPO PARK	400 3RD ST NW	GREAT FALLS	59404	7:00 am - 8:00 pm		
Cascade	P27	P27	27	14	27 EXHIBITION HALL/EXPO PARK	400 3RD ST NW	GREAT FALLS	59404	7:00 am - 8:00 pm		
Cascade	P30	P30	30	15	30 BELT SENIOR CENTER	19 CASTNER ST	BELT	59412	7:00 am - 8:00 pm		
Chouteau	FORT BENTON 1	PCT_01	27	14	FORT BENTON ELEMENTARY	1406 FRANKLIN STREET	FORT BENTON	59442	7:00 am - 8:00 pm		
Chouteau	FORT BENTON 2	PCT_02	27	14	FORT BENTON ELEMENTARY	1406 FRANKLIN STREET	FORT BENTON	59442	7:00 am - 8:00 pm		
Chouteau	GERALDINE 3	PCT_03	27	14	GERALDINE SENIOR CITIZEN	420 MAIN STREET	GERALDINE	59446	*8:00 am - 8:00 pm		



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Chouteau	CARTER 4	PCT_04	27	14	CARTER COMMUNITY HALL	175 2ND AVENUE	CARTER	59420	*Noon - 8:00 pm		
Chouteau	ROCKY BOY 5	PCT_05	32	16	NEW STONE CHILD COLLEGE	8294 UPPER BOX ELDER ROAD ROCKY BOY RESERVATION	BOX ELDER	59521	7:00 am - 8:00 pm		
Chouteau	HIGHWOOD 6	PCT_06	27	14	HIGHWOOD COMMUNITY HALL	152 MAIN STREET SOUTH	HIGHWOOD	59450	*Noon - 8:00 pm		
Chouteau	LOMA 7	PCT_07	27	14	LOMA COMMUNITY HALL	207 3RD AVENUE	LOMA	59460	*Noon - 8:00 pm		
Chouteau	BIG SANDY 8	PCT_08	27	14	BIG SANDY TOWN HALL	115 JOHANNES AVENUE	BIG SANDY	59528	7:00 am - 8:00 pm		
Chouteau	BIG SANDY 9	PCT_09	27	14	BIG SANDY TOWN HALL	115 JOHANNES AVENUE	BIG SANDY	59528	7:00 am - 8:00 pm		
Custer	KIRCHER	5-37	37	19	KIRCHER CREEK SCH	331 KIRCHER CREEK ROAD	MILES CITY	59301	*Noon - 8:00 pm		
Custer	NAT'L GUARD	6-37	37	19	MILES COMMUNITY COLLEGE-6	2715 DICKINSON STREET	MILES CITY	59301	*Noon-8:00p.m.		
Custer	KINSEY	7-37	37	19	KINSEY SCH	7 MASTIN ROAD	KINSEY	59338	*Noon - 8:00 pm		
Custer	SPRING CREEK SCH	11-37	37	19	SPRING CREEK SCHOOL	12 KRUTZFELDT ROAD 561	POWDERVILLE	59345	*Noon - 8:00 pm		
Custer	RIVERVIEW SCHOOL	12-37	37	19	RIVERVW SCH	1734 RD 506	MILES CITY	59301	*Noon - 8:00 pm		
Custer	WASHINGTON SCH	1-38	38	19	MILES COMMUNITY COLLEGE-1	2715 DICKINSON STREET	MILES CITY	59301	7:00 am - 8:00 pm		
Custer	CCDS	2-38	38	19	MILES COMMUNITY COLLEGE-2	2715 DICKINSON STREET	MILES CITY	59301	7:00 am - 8:00 pm		
Custer	HIGHLAND PARK SCH	3-38	38	19	MILES COMMUNITY COLLEGE-3	2715 DICKINSON STREET	MILES CITY	59301	7:00 am - 8:00 pm		
Custer	JEFFERSON SCH	4-38	38	19	MILES COMMUNITY COLLEGE-4	2715 DICKINSON STREET	MILES CITY	59301	7:00 am - 8:00 pm		
Custer	SHEFFIELD MOON	8-39	39	20	MILES COMMUNITY COLLEGE-8	2715 DICKINSON STREET	MILES CITY	59301	*Noon-8:00p.m.		
Custer	S-H SCHOOL	9-39	39	20	S-H SCHOOL	6281 MOON CREEK ROAD	MILES CITY	59301	*Noon - 8:00 pm		
Custer	S-Y SCHOOL	10-39	39	20	S-Y SCH	1 ASH CREEK ROAD 663	MILES CITY	59301	*Noon - 8:00 pm		
Custer	KNOWLTON SCH	13-37	37	19	KNOWLTON SCHOOL	1533 HORSE CREEK ROAD 003	ISMAY	59336	*Noon - 8:00 pm		
Custer	ISMAY CHURCH	14-37	37	19	ISMAY COMMUNITY CHURCH	ISMAY	ISMAY	59336	*Noon - 8:00 pm		
Daniels	PRECINCT #2	PREC_02	34	17	THE BARN	108 2ND ST	FLAXVILLE	59222	*Noon - 8:00 pm		
Daniels	PRECINCT #3	PREC_03	34	17	SCOBEE HIGH SCHOOL	200 2ND AVE E	SCOBEE	59263	7:00 am - 8:00 pm		
Daniels	PRECINCT #5	PREC_05	34	17	SENIOR CITIZENS CENTER	271 MAIN STREET	SCOBEE	59263	7:00 am - 8:00 pm		
Daniels	PRECINCT #6	PREC_06	34	17	COUNTY LIBRARY	203 TIMMONS ST.	SCOBEE	59263	7:00 am - 8:00 pm		
Dawson	PRECINCT 01	PREC_1	36	18	11-EPEC CENTER	313 S MERRILL AVE	GLENDIVE	59330	7:00 am - 8:00 pm		
Dawson	PRECINCT 02	PREC_2	36	18	11-EPEC CENTER	313 S MERRILL AVE	GLENDIVE	59330	7:00 am - 8:00 pm		
Dawson	PRECINCT 03	PREC_3	36	18	11-EPEC CENTER	313 S MERRILL AVE	GLENDIVE	59330	7:00 am - 8:00 pm		
Dawson	PRECINCT 04	PREC_4	36	18	11-EPEC CENTER	313 S MERRILL AVE	GLENDIVE	59330	7:00 am - 8:00 pm		
Dawson	PRECINCT 05	PREC_5	36	18	RICHEY SENIOR CITIZEN CENTER - 5	223 S MAIN ST	RICHEY	59259	*Noon - 8:00 pm		
Dawson	PRECINCT 06	PREC_6	36	18	11-EPEC CENTER	313 S MERRILL AVE	GLENDIVE	59330	7:00 am - 8:00 pm		
Dawson	PRECINCT 07	PREC_7	36	18	11-EPEC CENTER	313 S MERRILL AVE	GLENDIVE	59330	7:00 am - 8:00 pm		
Deer Lodge	PRECINCT 1-77E	PC_177E	77	39	AHS TECHNOLOGY CENTER	1410 W PARK AVE	ANACONDA	59711	7:00 am - 8:00 pm		
Deer Lodge	PRECINCT 1-77W	PC_177W	77	39	AHS TECHNOLOGY CENTER	1410 W PARK AVE	ANACONDA	59711	7:00 am - 8:00 pm		
Deer Lodge	PRECINCT 1-78	PC_178	78	39	AHS TECHNOLOGY CENTER	1410 W PARK AVE	ANACONDA	59711	7:00 am - 8:00 pm		
Deer Lodge	PRECINCT 2-77E	PC_277E	77	39	FRED MOODRY MIDDLE SCHOOL 4	219 EAST THIRD	ANACONDA	59711	7:00 am - 8:00 pm		
Deer Lodge	PRECINCT 2-77W	PC_277W	77	39	FRED MOODRY MIDDLE SCHOOL 4	219 EAST THIRD	ANACONDA	59711	7:00 am - 8:00 pm		
Deer Lodge	PRECINCT 2-78	PC_278	78	39	FRED MOODRY MIDDLE SCHOOL 4	219 EAST THIRD	ANACONDA	59711	7:00 am - 8:00 pm		
Deer Lodge	PRECINCT 3-77E	PC_377E	77	39	FRED MOODRY MIDDLE SCHOOL 4	219 EAST THIRD	ANACONDA	59711	7:00 am - 8:00 pm		
Deer Lodge	PRECINCT 3-77W	PC_377W	77	39	FRED MOODRY MIDDLE SCHOOL 4	219 EAST THIRD	ANACONDA	59711	7:00 am - 8:00 pm		
Deer Lodge	PRECINCT 3-78	PC_378	78	39	FRED MOODRY MIDDLE SCHOOL 4	219 EAST THIRD	ANACONDA	59711	7:00 am - 8:00 pm		
Deer Lodge	PRECINCT 4-77	PC_477	77	39	OPPORTUNITY COMMUNITY CLUB	909 STEWART STREET	OPPORTUNITY	59711	7:00 am - 8:00 pm		
Deer Lodge	PRECINCT 4-78E	PC_478E	78	39	OPPORTUNITY COMMUNITY CLUB	909 STEWART STREET	OPPORTUNITY	59711	7:00 am - 8:00 pm		
Deer Lodge	PRECINCT 4-78W	PC_478W	78	39	OPPORTUNITY COMMUNITY CLUB	909 STEWART STREET	OPPORTUNITY	59711	7:00 am - 8:00 pm		
Deer Lodge	PRECINCT 5-77N	PC_577N	77	39	AHS TECHNOLOGY CENTER	1410 W PARK AVE	ANACONDA	59711	7:00 am - 8:00 pm		
Deer Lodge	PRECINCT 5-77S	PC_577S	77	39	AHS TECHNOLOGY CENTER	1410 W PARK AVE	ANACONDA	59711	7:00 am - 8:00 pm		



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County	Precinct Name	Precinct Number	HD	SD	Polling Place Location	Polling Place Address	Polling Place City	Polling Place Zip	Polling Place Hours	Late Registration Location (if different or in addition to county election office) *Election Day Registration location only **Other	Late Registration Address (if different or in addition to county election office)
Fallon	PRECINCT 1	PREC_1	37	19	THE FAIRGROUNDS EXHIBIT HALL	3440 HIGHWAY 7	BAKER	59313	7:00 am - 8:00 pm		
Fergus	PREC 10	PREC_10	29	15	TRADE CENTER #10	100 FAIRGROUNDS RD	LEWISTOWN	59457	7:00 am - 8:00 pm		
Fergus	PREC 11	PREC_11	29	15	TRADE CENTER #11	100 FAIRGROUNDS RD	LEWISTOWN	59457	7:00 am - 8:00 pm		
Fergus	PREC 12	PREC_12	30	15	TRADE CENTER #12	100 FAIRGROUNDS RD	LEWISTOWN	59457	7:00 am - 8:00 pm		
Fergus	PREC 13	PREC_13	29	15	TRADE CENTER #13	100 FAIRGROUNDS RD	LEWISTOWN	59457	7:00 am - 8:00 pm		
Fergus	PREC 14	PREC_14	30	15	MOORE FIRE HALL #14	302 FERUGS AVE	MOORE	59454	7:00 am - 8:00 pm		
Fergus	PREC 16	PREC_16	29	15	WINIFRED COMMUNITY CENTER #16	200 MAIN ST	WINIFRED	59489	7:00 am - 8:00 pm		
Fergus	PREC 17	PREC_17	29	15	TRADE CENTER #17	100 FAIRGROUNDS RD	LEWISTOWN	59457	7:00 am - 8:00 pm		
Fergus	PREC 18	PREC_18	29	15	ROY SCHOOL #18	500 DAVIS ST	ROY	59471	**Noon - 8:00 pm		
Fergus	PREC 2	PREC_2	29	15	TRADE CENTER #02	100 FAIRGROUNDS RD	LEWISTOWN	59457	7:00 am - 8:00 pm		
Fergus	PREC 3	PREC_3	30	15	TRADE CENTER #03	100 FAIRGROUNDS RD	LEWISTOWN	59457	7:00 am - 8:00 pm		
Fergus	PREC 4	PREC_4	30	15	DENTON TOWN HALL #4	515 BROADWAY ST	DENTON	59430	7:00 am - 8:00 pm		
Fergus	PREC 5	PREC_5	29	15	GRASS RANGE SCHOOL #5	310 E 2ND ST	GRASS RANGE	59032	7:00 am - 8:00 pm		
Fergus	PREC 6	PREC_6	29	15	TRADE CENTER #06	100 FAIRGROUNDS RD	LEWISTOWN	59457	7:00 am - 8:00 pm		
Fergus	PREC 7	PREC_7	29	15	TRADE CENTER #07	100 FAIRGROUNDS RD	LEWISTOWN	59457	7:00 am - 8:00 pm		
Fergus	PREC 8	PREC_8	29	15	TRADE CENTER #08	100 FAIRGROUNDS RD	LEWISTOWN	59457	7:00 am - 8:00 pm		
Fergus	PREC 9	PREC_9	29	15	TRADE CENTER #09	100 FAIRGROUNDS RD	LEWISTOWN	59457	7:00 am - 8:00 pm		
Flathead	PRECINCT 1	PREC 01	7	4	FC TRADE CENTER - FAIRGROUNDS	265 N MERIDIAN	KALISPELL	59901	7:00 am - 8:00 pm		
Flathead	PRECINCT 2	PREC 02	7	4	FC TRADE CENTER - FAIRGROUNDS	265 N MERIDIAN	KALISPELL	59901	7:00 am - 8:00 pm		
Flathead	PRECINCT 3	PREC 03	7	4	FC TRADE CENTER - FAIRGROUNDS	265 N MERIDIAN	KALISPELL	59901	7:00 am - 8:00 pm		
Flathead	PRECINCT 4	PREC 04	7	4	FC TRADE CENTER - FAIRGROUNDS	265 N MERIDIAN	KALISPELL	59901	7:00 am - 8:00 pm		
Flathead	PRECINCT 5	PREC 05	8	4	FC TRADE CENTER - FAIRGROUNDS	265 N MERIDIAN	KALISPELL	59901	7:00 am - 8:00 pm		
Flathead	PRECINCT 6	PREC 06	6	3	FC TRADE CENTER - FAIRGROUNDS	265 N MERIDIAN	KALISPELL	59901	7:00 am - 8:00 pm		
Flathead	PRECINCT 7	PREC 07	4	2	HOPE CHURCH	436 BIRCH GROVE	KALISPELL	59901	7:00 am - 8:00 pm		
Flathead	PRECINCT 8	PREC 08	4	2	DEER PARK SCHOOL	2105 MIDDLE RD	COLUMBIA FALLS	59912	7:00 am - 8:00 pm		
Flathead	PRECINCT 11	PREC 11	4	2	CAYUSE PRAIRIE SCHOOL	897 LAKE BLAINE RD	KALISPELL	59901	7:00 am - 8:00 pm		
Flathead	PRECINCT 13	PREC 13	11	6	LAKESIDE ORU	201 BILLS RD	LAKESIDE	59922	7:00 am - 8:00 pm		
Flathead	PRECINCT 14	PREC 14	4	2	BAD ROCK FIRE HALL	23 COLUMBIA PINES CT	COLUMBIA FALLS	59912	7:00 am - 8:00 pm		
Flathead	PRECINCT 15	PREC 15	11	6	SMITH VALLEY FIRE HALL	3496 US HIGHWAY 2 W	KALISPELL	59901	7:00 am - 8:00 pm		
Flathead	PRECINCT 16	PREC 16	3	2	COUNCIL CHAMBERS, CF CITY HALL	130 6TH ST W ROOM A	COLUMBIA FALLS	59912	7:00 am - 8:00 pm		
Flathead	PRECINCT 17	PREC 17	3	2	MARTIN CITY FIRE-LIETZ HALL	320 CENTRAL AVE	MARTIN CITY	59926	7:00 am - 8:00 pm		
Flathead	PRECINCT 18	PREC 18	3	2	FIRE DEPARTMENT RM COLUMBIA FALLS FIRE HALL	624 1ST AVE W	COLUMBIA FALLS	59912	7:00 am - 8:00 pm		
Flathead	PRECINCT 19	PREC 19	4	2	HOPE CHURCH	436 BIRCH GROVE	KALISPELL	59901	7:00 am - 8:00 pm		
Flathead	PRECINCT 20	PREC 20	5	3	WF SENIOR CITIZENS CNTR	121 E 2ND ST	WHITEFISH	59937	7:00 am - 8:00 pm		
Flathead	PRECINCT 21	PREC 21	4	2	CF HIGH SCHOOL FOYER	610 13TH ST W	COLUMBIA FALLS	59912	7:00 am - 8:00 pm		
Flathead	PRECINCT 23	PREC 23	3	2	MARTIN CITY FIRE-LIETZ HALL	320 CENTRAL AVE	MARTIN CITY	59926	7:00 am - 8:00 pm		
Flathead	PRECINCT 24	PREC 24	13	7	KILA COUNTRY CHURCH	KILA - 190 COTTAGE LN	KILA	59920	7:00 am - 8:00 pm		
Flathead	PRECINCT 25	PREC 25	9	5	FC TRADE CENTER - FAIRGROUNDS	265 N MERIDIAN	KALISPELL	59901	7:00 am - 8:00 pm		
Flathead	PRECINCT 26	PREC 26	13	7	MARION FIRE HALL	180 GOPHER LN	MARION	59925	7:00 am - 8:00 pm		
Flathead	PRECINCT 29	PREC 29	11	6	SOMERS SCHOOL GYM	315 SCHOOL ADDITION RD	SOMERS	59932	7:00 am - 8:00 pm		
Flathead	PRECINCT 31	PREC 31	8	4	FC TRADE CENTER - FAIRGROUNDS	265 N MERIDIAN	KALISPELL	59901	7:00 am - 8:00 pm		
Flathead	PRECINCT 32	PREC 32	7	4	FC TRADE CENTER - FAIRGROUNDS	265 N MERIDIAN	KALISPELL	59901	7:00 am - 8:00 pm		
Flathead	PRECINCT 33	PREC 33	9	5	FC TRADE CENTER - FAIRGROUNDS	265 N MERIDIAN	KALISPELL	59901	7:00 am - 8:00 pm		
Flathead	PRECINCT 34	PREC 34	11	6	SOMERS SCHOOL GYM	315 SCHOOL ADDITION RD	SOMERS	59932	7:00 am - 8:00 pm		
Flathead	PRECINCT 35	PREC 35	3	2	CF HIGH SCHOOL FOYER	610 13TH ST W	COLUMBIA FALLS	59912	7:00 am - 8:00 pm		



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Flathead	PRECINCT 36	PREC 36	6	3	WEST VALLEY SCHOOL	2290 FARM TO MARKET RD	KALISPELL	59901	7:00 am - 8:00 pm		
Flathead	PRECINCT 37	PREC 37	8	4	FC TRADE CENTER - FAIRGROUNDS	265 N MERIDIAN	KALISPELL	59901	7:00 am - 8:00 pm		
Flathead	PRECINCT 38	PREC 38	10	5	BETHANY LUTHERAN CHURCH	8559 MT HWY 35	BIGFORK	59911	7:00 am - 8:00 pm		
Flathead	PRECINCT 39	PREC 39	6	3	OLNEY FIRE HALL	11 OLNEY LOOP RD	OLNEY	59927	7:00 am - 8:00 pm		
Flathead	PRECINCT 41	PREC 41	9	5	FC TRADE CENTER - FAIRGROUNDS	265 N MERIDIAN	KALISPELL	59901	7:00 am - 8:00 pm		
Flathead	PRECINCT 42	PREC 42	10	5	SWAN RIVER SCHOOL	1205 SWAN HWY	BIGFORK	59911	7:00 am - 8:00 pm		
Flathead	PRECINCT 43	PREC 43	10	5	FAIR-MONT-EGAN SCHOOL	797 FAIRMONT RD	KALISPELL	59901	7:00 am - 8:00 pm		
Flathead	PRECINCT 44	PREC 44	6	3	FIRST BAPTIST CHURCH, WHITEFISH	6232 US HIGHWAY 93 S	WHITEFISH	59937	7:00 am - 8:00 pm		
Flathead	PRECINCT 45	PREC 45	5	3	MOOSE HOME, WHITEFISH	230 W 10TH ST	WHITEFISH	59937	7:00 am - 8:00 pm		
Flathead	PRECINCT 47	PREC 47	5	3	WF SENIOR CITIZENS CNTR	121 E 2ND ST	WHITEFISH	59937	7:00 am - 8:00 pm		
Flathead	PRECINCT 48	PREC 48	5	3	WF ARMORY	305 ARMORY RD	WHITEFISH	59937	7:00 am - 8:00 pm		
Flathead	PRECINCT 49	PREC 49	5	3	UNITED METHODIST CHURCH	1150 WISCONSIN AVE	WHITEFISH	59937	7:00 am - 8:00 pm		
Flathead	PRECINCT 50	PREC 50	9	5	FC TRADE CENTER - FAIRGROUNDS	265 N MERIDIAN	KALISPELL	59901	7:00 am - 8:00 pm		
Flathead	PRECINCT 89	PREC 89	13	7	SMITH VALLEY FIRE HALL	3496 US HIGHWAY 2 W	KALISPELL	59901	7:00 am - 8:00 pm		
Gallatin	PCT 59A	59A	59	30	BRIDGER CANYON FIRE STATION	8081 BRIDGER CANYON RD	BOZEMAN	59715	*Neon - 8:00 pm		
Gallatin	PCT 61A	61A	61	31	FAIRGROUNDS BLDG 1	TAMARACK & N BLACK	BOZEMAN	59715	7:00 am - 8:00 pm		
Gallatin	PCT 61B	61B	61	31	FAIRGROUNDS BLDG 1	TAMARACK & N BLACK	BOZEMAN	59715	7:00 am - 8:00 pm		
Gallatin	PCT 61C	61C	61	31	FAIRGROUNDS BLDG 1	TAMARACK & N BLACK	BOZEMAN	59715	7:00 am - 8:00 pm		
Gallatin	PCT 61D	61D	61	31	HOPE LUTHERAN CHURCH	2152 W. GRAF	BOZEMAN	59718	7:00 am - 8:00 pm		
Gallatin	PCT 62A	62A	62	31	HOPE LUTHERAN CHURCH	2152 W. GRAF	BOZEMAN	59718	7:00 am - 8:00 pm		
Gallatin	PCT 62B	62B	62	31	HOPE LUTHERAN CHURCH	2152 W. GRAF	BOZEMAN	59718	7:00 am - 8:00 pm		
Gallatin	PCT 62C	62C	62	31	HOPE LUTHERAN CHURCH	2152 W. GRAF	BOZEMAN	59718	7:00 am - 8:00 pm		
Gallatin	PCT 62D	62D	62	31	HOPE LUTHERAN CHURCH	2152 W. GRAF	BOZEMAN	59718	7:00 am - 8:00 pm		
Gallatin	PCT 63A	63A	63	32	HOPE LUTHERAN CHURCH	2152 W. GRAF	BOZEMAN	59718	7:00 am - 8:00 pm		
Gallatin	PCT 63B	63B	63	32	MSU SHROYER GYM	MSU CAMPUS 11TH AND GRANT	BOZEMAN	59715	7:00 am - 8:00 pm		
Gallatin	PCT 63C	63C	63	32	HOPE LUTHERAN CHURCH	2152 W GRAF	BOZEMAN	59718	7:00 am - 8:00 pm		
Gallatin	PCT 64A	64A	64	32	POVAH CENTER	10 GEYSER ST	WEST YELLOWSTONE	59758	7:00 am - 8:00 pm		
Gallatin	PCT 64B	64B	64	32	BIG SKY WATER/SEWER OFFICE	561 LITTLE COYOTE RD	BIG SKY	59716	7:00 am - 8:00 pm		
Gallatin	PCT 64C	64C	64	32	GALLATIN GATEWAY COMM CTR	145 MILL ST	GALLATIN GATEWAY	59730	7:00 am - 8:00 pm		
Gallatin	PCT 64D	64D	64	32	FAIRGROUNDS BLDG 2	TAMARACK & N BLACK	BOZEMAN	59715	7:00 am - 8:00 pm		
Gallatin	PCT 65A	65A	65	33	FAIRGROUNDS BLDG 2	TAMARACK & N BLACK	BOZEMAN	59715	7:00 am - 8:00 pm		
Gallatin	PCT 65B	65B	65	33	FAIRGROUNDS BLDG 2	TAMARACK & N BLACK	BOZEMAN	59715	7:00 am - 8:00 pm		
Gallatin	PCT 65C	65C	65	33	FAIRGROUNDS BLDG 2	TAMARACK & N BLACK	BOZEMAN	59715	7:00 am - 8:00 pm		
Gallatin	PCT 66A	66A	66	33	FAIRGROUNDS BLDG 1	TAMARACK & N BLACK	BOZEMAN	59715	7:00 am - 8:00 pm		
Gallatin	PCT 66B	66B	66	33	FAIRGROUNDS BLDG 1	TAMARACK & N BLACK	BOZEMAN	59715	7:00 am - 8:00 pm		
Gallatin	PCT 66C	66C	66	33	FAIRGROUNDS BLDG 1	TAMARACK & N BLACK	BOZEMAN	59715	7:00 am - 8:00 pm		
Gallatin	PCT 67A	67A	67	34	FAIRGROUNDS BLDG 3	TAMARACK & N BLACK	BOZEMAN	59715	7:00 am - 8:00 pm		
Gallatin	PCT 67B	67B	67	34	BELGRADE SPECL EVENTS CNTR	220 SPOONER RD	BELGRADE	59714	7:00 am - 8:00 pm		
Gallatin	PCT 67C	67C	67	34	BELGRADE SPECL EVENTS CNTR	220 SPOONER RD	BELGRADE	59714	7:00 am - 8:00 pm		
Gallatin	PCT 68A	68A	68	34	RIVER ROCK COMM CTR	101 RIVER ROCK RD	BELGRADE	59714	7:00 am - 8:00 pm		
Gallatin	PCT 68B	68B	68	34	RIVER ROCK COMM CTR	101 RIVER ROCK RD	BELGRADE	59714	7:00 am - 8:00 pm		
Gallatin	PCT 68C	68C	68	34	BELGRADE SPECL EVENTS CNTR	220 SPOONER RD	BELGRADE	59714	7:00 am - 8:00 pm		
Gallatin	PCT 69A	69A	69	35	THREE FORKS HIGH SCHOOL	212 E NEAL ST	THREE FORKS	59752	7:00 am - 8:00 pm		
Gallatin	PCT 69B	69B	69	35	MANHATTAN CHRISTIAN SCHOOL	8000 CHURCHILL RD	MANHATTAN	59741	7:00 am - 8:00 pm		
Gallatin	PCT 69C	69C	69	35	MANHATTAN HIGH SCHL	200 W FULTON AVE	MANHATTAN	59741	7:00 am - 8:00 pm		



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Gallatin	PCT 69D	69D	69	35	FAIRGROUNDS BLDG 3	TAMARACK & BLACK	BOZEMAN	59715	7:00 am - 8:00 pm		
Garfield	PRECINCT 01	PREC_01	37	19	COURT HOUSE	352 LEAVITT AVE	JORDON	59337	7:00 am - 8:00 pm		
Garfield	PRECINCT 07	PREC_07	37	19	COHAGEN - COMMUNITY HALL	19 3RD STREET E	COHAGEN	59322	*Noon - 8:00 pm		
Garfield	PRECINCT 14	PREC_14	37	19	SANDSPRINGS SCHOOL	3194 HIGHWAY 200 W	SAND SPRINGS	59077	*Noon - 8:00 pm		
Garfield	PRECINCT 19	PREC_19	37	19	BRUSETT - COMMUNITY HALL	2071 EDWARDS ROAD	BRUSETT	59322	*Noon - 8:00 pm		
Glacier	PCT 01	PCT 01	18	9	CB VOTING CENTER 01	913 E. RAILROAD	CUT BANK	59427	7:00 am - 8:00 pm	#12 Starr School Rd (in addition to Co Ofc)	#12 Starr School Rd, Browning
Glacier	PCT 02	PCT 02	18	9	CB VOTING CENTER 02	913 E. RAILROAD	CUT BANK	59427	7:00 am - 8:00 pm	*De LaSalle School	104 First St NW, Browning
Glacier	PCT 03	PCT 03	16	8	CB VOTING CENTER 03	913 E. RAILROAD	CUT BANK	59427	7:00 am - 8:00 pm		
Glacier	PCT 04	PCT 04	16	8	CB VOTING CENTER 04	913 E. RAILROAD	CUT BANK	59427	7:00 am - 8:00 pm		
Glacier	PCT 05	PCT 05	16	8	GEWAREHOUSE 05	48 SANTA RITA HIGHWAY	CUT BANK	59427	7:00 am - 8:00 pm		
Glacier	PCT 06	PCT 06	18	9	CB COURTHOUSE	512 E MAIN ST	CUT BANK	59427	7:00 am - 8:00 pm		
Glacier	PCT 07	PCT 07	16	8	CCD CENTER 07	De LaSalle School 104 1ST ST NW	BROWNING	59417	7:00 am - 8:00 pm		
Glacier	PCT 08	PCT 08	15	8	CCD CENTER 08	De LaSalle School 104 1ST ST NW	BROWNING	59417	7:00 am - 8:00 pm		
Glacier	PCT 09	PCT 09	16	8	CCD CENTER 09	De LaSalle School 104 1ST ST NW	BROWNING	59417	7:00 am - 8:00 pm		
Glacier	PCT 10	PCT 10	16	8	EGP WOMENS CLUB 10	EAST GLACIER	EAST GLACIER	59434	7:00 am - 8:00 pm		
Glacier	PCT 11	PCT 11	16	8	DOLORES SALOIS RESIDENCE 11	BLACKFOOT	BLACKFOOT	59417	7:00 am - 8:00 pm		
Glacier	PCT 12	PCT 12	16	8	CCD CENTER 12	De LaSalle School 104 1ST ST NW	BROWNING	59417	7:00 am - 8:00 pm		
Glacier	PCT 13	PCT 13	16	8	CCD CENTER 13	De LaSalle School 104 1ST ST NW	BROWNING	59417	7:00 am - 8:00 pm		
Glacier	PCT 15	PCT 15	16	8	BABB SCHOOL 15	BABB	BABB	59411	7:00 am - 8:00 pm		
Glacier	PCT 19	PCT 19	16	8	CCD CENTER 19	De LaSalle School 104 1ST ST NW	BROWNING	59417	7:00 am - 8:00 pm		
Glacier	PCT 21C	PCT 21C	15	8	CCD CENTER 21	De LaSalle School 104 1ST ST NW	BROWNING	59417	7:00 am - 8:00 pm		
Golden Valley	LAVINA	LAVINA	30	15	LAVINA SENIOR CENTER	117 MAIN STREET	LAVINA	59046	*Noon - 8:00 pm		
Golden Valley	RYEGATE	RYEGATE	30	15	RYEGATE COURT HOUSE	107 KEMP	RYEGATE	59074	*Noon - 8:00 pm		
Granite	PRECINCT #1	PREC_1	77	39	GRANITE COUNTY MUSEUM	135 SOUTH SANSOME	PHILIPSBURG	59858	7:00 am - 8:00 pm		
Granite	PRECINCT #10	PREC_10	77	39	DRUMMOND COMMUNITY HALL	54 EAST BROAD STREET	DRUMMOND	59832	7:00 am - 8:00 pm		
Granite	PRECINCT #2	PREC_2	77	39	GRANITE COUNTY MUSEUM	135 SOUTH SANSOME	PHILIPSBURG	59858	7:00 am - 8:00 pm		
Granite	PRECINCT #9	PREC_9	77	39	HALL SCHOOL	8 FARM TO MARKET ROAD	HALL	59837	7:00 am - 8:00 pm		
Hill	PRECINCT #01	PREC_01	28	14	HAVRE HIGH SCHOOL GYM - 01	900 18TH ST	HAVRE	59501	7:00 am - 8:00 pm		
Hill	PRECINCT #02	PREC_02	28	14	ST JUDE'S PARISH CENTER - 02	440 7TH AVE	HAVRE	59501	7:00 am - 8:00 pm		
Hill	PRECINCT #03	PREC_03	28	14	HAVRE MIDDLE SCHOOL GYM-03	1441 11TH ST W	HAVRE	59501	7:00 am - 8:00 pm		
Hill	PRECINCT #07	PREC_07	28	14	HAVRE HIGH SCHOOL GYM - 07	900 18TH ST	HAVRE	59501	7:00 am - 8:00 pm		
Hill	PRECINCT #08	PREC_08	28	14	HAVRE HIGH SCHOOL GYM -08	900 18TH ST	HAVRE	59501	7:00 am - 8:00 pm		
Hill	PRECINCT #09	PREC_09	28	14	HAVRE HIGH SCHOOL GYM - 09	900 18TH ST	HAVRE	59501	7:00 am - 8:00 pm		
Hill	PRECINCT #10	PREC_10	28	14	ST JUDE'S PARISH CENTER - 10	440 7TH AVE	HAVRE	59501	7:00 am - 8:00 pm		
Hill	PRECINCT #13	PREC_13	28	14	HAVRE MIDDLE SCHOOL GYM - 13	1441 11TH ST W	HAVRE	59501	7:00 am - 8:00 pm		
Hill	PRECINCT #14	PREC_14	32	16	ST JUDES PARISH CENTER - 14	440 7TH AVE	HAVRE	59501	7:00 am - 8:00 pm		
Hill	PRECINCT #15	PREC_15	27	14	HAVRE MIDDLE SCHOOL - 15	1441 11TH STREET WEST	HAVRE	59501	7:00 am - 8:00 pm		
Hill	PRECINCT #16	PREC_16	28	14	HAVRE MIDDLE SCHOOL -16	1441 11TH STREET WEST	HAVRE	59501	7:00 am - 8:00 pm		
Hill	PRECINCT #18	PREC_18	32	16	BOX ELDER SCHOOL REAR ENT - 18	205 MAIN STREET	BOX ELDER	59521	7:00 am - 8:00 pm		
Hill	PRECINCT #20	PREC_20	27	14	HI-LINE COMM CNT -20	502 5TH STREET	HINGHAM	59528	7:00 am - 8:00 pm		
Hill	PRECINCT #21	PREC_21	27	14	HI-LINE COMM CNT- 21	502 5TH STREET	HINGHAM	59528	7:00 am - 8:00 pm		
Hill	PRECINCT #22	PREC_22	27	14	HI-LINE COMM CNT- 22	502 5TH STREET	HINGHAM	59528	7:00 am - 8:00 pm		
Hill	PRECINCT #25	PREC_25	33	17	ST JUDE'S PARISH CENTER - 25	440 7TH AVE	HAVRE	59501	7:00 am - 8:00 pm		
Hill	PRECINCT #28	PREC_28	32	16	CHIPPEWA CREE WELLNESS CENTER-28	646 CLINIC ROAD EAST	ROCKY BOY	59521	7:00 am - 8:00 pm		
Jefferson	01-71	PREC.01	71	36	COMMUNITY HALL - WHITEHALL	9 N. DIVISION	WHITEHALL	59759	7:00 am - 8:00 pm		



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Jefferson	02-75	PREC.02	75	38	COMMUNITY HALL - WHITEHALL	9 N. DIVISION	WHITEHALL	59759	7:00 am - 8:00 pm		
Jefferson	03-75	PREC.03	75	38	ELK PARK FIRE HALL	309 EAST ELK PARK RD	ELK PARK	59701	*Noon - 8:00 pm		
Jefferson	04-75	PREC.04	75	38	Clerk and Recorder Building	102 S. MONROE ST.	BOULDER	59632	7:00 am - 8:00 pm		
Jefferson	05-75	PREC.05	75	38	BASIN SCHOOL	30 N. QUARTZ ST.	BASIN	59631	7:00 am - 8:00 pm		
Jefferson	06-75	PREC.06	75	38	JEFFERSON CITY COMMUNITY HALL	21 SPRING ST	JEFFERSON CITY	59632	7:00 am - 8:00 pm		
Jefferson	07-75	PREC.07	75	38	CLANCY MUSEUM	9 NORTH MAIN ST	CLANCY	59634	7:00 am - 8:00 pm		
Jefferson	08-75	PREC.08	75	38	CLANCY MUSEUM	9 NORTH MAIN ST	CLANCY	59634	7:00 am - 8:00 pm		
Jefferson	09-75	PREC.09	75	38	MONTANA CITY FIRE STATION	1192 HWY 282	MT. CITY	59634	7:00 am - 8:00 pm		
Jefferson	10-75	PREC.10	75	38	MONTANA CITY FIRE STATION	1192 HWY 282	MT. CITY	59634	7:00 am - 8:00 pm		
Judith Basin	PRECINCT 1	PREC_1	30	15	RAYNESFORD SCHOOL	104 2ND AVENUE EAST	RAYNESFORD	59469	*Noon - 8:00 pm		
Judith Basin	PRECINCT 2	PREC_2	30	15	GEYSER SR. CITIZENS	105 EAST RAILROAD AVENUE	GEYSER	59447	*Noon - 8:00 pm		
Judith Basin	PRECINCT 3	PREC_3	30	15	STANFORD CITY HALL	102 CENTRAL AVENUE	STANFORD	59479	7:00 am - 8:00 pm		
Judith Basin	PRECINCT 4	PREC_4	30	15	HOBBSON SR. CITIZENS	102 2ND STREET WEST	HOBBSON	59452	7:00 am - 8:00 pm		
Lake	ARL 1 HD93	ARL1	93	47	ARLEE SENIOR CENTER	34512 WESSINGER ST	ARLEE	59821	7:00 am - 8:00 pm		
Lake	BEA 1 HD10	BEA.1	10	5	BEAR DANCE CLUB HOUSE	19269 MT HWY 35	BIGFORK	59911	7:00 am - 8:00 pm		
Lake	BEA 2 HD12	BEA.2	12	6	BEAR DANCE CLUB HOUSE	19269 MT HWY 35	BIGFORK	59911	7:00 am - 8:00 pm		
Lake	CHA 1 HD93	CHA.1	93	47	CHARLO SCHOOL GYM	53159 1ST AVE W	CHARLO	59824	7:00 am - 8:00 pm		
Lake	DAY 1 HD12	DAY.1	12	6	DAYTON CHURCH	43578 B ST	DAYTON	59914	7:00 am - 8:00 pm		
Lake	FER 1 HD10	FER.1	10	5	FERNDALE CLUB HOUSE	31857 S FERNDALE DR	BIGFORK	59911	7:00 am - 8:00 pm		
Lake	PAB 1 HD93	PAB.1	93	47	PABLO CHRISTIAN CHURCH	35890 CLARK MOUNT RD	PABLO	59855	7:00 am - 8:00 pm		
Lake	PAB 2 HD15	PAB.2	15	8	PABLO CHRISTIAN CHURCH	35890 CLARK MOUNT RD	PABLO	59855	7:00 am - 8:00 pm		
Lake	POL 1 HD12	POL.1	12	6	POLSON MIDDLE SCHOOL GYMNAS	1602 2ND ST W	POLSON	59860	7:00 am - 8:00 pm		
Lake	POL 1 Split 07E	POL.1	12	6	KOOTENAI COMMUNITY HALL	1700 CEMETERY RD	ELMO	59915	7:00 am - 8:00 pm		
Lake	POL 2 HD12	POL.2	12	6	POLSON MIDDLE SCHOOL GYMNAS	1602 2ND ST W	POLSON	59860	7:00 am - 8:00 pm		
Lake	POL 3 HD12	POL.3	12	6	POLSON MIDDLE SCHOOL GYMNAS	1602 2ND ST W	POLSON	59860	7:00 am - 8:00 pm		
Lake	POL 4 HD12	POL.4	12	6	POLSON MIDDLE SCHOOL GYMNAS	1602 2ND ST W	POLSON	59860	7:00 am - 8:00 pm		
Lake	POL 5 HD12	POL.5	12	6	POLSON MIDDLE SCHOOL GYMNAS	1602 2ND ST W	POLSON	59860	7:00 am - 8:00 pm		
Lake	POL 6 HD93	POL.6	93	47	POLSON MIDDLE SCHOOL GYMNAS	1602 2ND ST W	POLSON	59860	7:00 am - 8:00 pm		
Lake	POL 7 HD93	POL.7	93	47	POLSON MIDDLE SCHOOL GYMNAS	1602 2ND ST W	POLSON	59860	7:00 am - 8:00 pm		
Lake	POL 8 HD15	POL.8	15	8	POLSON MIDDLE SCHOOL GYMNAS	1602 2ND ST W	POLSON	59860	7:00 am - 8:00 pm		
Lake	RON 1 HD93	RON.1	93	47	RONAN COMMUNITY CENTER	300 3RD AVE NW	RONAN	59864	7:00 am - 8:00 pm		
Lake	RON 2 HD15	RON.2	15	8	RONAN COMMUNITY CENTER	300 3RD AVE NW	RONAN	59864	7:00 am - 8:00 pm		
Lake	STI 1 HD93	STI.1	93	47	ST IGNATIUS SCHOOL GYM	76 3RD AVE	ST IGNATIUS	59865	7:00 am - 8:00 pm		
Lake	STI 2 HD15	STI.2	15	8	ST IGNATIUS SCHOOL GYM	76 3RD AVE	ST IGNATIUS	59865	7:00 am - 8:00 pm		
Lake	SWA 1 HD10	SWA.1	10	5	SWAN RIVER ST FOREST H	34925 MT HWY 83	SWAN LAKE	59911	7:00 am - 8:00 pm		
Lake	SWA 2 HD15	SWA.2	15	8	SWAN RIVER ST FOREST H	34925 MT HWY 83	SWAN LAKE	59911	7:00 am - 8:00 pm		
Lewis & Clark	PCT 01	P01	81	41	JIM DARCY SCHOOL	990 LINCOLN RD W	HELENA	59602	7:00 am - 8:00 pm		
Lewis & Clark	PCT 02	P02	70	35	HELENA VALLEY COMMUNITY CENTER	3553 TIZER DR	HELENA	59602	7:00 am - 8:00 pm		
Lewis & Clark	PCT 03	P03	82	41	WEST VALLEY FIRE HALL	1165 FORESTVALE RD	HELENA	59602	7:00 am - 8:00 pm		
Lewis & Clark	PCT 04	P04	81	41	EXHIBIT BLDG-ENTRY HALL-FAIRGROUNDS	98 WEST CLUSTER AVE	HELENA	59602	7:00 am - 8:00 pm		
Lewis & Clark	PCT 05	P05	82	41	CIVIC CENTER BALLROOM	340 NEILL	HELENA	59601	7:00 am - 8:00 pm		
Lewis & Clark	PCT 06	P06	79	40	EXHIBIT BLDG-ENTRY HALL-FAIRGROUNDS	98 WEST CLUSTER AVE	HELENA	59602	7:00 am - 8:00 pm		
Lewis & Clark	PCT 07	P07	83	42	CIVIC CENTER BALLROOM	340 NEILL	HELENA	59601	7:00 am - 8:00 pm		
Lewis & Clark	PCT 08	P08	83	42	CIVIC CENTER BALLROOM	340 NEILL	HELENA	59601	7:00 am - 8:00 pm		
Lewis & Clark	PCT 09	P09	84	42	TOUCHMARK	915 SADDLE DRIVE	HELENA	59601	7:00 am - 8:00 pm		





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Lewis & Clark	PCT 10	P10	80	40	WEST VALLEY FIRE HALL	1165 FORESTVALE RD	HELENA	59602	7:00 am - 8:00 pm		
Lewis & Clark	PCT 11	P11	84	42	EAST HELENA CITY HALL	306 EAST MAIN STREET	EAST HELENA	59635	7:00 am - 8:00 pm		
Lewis & Clark	PCT 12	P12	83	42	HELENA VALLEY COMMUNITY CENTER	3553 TIZER DR	HELENA	59602	7:00 am - 8:00 pm		
Lewis & Clark	PCT 13	P13	79	40	LEWIS AND CLARK LIBRARY	120 S LAST CHANCE GULCH	HELENA	59601	7:00 am - 8:00 pm		
Lewis & Clark	PCT 14	P14	81	41	LEWIS AND CLARK LIBRARY	120 S LAST CHANCE GULCH	HELENA	59601	7:00 am - 8:00 pm		
Lewis & Clark	PCT 15	P15	83	42	EAGLES MANOR	715 N FEE	HELENA	59601	7:00 am - 8:00 pm		
Lewis & Clark	PCT 16	P16	84	42	MT DEPT OF TRANSPORTATION	2701 PROSPECT AVE	HELENA	59601	7:00 am - 8:00 pm		
Lewis & Clark	PCT 16A	P16a	84	42	TOUCHMARK	915 SADDLE DRIVE	HELENA	59601	7:00 am - 8:00 pm		
Lewis & Clark	PCT 16B	P16b	84	42	HUNTERS POINTE	2801 COLONIAL DR	HELENA	59601	7:00 am - 8:00 pm		
Lewis & Clark	PCT 17	P17	82	41	CIVIC CENTER BALLROOM	340 NEILL	HELENA	59601	7:00 am - 8:00 pm		
Lewis & Clark	PCT 18	P18	82	41	EXHIBIT BLDG-ENTRY HALL-FAIRGROUNDS	98 WEST CUSTER AVE	HELENA	59602	7:00 am - 8:00 pm		
Lewis & Clark	PCT 19	P19	83	42	HELENA VALLEY COMMUNITY CENTER	3553 TIZER DR	HELENA	59602	7:00 am - 8:00 pm		
Lewis & Clark	PCT 20	P20	84	42	EAST HELENA CITY HALL	306 EAST MAIN STREET	EAST HELENA	59635	7:00 am - 8:00 pm		
Lewis & Clark	PCT 21	P21	70	35	TRI-LAKES FIRE HALL STATION#3	3200 SPOKANE CREEK RD	EAST HELENA	59635	7:00 am - 8:00 pm		
Lewis & Clark	PCT 22	P22	81	41	CIVIC CENTER BALLROOM	340 NEILL	HELENA	59601	7:00 am - 8:00 pm		
Lewis & Clark	PCT 23	P23	82	41	EXHIBIT BLDG-ENTRY HALL-FAIRGROUNDS	98 WEST CUSTER AVE	HELENA	59602	7:00 am - 8:00 pm		
Lewis & Clark	PCT 24	P24	81	41	EXHIBIT BLDG-ENTRY HALL-FAIRGROUNDS	98 WEST CUSTER AVE	HELENA	59602	7:00 am - 8:00 pm		
Lewis & Clark	PCT 25	P25	79	40	CIVIC CENTER BALLROOM	340 NEILL	HELENA	59601	7:00 am - 8:00 pm		
Lewis & Clark	PCT 26	P26	79	40	EXHIBIT BLDG-ENTRY HALL-FAIRGROUNDS	98 WEST CUSTER AVE	HELENA	59602	7:00 am - 8:00 pm		
Lewis & Clark	PCT 27	P27	80	40	JIM DARCY SCHOOL	990 LINCOLN RD W	HELENA	59602	7:00 am - 8:00 pm		
Lewis & Clark	PCT 28	P28	80	40	CANYON CREEK SCHOOL	7435 DUFFY LANE	CANYON CREEK	59633	7:00 am - 8:00 pm		
Lewis & Clark	PCT 29	P29	70	35	YORK COMMUNITY CENTER	6040 JENSEN ROAD	HELENA	59602	7:00 am - 8:00 pm		
Lewis & Clark	PCT 30	P30	80	40	WOLF CREEK SCHOOL	150 WALSH STREET	WOLF CREEK	59648	7:00 am - 8:00 pm		
Lewis & Clark	PCT 31	P31	80	40	LINCOLN COMMUNITY HALL	404 MAIN STREET	LINCOLN	59639	7:00 am - 8:00 pm		
Lewis & Clark	PCT 32	P32	17	9	LINCOLN COMMUNITY HALL	404 MAIN STREET	LINCOLN	59639	7:00 am - 8:00 pm		
Lewis & Clark	PCT 33	P33	17	9	AUGUSTA YOUTH/SENIOR CENTER	132 MAIN STREET	AUGUSTA	59410	7:00 am - 8:00 pm		
Lewis & Clark	PCT 33A	P33a	17	9	DEARBORN COMMUNITY CNTR	5400 HWY 434	WOLF CREEK	59648	*Noon - 8:00 pm		
Lewis & Clark	PCT 33B	P33b	17	9	WOLF CREEK SCHOOL	150 WALSH STREET	WOLF CREEK	59648	7:00 am - 8:00 pm		
Liberty	#1 Precinct - West	1_PREC	27	14	CII ELE GYM	511 MAIN STREET	CHESTER	59522	7:00 am - 8:00 pm		
Liberty	#2 Precinct - North	2_PREC	27	14	CII ELE GYM	511 MAIN STREET	CHESTER	59522	7:00 am - 8:00 pm		
Liberty	#3 Precinct - South	3_PREC	27	14	CII ELE GYM	511 MAIN STREET	CHESTER	59522	7:00 am - 8:00 pm		
Liberty	#4 Precinct - Joplin	4_PREC	27	14	JOPLIN COMMUNITY HALL	105 2ND STREET EAST	JOPLIN	59531	7:00 am - 8:00 pm		
Lincoln	FORTINE	1_PREC	2	1	TREGO-FORTINE-STRYKER VOLUNTEER FIRE DEPARTMENT	11889 HIGHWAY 93 S	FORTINE	59918	7:00 am - 8:00 pm		
Lincoln	LIBBY NORTH	10_PREC	2	1	VFW BUILDING_10	114 WEST 2ND STREET	LIBBY	59923	7:00 am - 8:00 pm		
Lincoln	LIBBY EAST	11_PREC	2	1	VFW BUILDING_11	114 WEST 2ND STREET	LIBBY	59923	7:00 am - 8:00 pm		
Lincoln	LIBBY WEST	12_PREC	1	1	LIBBY CITY HALL_12	952 EAST SPRUCE STREET	LIBBY	59923	7:00 am - 8:00 pm		
Lincoln	LIBBY/PLUMMER	13_PREC	1	1	VFW BUILDING_13	114 WEST 2ND STREET	LIBBY	59923	7:00 am - 8:00 pm		
Lincoln	TROY NORTH	14_PREC	2	1	KOOTENAI SENIOR CITIZENS CNTR 14	304 N 3RD STREET	TROY	59935	7:00 am - 8:00 pm		
Lincoln	TREGO	2_PREC	2	1	TREGO-FORTINE-STRYKER VOLUNTEER FIRE DEPARTMENT	11889 HIGHWAY 93 S	FORTINE	59918	7:00 am - 8:00 pm		
Lincoln	EUREKA RURAL	3_PREC	2	1	EUREKA FIRST CHURCH OF GOD - HIGH ROAD YOUTH CENTER	1295 2ND AVENUE EAST	EUREKA	59917	7:00 am - 8:00 pm		
Lincoln	TOWN OF EUREKA	4_PREC	2	1	EUREKA FIRST CHURCH OF GOD - HIGH ROAD YOUTH CENTER	1295 2ND AVENUE EAST	EUREKA	59917	7:00 am - 8:00 pm		
Lincoln	YAAK	5_PREC	2	1	UPPER YAAK FIRE SERVICE BUILDING	74 SHOOTING RANGE DRIVE	TROY	59935	*Noon - 8:00 pm		
Lincoln	MC CORMICK	6_PREC	2	1	MC CORMICK SCHOOL	1564 OLD HIGHWAY 2 NORTH	TROY	59935	7:00 am - 8:00 pm		
Lincoln	TROY COMBINED	7_PREC	1	1	KOOTENAI SENIOR CITIZEN'S CNTR_7	304 N 3RD STREET	TROY	59935	7:00 am - 8:00 pm		
Lincoln	TROY RURAL	8_PREC	1	1	KOOTENAI SR CITIZEN'S CENTER_8	304 N 3RD STREET	TROY	59935	7:00 am - 8:00 pm		



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Lincoln	CITY OF LIBBY	9_PREC	1	1	LIBBY CITY HALL_9	952 EAST SPRUCE STREET	LIBBY	59923	7:00 am - 8:00 pm		
Madison	VIRGINIA CITY - WARD 1	1/1_PREC	71	36	HERITAGE COMMISSION REHEARSAL HALL	308 W IDAHO STREET	VIRGINIA CITY	59755	*Noon - 8:00 pm		
Madison	ALDER - WARD 2	1/2_PREC	71	36	ALDER COMMUNITY CENTER	25 UPPER RUBY ROAD	ALDER	59710	*Noon - 8:00 pm		
Madison	JEFFERSON ISLAND - WARD 1	15/1_PREC	71	36	CARDWELL SCHOOL	80 MT HIGHWAY 359	CARDWELL	59721	*Noon - 8:00 pm		
Madison	HARRISON - WARD 2	15/2_PREC	71	36	HARRISON SCHOOL	120 MAIN ST	HARRISON	59735	7:00 am - 8:00 pm		
Madison	ENNIS - RURAL	20_PREC	71	36	ENNIS RURAL FIRE HALL	5035 US HIGHWAY 287 N	ENNIS	59729	7:00 am - 8:00 pm		
Madison	ENNIS - TOWN	21_PREC	71	36	ENNIS TOWN HALL	328 W MAIN ST	ENNIS	59729	7:00 am - 8:00 pm		
Madison	SHERIDAN	5_PREC	71	36	SHERIDAN LIBRARY	109 E HAMILTON	SHERIDAN	59749	7:00 am - 8:00 pm		
Madison	TWIN BRIDGES	7_PREC	71	36	TWIN BRIDGES SCHOOL	216 W 6TH AVE	TWIN BRIDGES	59754	7:00 am - 8:00 pm		
McCone	PRECINCT 4	PREC_04	37	19	COUNTRY MARKET BANQUET ROOM	101 TENTH STREET	CIRCLE	59739	7:00 am - 8:00 pm		
McCone	PRECINCT 8	PREC_08	37	19	COMM./SR.CENTER	212 MAIN STREET	CIRCLE	59725	7:00 am - 8:00 pm		
McCone	PRECINCT 27	PREC_27	37	19	VIDA SCHOOL	200 SHELL STREET	VIDA	59274	7:00 am - 8:00 pm		
Meagher	Precinct 5	PREC_5	30	15	GRADE SCHOOL A	209 CENTRAL AVENUE	WHITE SULPHUR SPRINGS	59645	7:00 am - 8:00 pm		
Mineral	ALBERTON	22_PREC	14	7	ALBERTON_22	117 RAILROAD AVE.	ALBERTON	59820	7:00 am - 8:00 pm		
Mineral	SUPERIOR_24	24_PREC	14	7	SUPERIOR_24	410 ARIZONA AVE.	SUPERIOR	59872	7:00 am - 8:00 pm		
Mineral	SUPERIOR_25	25_PREC	14	7	SUPERIOR_25	410 ARIZONA AVE.	SUPERIOR	59872	7:00 am - 8:00 pm		
Mineral	ST. REGIS	26_PREC	14	7	ST. REGIS_26	39 LOBO LOOP	ST REGIS	59866	7:00 am - 8:00 pm		
Mineral	WEST END	27_PREC	14	7	DEBORGIA_27	218 THOMPSON DEBORGIA RD	DEBORGIA	59830	*Noon - 8:00 pm		
Mineral	SUPERIOR_30	30_PREC	14	7	SUPERIOR_30	410 ARIZONA AVE.	SUPERIOR	59872	7:00 am - 8:00 pm		
Missoula	BONNER 89	BONN89	89	45	BONNER SCHOOL	9045 HWY/AVY 200 E	BONNER	59823	7:00 am - 8:00 pm	Fairgrounds, Elections Center Building (258-4914)	1101 S Ave W, Missoula MT 59801
Missoula	BONNER 92	BONN92	92	46	BONNER SCHOOL	9045 HWY/AVY 200 E	BONNER	59823	7:00 am - 8:00 pm		
Missoula	CHIEF CHARLO 90	CHIEF90	90	45	CHIEF CHARLO SCHOOL	5600 LONGVIEW	MISSOULA	59803	7:00 am - 8:00 pm		
Missoula	CLINTON 89	CLIN89	89	45	CLINTON SCHOOL	20397 E MULLAN RD	CLINTON	59825	7:00 am - 8:00 pm		
Missoula	CLINTON 92	CLIN92	92	46	CLINTON SCHOOL	20397 E MULLAN RD	CLINTON	59825	7:00 am - 8:00 pm		
Missoula	COLD SPRINGS 89	COLD89	89	45	CHIEF CHARLO SCHOOL	5600 LONGVIEW	MISSOULA	59803	7:00 am - 8:00 pm		
Missoula	COLD SPRINGS 99	COLD99	99	50	CHIEF CHARLO SCHOOL	5600 LONGVIEW	MISSOULA	59803	7:00 am - 8:00 pm		
Missoula	CSPORTER 98	CSPTR98	98	49	C S PORTER SCHOOL	2510 CENTRAL AVE	MISSOULA	59804	7:00 am - 8:00 pm		
Missoula	EAST MSLA 92	EMSLA92	92	46	EAST MISSOULA COMMUNITY CENTER	314 MONTANA AVE	MISSOULA	59802	7:00 am - 8:00 pm		
Missoula	EVARO 94	EVARO94	94	47	EVARO FIRE STATION	6900 GROOMS RD	MISSOULA	59808	7:00 am - 8:00 pm		
Missoula	FRENCHTWN 14N	FRCH14N	14	7	FRENCHTOWN FIRE STATION	16875 MARION	FRENCHTOWN	59834	7:00 am - 8:00 pm		
Missoula	FRENCHTWN 14S	FRCH14S	14	7	FRENCHTOWN FIRE STATION	16875 MARION	FRENCHTOWN	59834	7:00 am - 8:00 pm		
Missoula	FRENCHTWN 94	FRCH94	94	47	FRENCHTOWN FIRE STATION	16875 MARION	FRENCHTOWN	59834	7:00 am - 8:00 pm		
Missoula	FRENCHTWN 96	FRCH96	96	48	FRENCHTOWN FIRE STATION	16875 MARION	FRENCHTOWN	59834	7:00 am - 8:00 pm		
Missoula	FRANKLIN 100N	FRK100N	100	50	FRANKLIN SCHOOL	1910 S 11TH ST W	MISSOULA	59801	7:00 am - 8:00 pm		
Missoula	FRANKLIN 100S	FRK100S	100	50	FRANKLIN SCHOOL	1910 S 11TH ST W	MISSOULA	59801	7:00 am - 8:00 pm		
Missoula	HELLGATE 94	HLLG94	94	47	MISSOULA TECHNOLOGY AND DEVELOPMENT CENTER	5785 W BROADWAY ST	MISSOULA	59808	7:00 am - 8:00 pm		
Missoula	HELLGATE 95	HLLG95	95	48	MISSOULA TECHNOLOGY AND DEVELOPMENT CENTER	5785 W BROADWAY ST	MISSOULA	59808	7:00 am - 8:00 pm		
Missoula	HELLGATE 96E	HLLG96E	96	48	MISSOULA TECHNOLOGY AND DEVELOPMENT CENTER	5785 W BROADWAY ST	MISSOULA	59808	7:00 am - 8:00 pm		
Missoula	HELLGATE 96W	HLLG96W	96	48	MISSOULA TECHNOLOGY AND DEVELOPMENT CENTER	5785 W BROADWAY ST	MISSOULA	59808	7:00 am - 8:00 pm		
Missoula	HELLGATE 97	HLLG97	97	49	MISSOULA TECHNOLOGY AND DEVELOPMENT CENTER	5785 W BROADWAY ST	MISSOULA	59808	7:00 am - 8:00 pm		
Missoula	HAWTHORNE 95	HWTH95	95	48	ORCHARD HOMES COUNTRY LIFE CLUB	2537 S 3RD ST W	MISSOULA	59804	7:00 am - 8:00 pm		
Missoula	HAWTHORNE 98N	HWTH98N	98	49	ORCHARD HOMES COUNTRY LIFE CLUB	2537 S 3RD ST W	MISSOULA	59804	7:00 am - 8:00 pm		
Missoula	HAWTHORNE 98S	HWTH98S	98	49	ORCHARD HOMES COUNTRY LIFE CLUB	2537 S 3RD ST W	MISSOULA	59804	7:00 am - 8:00 pm		
Missoula	LEWIS CLK 89	LEW89	89	45	LEWIS & CLARK SCHOOL	2901 PARK	MISSOULA	59801	7:00 am - 8:00 pm		
Missoula	LEWIS CLK 90E	LEW90E	90	45	LEWIS & CLARK SCHOOL	2901 PARK	MISSOULA	59801	7:00 am - 8:00 pm		



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Missoula	LEWIS CLK 90W	LEW90W	90	45	LEWIS & CLARK SCHOOL	2901 PARK	MISSOULA	59801	7:00 am - 8:00 pm		
Missoula	LIBRARY 91	LIBR91	91	46	LIBRARY	301 E MAIN ST	MISSOULA	59802	7:00 am - 8:00 pm		
Missoula	LOLO 89	LOLO89	89	45	LOLO SCHOOL	11395 US HWY 93 S	LOLO	59847	7:00 am - 8:00 pm		
Missoula	LOLO 97	LOLO97	97	49	LOLO SCHOOL	11395 US HWY 93 S	LOLO	59847	7:00 am - 8:00 pm		
Missoula	LOWELL 94	LOWE94	94	47	LOWELL SCHOOL	1200 SHERWOOD ST	MISSOULA	59802	7:00 am - 8:00 pm		
Missoula	LOWELL 95	LOWE95	95	48	LOWELL SCHOOL	1200 SHERWOOD ST	MISSOULA	59802	7:00 am - 8:00 pm		
Missoula	MEADOW HILL 99	MDWH99	99	50	CHIEF CHARLO SCHOOL	5600 LONGVIEW	MISSOULA	59803	7:00 am - 8:00 pm		
Missoula	PAXSON 89	PAXSN89	89	45	PAXSON SCHOOL	101 EVANS	MISSOULA	59801	7:00 am - 8:00 pm		
Missoula	PETTY CRK 97	PETTY97	97	49	PETTY CREEK FIRE STATION	995 TERRACE VIEW DR	ALBERTON	59820	7:00 am - 8:00 pm		
Missoula	POTOMAC 92	POTO92	92	46	GREENOUGH POTOMAC COMMUNITY CENTER	29827 POTOMAC RD	BONNETT	59823	7:00 am - 8:00 pm		
Missoula	RATTLNKN 91E	RTSK91E	91	46	RATTLESNAKE SCHOOL	1220 PINEVIEW DR	MISSOULA	59802	7:00 am - 8:00 pm		
Missoula	RATTLNKN 91W	RTSK91W	91	46	RATTLESNAKE SCHOOL	1220 PINEVIEW DR	MISSOULA	59802	7:00 am - 8:00 pm		
Missoula	RUSSELL 90	RUSS90	90	45	RUSSELL SCHOOL	3216 S RUSSELL ST	MISSOULA	59801	7:00 am - 8:00 pm		
Missoula	RUSSELL 99N	RUSS99N	99	50	RUSSELL SCHOOL	3216 S RUSSELL ST	MISSOULA	59801	7:00 am - 8:00 pm		
Missoula	RUSSELL 99S	RUSS99S	99	50	RUSSELL SCHOOL	3216 S RUSSELL ST	MISSOULA	59801	7:00 am - 8:00 pm		
Missoula	SEELEY LK 92	SEEL92	92	46	SEELEY LAKE ELEMENTARY SCHOOL	200 SCHOOL LANE	SEELEY LAKE	59868	7:00 am - 8:00 pm		
Missoula	SENIOR CIT 91	SENR91	91	46	SENIOR CITIZENS CENTER	705 S HIGGINS	MISSOULA	59801	7:00 am - 8:00 pm		
Missoula	SENIOR CIT 95	SENR95	95	48	SENIOR CITIZENS CENTER	705 S HIGGINS	MISSOULA	59801	7:00 am - 8:00 pm		
Missoula	SPRING MDW 94	SPMDW94	94	47	SPRING MEADOWS FIRE STATION	9350 LADYSMITH	MISSOULA	59808	7:00 am - 8:00 pm		
Missoula	SPRING MDW 96	SPMDW96	96	48	SPRING MEADOWS FIRE STATION	9350 LADYSMITH	MISSOULA	59808	7:00 am - 8:00 pm		
Missoula	ST JOSEPH 100E	STJ100E	100	50	ST JOSEPH SCHOOL	500 E 11TH ST	MISSOULA	59801	7:00 am - 8:00 pm		
Missoula	ST JOSEPH 100W	STJ100W	100	50	ST JOSEPH SCHOOL	500 E 11TH ST	MISSOULA	59801	7:00 am - 8:00 pm		
Missoula	SWAN 92	SWAN92	92	46	SWAN VALLEY SCHOOL	1423 HWAY 83 N	CONDON	59826	7:00 am - 8:00 pm		
Missoula	TARGET RNG 97	TARG97	97	49	TARGET RANGE SCHOOL	3095 SOUTH AVE WEST	MISSOULA	59804	7:00 am - 8:00 pm		
Missoula	TARGET RNG 98	TARG98	98	49	TARGET RANGE SCHOOL	4095 SOUTH AVE WEST	MISSOULA	59804	7:00 am - 8:00 pm		
Missoula	UC CENTR 89	UCCE89	89	45	U C CENTER	32 CAMPUS DR UNIVERSITY CENTER	MISSOULA	59812	7:00 am - 8:00 pm		
Musselshell	PRECINCT 1	PREC_1	40	20	ROUNDUP COMMUNITY CENTER	700 THIRD STREET WEST	ROUNDUP	59072	7:00 am - 8:00 pm		
Musselshell	PRECINCT 3	PREC_3	40	20	ROUNDUP COMMUNITY CENTER	700 THIRD STREET WEST	ROUNDUP	59072	7:00 am - 8:00 pm		
Musselshell	PRECINCT 5	PREC_5	40	20	ROUNDUP COMMUNITY CENTER	700 THIRD STREET WEST	ROUNDUP	59072	7:00 am - 8:00 pm		
Musselshell	PRECINCT 6	PREC_6	40	20	ROUNDUP COMMUNITY CENTER	700 THIRD STREET WEST	ROUNDUP	59072	7:00 am - 8:00 pm		
Musselshell	PRECINCT 7	PREC_7	40	20	MELSTONE COMMUNITY CENTER	500 FERGUS	MELSTONE	59054	*Noon - 8:00 pm		
Musselshell	PRECINCT 8	PREC_8	40	20	MUSSELSHELL SCHOOL	100 SOUTH MUSSELSHELL ROAD	MUSSELSHELL	59059	*Noon - 8:00 pm		
Park	59A NORTH PC	59A NPC	59	30	SHIELDS VALLEY COMMUNITY CENTER	409 MILES AVE	CLYDE PARK	59018	7:00 am - 8:00 pm		
Park	59B N CENTRAL PC	59B NCP	59	30	LIVINGSTON FAIRGROUNDS	46 VIEW VISTA DR	LIVINGSTON	59047	7:00 am - 8:00 pm		
Park	59C S CENTRAL PC	59C SCP	59	30	EMIGRANT HALL	101 STORY ROAD	EMIGRANT	59027	7:00 am - 8:00 pm		
Park	59D SOUTH PC	59D SPC	59	30	GARDINER SCHOOL	510 STONE STREET	GARDINER	59030	7:00 am - 8:00 pm		
Park	60A NW OF LIVINGSTON	60A NOL	60	30	LIVINGSTON FAIRGROUNDS	46 VIEW VISTA DR	LIVINGSTON	59047	7:00 am - 8:00 pm		
Park	60B SW OF LIVINGSTON	60B SOL	60	30	LIVINGSTON FAIRGROUNDS	46 VIEW VISTA DR	LIVINGSTON	59047	7:00 am - 8:00 pm		
Park	60CL NW COL	60CL NW	60	30	LIVINGSTON FAIRGROUNDS	46 VIEW VISTA DR	LIVINGSTON	59047	7:00 am - 8:00 pm		
Park	60DL NE COL	60DL NE	60	30	LIVINGSTON FAIRGROUNDS	46 VIEW VISTA DR	LIVINGSTON	59047	7:00 am - 8:00 pm		
Park	60EL SE COL	60EL SE	60	30	LIVINGSTON FAIRGROUNDS	46 VIEW VISTA DR	LIVINGSTON	59047	7:00 am - 8:00 pm		
Park	60FL SC COL	60FL SC	60	30	LIVINGSTON FAIRGROUNDS	46 VIEW VISTA DR	LIVINGSTON	59047	7:00 am - 8:00 pm		
Park	60GL SW COL	60GL SW	60	30	LIVINGSTON FAIRGROUNDS	46 VIEW VISTA DR	LIVINGSTON	59047	7:00 am - 8:00 pm		
Petroleum	PRECINCT 1	PREC_1	29	15	PETROLEUM COUNTY COURTHOUSE	302 EAST MAIN	WINNETT	59087	7:00 am - 8:00 pm		
Phillips	PCT 11N - PHILLIPS - 33/17	PCT 11N	33	17	COURTHOUSE	314 S 2ND AVE W	MALTA	59538	7:00 am - 8:00 pm		



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Phillips	PCT 115 - PHILLIPS - 32/16	PCT 115	32	16	COURTHOUSE	314 S 2ND AVE W	MALTA	59538	7:00 am - 8:00 pm		
Pondera	BRADY_19	Prec_19	17	9	BRADY COMMUNITY CENTER 19	303 CENTRAL AVENUE	BRADY	59416	*Noon - 8:00 pm		
Pondera	HEART BUTTE_20	Prec_20	15	8	HEART BUTTE HIGH SCHOOL 20	#1 NEW SCHOOL RD	HEART BUTTE	59448	7:00 am - 8:00 pm		
Pondera	DUPUYER_23	Prec_23	17	9	DUPUYER SCHOOL	319 COLUMBUS LOOP	DUPUYER	59432	*Noon - 8:00 pm		
Pondera	CONRAD_24	Prec_24	18	9	PONDERA CENTER 24	311 S VIRGINIA ST	CONRAD	59425	7:00 am - 8:00 pm		
Pondera	CONRAD_27	Prec_27	18	9	PONDERA CENTER 27	311 S VIRGINIA ST	CONRAD	59425	7:00 am - 8:00 pm		
Pondera	CONRAD RURAL 29	PREC_29	18	9	PONDERA CENTER 29	311 S VIRGINIA ST	CONRAD	59425	7:00 am - 8:00 pm		
Pondera	VALIER_34	Prec_34	17	9	VALIER CIVIC CENTER	514 MONTANA ST	VALIER	59486	7:00 am - 8:00 pm		
Pondera	VALIER (RURAL)_35	Prec_35	17	9	VALIER CIVIC CENTER	514 MONTANA ST	VALIER	59486	7:00 am - 8:00 pm		
Powder River	PRECINCT03	PREC_03	41	21	COALWOOD SCHOOL	10 RILEY ROAD	VOLBORG	59351	*Noon - 8:00 pm		
Powder River	PRECINCT04	PREC_04	41	21	STACEY MEMORIAL HALL	5 USCOMB ROAD	VOLBORG	59351	*Noon - 8:00 pm		
Powder River	PRECINCT05	PREC_05	41	21	TRECO BUILDING	2435 HIGHWAY 212	ASHLAND	59003	*Noon - 8:00 pm		
Powder River	PRECINCT09	PREC_09	37	19	BIDDLE HERITAGE CENTER	212 S. STATE HIGHWAY 59	BIDDLE	59314	*Noon - 8:00 pm		
Powder River	PRECINCT11	PREC_11	37	19	COURTHOUSE ELECTION ROOM	119 N. Park Ave.	BROADUS	59317	7:00 am - 8:00 pm		
Powder River	PRECINCT12	PREC_12	41	21	COURTHOUSE LOBBY	119 N. Park Ave.	BROADUS	59317	7:00 am - 8:00 pm		
Powder River	PRECINCT08	PREC_8	41	21	BIDDLE HERITAGE CENTER	212 S. STATE HIGHWAY 59	BIDDLE	59314	*Noon - 8:00 pm		
Powell	PRECINCT #1.80	P_1.80	80	40	AVON COMMUNITY CENTER	208 MAIN ST	AVON	59713	*Noon - 8:00 pm		
Powell	PRECINCT #10.80	P_10.80	80	40	GARRISON SCHOOL	33 SCHOOL HOUSE RD	GARRISON	59731	*Noon - 8:00 pm		
Powell	PRECINCT #11.80	P_11.80	80	40	GOLD CREEK COMMUNITY CENTER	653 GOLD CREEK ROAD	GOLD CREEK	59733	*Noon - 8:00 pm		
Powell	PRECINCT #12.80	P_12.80	80	40	HELMVILLE COMMUNITY CENTER	105 MAIN STREET	HELMVILLE	59843	*Noon - 8:00 pm		
Powell	PRECINCT #14.80	P_14.80	80	40	OVANDO COMMUNITY CENTER	108 PINE STREET	OVANDO	59854	*Noon - 8:00 pm		
Powell	PRECINCT #16.78	P_16.78	78	39	RACETRACK COMMUNITY HALL	6887 S FORTANGE RD	DEER LODGE	59722	*Noon - 8:00 pm		
Powell	PRECINCT #2.80	P_2.80	80	40	COMMUNITY CENTER 2	416 COTTONWOOD AVE	DEER LODGE	59722	7:00 am - 8:00 pm		
Powell	PRECINCT #3.78	P_3.78	78	39	COMMUNITY CENTER-3	416 COTTONWOOD	DEER LODGE	59722	7:00 am - 8:00 pm		
Powell	PRECINCT #4.78	P_4.78	78	39	COMMUNITY CENTER-4	416 COTTONWOOD	DEER LODGE	59722	7:00 am - 8:00 pm		
Powell	PRECINCT #5.78	P_5.78	78	39	COMMUNITY CENTER-5	416 COTTONWOOD	DEER LODGE	59722	7:00 am - 8:00 pm		
Powell	PRECINCT #6.78	P_6.78	78	39	COMMUNITY CENTER-6	416 COTTONWOOD	DEER LODGE	59722	7:00 am - 8:00 pm		
Powell	PRECINCT #7.78	P_7.78	78	39	COMMUNITY CENTER-7	416 COTTONWOOD	DEER LODGE	59722	7:00 am - 8:00 pm		
Powell	PRECINCT #8.80	P_8.80	80	40	ELLISTON SCHOOL GYM	205 WEST MAIN STREET	ELLISTON	59728	*Noon - 8:00 pm		
Prairie	PRECINCT NO. 1	PREC_1	37	19	TERRY HIGH SCHOOL	215 W PARK	TERRY	59647	7:00 am - 8:00 pm		
Prairie	PRECINCT NO. 2	PREC_2	37	19	TERRY HIGH SCHOOL	215 W PARK	TERRY	59330	7:00 am - 8:00 pm		
Prairie	PRECINCT NO. 3	PREC_3	37	19	FALLON COFFEE SHOP	518 N RAILWAY AVE	FALLON	59316	7:00 am - 8:00 pm		
Prairie	PRECINCT NO. 4	PREC_4	37	19	TERRY HIGH SCHOOL	215 W PARK	TERRY	59330	7:00 am - 8:00 pm		
Ravalli	PCT 01	01_PCT	85	43	DARBY SCHOOL GYM	209 SCHOOL DRIVE	DARBY	59829	7:00 am - 8:00 pm		
Ravalli	PCT 02	02_PCT	85	43	DARBY SCHOOL GYM	209 SCHOOL DRIVE	DARBY	59829	7:00 am - 8:00 pm		
Ravalli	PCT 03	03_PCT	85	43	DARBY SCHOOL GYM	209 SCHOOL DRIVE	DARBY	59829	7:00 am - 8:00 pm		
Ravalli	PCT 04	04_PCT	85	43	HAMILTON HIGH SCHOOL GYM	327 FAIRGROUNDS ROAD	HAMILTON	59840	7:00 am - 8:00 pm		
Ravalli	PCT 05	05_PCT	86	43	HAMILTON HIGH SCHOOL GYM	327 FAIRGROUNDS ROAD	HAMILTON	59840	7:00 am - 8:00 pm		
Ravalli	PCT 06	06_PCT	86	43	HAMILTON HIGH SCHOOL GYM	327 FAIRGROUNDS ROAD	HAMILTON	59840	7:00 am - 8:00 pm		
Ravalli	PCT 07	07_PCT	86	43	HAMILTON HIGH SCHOOL GYM	327 FAIRGROUNDS ROAD	HAMILTON	59840	7:00 am - 8:00 pm		
Ravalli	PCT 08	08_PCT	86	43	HAMILTON HIGH SCHOOL GYM	327 FAIRGROUNDS ROAD	HAMILTON	59840	7:00 am - 8:00 pm		
Ravalli	PCT 09	09_PCT	86	43	HAMILTON HIGH SCHOOL GYM	327 FAIRGROUNDS ROAD	HAMILTON	59840	7:00 am - 8:00 pm		
Ravalli	PCT 10	10_PCT	85	43	CORVALLIS HIGH SCHOOL GYM	1045 MAIN STREET	CORVALLIS	59828	7:00 am - 8:00 pm		
Ravalli	PCT 11	11_PCT	85	43	CORVALLIS HIGH SCHOOL GYM	1045 MAIN STREET	CORVALLIS	59828	7:00 am - 8:00 pm		
Ravalli	PCT 12	12_PCT	85	43	CORVALLIS HIGH SCHOOL GYM	1045 MAIN STREET	CORVALLIS	59828	7:00 am - 8:00 pm		



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Ravalli	PCT 13	13_PCT	87	44	CORVALLIS HIGH SCHOOL GYM	1045 MAIN STREET	CORVALLIS	59828	7:00 am - 8:00 pm		
Ravalli	PCT 14	14_PCT	87	44	PINESDALE TOWN HALL	DOWNTOWN PINESDALE	PINESDALE	59841	7:00 am - 8:00 pm		
Ravalli	PCT 15	15_PCT	87	44	VICTOR SCHOOL GYM	424 4TH AVENUE	VICTOR	59875	7:00 am - 8:00 pm		
Ravalli	PCT 16	16_PCT	87	44	VICTOR SCHOOL GYM	424 4TH AVENUE	VICTOR	59875	7:00 am - 8:00 pm		
Ravalli	PCT 17	17_PCT	87	44	STEVENSVILLE ELEMENTARY SCHOOL GYM	300 PARK STREET BEHIND 3K BUILDING	STEVENSVILLE	59870	7:00 am - 8:00 pm		
Ravalli	PCT 18	18_PCT	87	44	STEVENSVILLE ELEMENTARY SCHOOL GYM	300 PARK STREET BEHIND 3K BUILDING	STEVENSVILLE	59870	7:00 am - 8:00 pm		
Ravalli	PCT 19	19_PCT	88	44	STEVENSVILLE ELEMENTARY SCHOOL GYM	300 PARK STREET BEHIND 3K BUILDING	STEVENSVILLE	59870	7:00 am - 8:00 pm		
Ravalli	PCT 20	20_PCT	88	44	STEVENSVILLE ELEMENTARY SCHOOL GYM	300 PARK STREET BEHIND 3K BUILDING	STEVENSVILLE	59870	7:00 am - 8:00 pm		
Ravalli	PCT 21	21_PCT	87	44	LONE ROCK SCHOOL	1112 THREE MILE ROAD	STEVENSVILLE	59870	7:00 am - 8:00 pm		
Ravalli	PCT 22	22_PCT	88	44	LONE ROCK SCHOOL	1112 THREE MILE ROAD	STEVENSVILLE	59870	7:00 am - 8:00 pm		
Ravalli	PCT 23	23_PCT	88	44	FLORENCE CARLTON SCHOOL GYM	5602 OLD HIGHWAY 93	FLORENCE	59833	7:00 am - 8:00 pm		
Ravalli	PCT 24	24_PCT	88	44	FLORENCE CARLTON SCHOOL GYM	5602 OLD HIGHWAY 93	FLORENCE	59833	7:00 am - 8:00 pm		
Richland	PRECINCT 01	01	35	18	ASSEMBLY OF GOD MULTIPURPOSE ROOM	414 EAST MAIN STREET	SIDNEY	59270	7:00 am - 8:00 pm		
Richland	PRECINCT 02	02	35	18	ASSEMBLY OF GOD MULTIPURPOSE ROOM	414 EAST MAIN STREET	SIDNEY	59270	7:00 am - 8:00 pm		
Richland	PRECINCT 03	03	35	18	ASSEMBLY OF GOD MULTIPURPOSE ROOM	414 EAST MAIN STREET	SIDNEY	59270	7:00 am - 8:00 pm		
Richland	PRECINCT 04	04	35	18	ASSEMBLY OF GOD MULTIPURPOSE ROOM	414 EAST MAIN STREET	SIDNEY	59270	7:00 am - 8:00 pm		
Richland	PRECINCT 05	05	35	18	SAVAGE SENIOR CENTER	164 MAIN STREET	SAVAGE	59262	7:00 am - 8:00 pm		
Richland	PRECINCT 07	07	35	18	LAMBERT SCHOOL OLD GYM	121 3RD AVENUE NORTH	LAMBERT	59243	7:00 am - 8:00 pm		
Richland	PRECINCT 08	08	35	18	ASSEMBLY OF GOD MULTIPURPOSE ROOM	414 EAST MAIN STREET	SIDNEY	59270	7:00 am - 8:00 pm		
Richland	PRECINCT 09	09	35	18	ASSEMBLY OF GOD MULTIPURPOSE ROOM	414 EAST MAIN STREET	SIDNEY	59270	7:00 am - 8:00 pm		
Richland	PRECINCT 12	12	35	18	ST CATHERINES CHURCH	317 WEST 7TH ST	FAIRVIEW	59221	7:00 am - 8:00 pm		
Richland	PRECINCT 17	17	35	18	GIRARD HALL	13610 COUNTY ROAD 338	SIDNEY	59034	*Noon - 8:00 pm		
Richland	PRECINCT 19	19	35	18	ELMDALE HALL	2108 COUNTY 139	BROCKTON	59034	*Noon - 8:00 pm		
Richland	PRECINCT 22	22	35	18	ASSEMBLY OF GOD MULTIPURPOSE ROOM	414 EAST MAIN STREET	SIDNEY	59270	7:00 am - 8:00 pm		
Richland	PRECINCT 23	23	35	18	ASSEMBLY OF GOD MULTIPURPOSE ROOM	414 EAST MAIN STREET	SIDNEY	59270	7:00 am - 8:00 pm		
Roosevelt	02 BAINVILLE	02-34	34	17	BAINVILLE SCHOOL	409 TUBMAN	BAINVILLE	59212	*Noon - 8:00 pm		
Roosevelt	10 FROID	10-34	34	17	FROID COMMUNITY CENTER	103 2ND STREET NORTH	FROID	59226	*Noon - 8:00 pm		
Roosevelt	12 CULBERTSON	12-34	34	17	CULBERTSON SENIOR CITIZENS CENTER	210 BROADWAY	CULBERTSON	59218	7:00 am - 8:00 pm		
Roosevelt	15 BROCKTON	15-31	31	16	BROCKTON SCHOOL DISTRICT OFFICE	529 5TH STREET	BROCKTON	59213	*Noon - 8:00 pm		
Roosevelt	16 EAST POPLAR RURAL	16-31	31	16	POPLAR MIDDLE SCHOOL	408 D STREET WEST	POPLAR	59255	7:00 am - 8:00 pm		
Roosevelt	17 NORTH POPLAR MINERAL BENCH	17-34	34	17	FAITH FREE LUTHERAN CHURCH	4703 HIGHWAY 344 W	BROCKTON	59213	*Noon - 8:00 pm		
Roosevelt	18 POPLAR	18-31	31	16	POPLAR MIDDLE SCHOOL	408 D ST WEST	POPLAR	59255	7:00 am - 8:00 pm		
Roosevelt	22 EAST & NE WOLF POINT RURAL	22-31	31	16	COUNTY SERVICES BLDG-SENIOR CITIZENS ROOM	124 CUSTER STREET	WOLF POINT	59201	7:00 am - 8:00 pm		
Roosevelt	24 WOLF POINT SOUTHSIDE	24-31	31	16	COUNTY SERVICES BLDG-SENIOR CITIZENS CENTER	124 CUSTER STREET	WOLF POINT	59201	7:00 am - 8:00 pm		
Roosevelt	26 WOLF POINT NORTHSIDE	26-31	31	16	COUNTY SERVICES BLDG-SENIOR CITIZENS CENTER	124 CUSTER STREET	WOLF POINT	59201	7:00 am - 8:00 pm		
Roosevelt	27 WEST WOLF POINT RURAL	27-31	31	16	COUNTY SERVICES BLDG-SENIOR CITIZENS CENTER	124 CUSTER STREET	WOLF POINT	59201	7:00 am - 8:00 pm		
Roosevelt	28 NORTH WOLF POINT RURAL (VICTORY)	28-34	34	17	COUNTY SERVICES BLDG-SENIOR CITIZENS CENTER	124 CUSTER STREET	WOLF POINT	59201	7:00 am - 8:00 pm		
Rosebud	PRECINCT 10	PREC_10	39	20	ROSEBUD SCHOOL	601 MAIN STREET	ROSEBUD	59347	*Noon - 8:00 pm		
Rosebud	PRECINCT 11	PREC_11	39	20	ROSEBUD SCHOOL	601 MAIN STREET	ROSEBUD	59347	*Noon - 8:00 pm		
Rosebud	PRECINCT 15	PREC_15	41	21	NORTHERN CHEYENNE TRIBAL BUILDING	100 CHEYENNE AVENUE	LAME BEER	59043	7:00 am - 8:00 pm		
Rosebud	PRECINCT 17	PREC_17	41	21	ASHLAND PUBLIC SCHOOL	8 OLD MISSION ROAD	ASHLAND	59003	7:00 am - 8:00 pm		
Rosebud	PRECINCT 20	PREC_20	39	20	HAUGO CENTER	483 EAST ROSEBUD STREET	FORSYTH	59327	7:00 am - 8:00 pm		
Rosebud	PRECINCT 21	PREC_21	39	20	HAUGO CENTER	483 EAST ROSEBUD STREET	FORSYTH	59327	7:00 am - 8:00 pm		
Rosebud	PRECINCT 26	PREC_26	39	20	INGOMAR SCHOOL	400 1ST AVE	INGOMAR	59039	*Noon - 8:00 pm		
Rosebud	PRECINCT 3	PREC_3	39	20	HAUGO CENTER	483 EAST ROSEBUD STREET	FORSYTH	59327	7:00 am - 8:00 pm		



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(Information provided by county election administrators; subject to changes and additions)

County	Precinct Name	Precinct Number	HD	SD	Polling Place Location	Polling Place Address	Polling Place City	Polling Place Zip	Polling Place Hours	Late Registration Location (if different or in addition to county election office) *Election Day Registration location only **Other	Late Registration Address (if different or in addition to county election office)
Rosebud	PRECINCT 30	PREC_30	41	21	COLSTRIP CITY HALL	12 CHERRY STREET	COLSTRIP	59323	7:00 am - 8:00 pm		
Rosebud	PRECINCT 32	PREC_32	39	20	COLSTRIP CITY HALL	12 CHERRY STREET	COLSTRIP	59323	7:00 am - 8:00 pm		
Rosebud	PRECINCT 6	PREC_6	39	20	HAUGG CENTER	483 EAST ROSEBLD STREET	FORSYTH	59327	7:00 am - 8:00 pm		
Rosebud	PRECINCT 7	PREC_7	41	21	ASHLAND PUBLIC SCHOOL	8 OLD MISSION ROAD	ASHLAND	59003	7:00am-8:00pm		
Sanders	1-HERON-HD13	#1	13	7	HERON COMMUNITY CENTER	6 UPPER RIVER ROAD	HERON	59805	7:00 am - 8:00 pm		
Sanders	2-NOXON-HD13	#2	13	7	NOXON EMERGENCY SERVICES BLDG	311 NOXON AVE	NOXON	59859	7:00 am - 8:00 pm		
Sanders	3-TROUT CREEK-HD13	#3	13	7	TROUT CREEK SCHOOL	4 SCHOOL LANE	TROUT CREEK	59874	7:00 am - 8:00 pm		
Sanders	4-T Falls-HD13	#4	13	7	THOMPSON FALLS COMM. CENTER	410 GOLF ST	THOMPSON FALLS	59873	7:00 am - 8:00 pm		
Sanders	5-T FALLS-HD13	#5	13	7	THOMPSON FALLS COMM. CENTER	410 GOLF ST	THOMPSON FALLS	59873	7:00 am - 8:00 pm		
Sanders	6-PLAINS-HD14	#6	14	7	PLAINS PARADISE SENIOR CENTER	205 W MEANY ST	PLAINS	59859	7:00 am - 8:00 pm		
Sanders	7-PLAINS-HD14	#7	14	7	PLAINS PARADISE SENIOR CENTER	205 W MEANY ST	PLAINS	59859	7:00 am - 8:00 pm		
Sanders	8-HOT SPRINGS-HD14	#8	14	7	HOT SPRINGS SENIOR CITIZENS	101 MAIN ST	POTTS SPRINGS	59845	7:00 am - 8:00 pm		
Sanders	9 Dixon-HD14	#9	14	7	DIXON SENIOR CITIZENS CENTER	35 3RD ST	DIXON	59831	7:00 am - 8:00 pm		
Sheridan	1 WESTBY	1_PREC	34	17	WESTBY COMMUNITY HALL	208 MAIN ST	WESTBY	59275	*Noon - 8:00 pm		
Sheridan	2 MEDICINE LAKE	2_PREC	34	17	MEDICINE LAKE FIRE STATION	106 MAIN ST	MEDICINE LAKE	59247	7:00 am - 8:00 pm		
Sheridan	3 PLENTYWOOD WEST	3_PREC	34	17	CIVIC CENTER	4262 C HWY 16 S	PLENTYWOOD	59254	7:00 am - 8:00 pm		
Sheridan	4 PLENTYWOOD EAST	4_PREC	34	17	CIVIC CENTER	4262 C HWY 16 S	PLENTYWOOD	59254	7:00 am - 8:00 pm		
Sheridan	5 PLENTYWOOD RURAL WEST	5_PREC	34	17	CIVIC CENTER	4262 C HWY 16 S	PLENTYWOOD	59254	7:00 am - 8:00 pm		
Sheridan	6 PLENTYWOOD RURAL EAST	6_PREC	34	17	CIVIC CENTER	4262 C HWY 16 S	PLENTYWOOD	59254	7:00 am - 8:00 pm		
Silver Bow	PREC_1	CC-1	78	39	CIVIC CENTER	1340 HARRISON AVE	BUTTE	59701	7:00 am - 8:00 pm	*Civic Center	1340 Harrison Ave, Butte
Silver Bow	PREC_10N	CC-10N	78	39	CIVIC CENTER	1340 HARRISON AVE	BUTTE	59701	7:00 am - 8:00 pm		
Silver Bow	PREC_10S	CC-10S	78	39	CIVIC CENTER	1340 HARRISON AVE	BUTTE	59701	7:00 am - 8:00 pm		
Silver Bow	PREC_11	CC-11	78	39	CIVIC CENTER	1340 HARRISON AVE	BUTTE	59701	7:00 am - 8:00 pm		
Silver Bow	PREC_12E	CC-12E	78	39	CIVIC CENTER	1340 HARRISON AVE	BUTTE	59701	7:00 am - 8:00 pm		
Silver Bow	PREC_12W	CC-12W	74	37	CIVIC CENTER	1340 HARRISON AVE	BUTTE	59701	7:00 am - 8:00 pm		
Silver Bow	PREC_14	CC-14	74	37	CIVIC CENTER	1340 HARRISON AVE	BUTTE	59701	7:00 am - 8:00 pm		
Silver Bow	PREC_16	CC-16	74	37	CIVIC CENTER	1340 HARRISON AVE	BUTTE	59701	7:00 am - 8:00 pm		
Silver Bow	PREC_17	CC-17	74	37	CIVIC CENTER	1340 HARRISON AVE	BUTTE	59701	7:00 am - 8:00 pm		
Silver Bow	PREC_18	CC-18	74	37	CIVIC CENTER	1340 HARRISON AVE	BUTTE	59701	7:00 am - 8:00 pm		
Silver Bow	PREC_19N	CC-19N	73	37	CIVIC CENTER	1340 HARRISON AVE	BUTTE	59701	7:00 am - 8:00 pm		
Silver Bow	PREC_19S	CC-19S	73	37	CIVIC CENTER	1340 HARRISON AVE	BUTTE	59701	7:00 am - 8:00 pm		
Silver Bow	PREC_19W	CC-19W	73	37	ROCKER FIRE HALL	1110 GRIZZLY TRAIL	Rocker	59701	*Noon - 8:00 pm		
Silver Bow	PREC_21	CC-21	73	37	CIVIC CENTER	1340 HARRISON AVE	BUTTE	59701	7:00 am - 8:00 pm		
Silver Bow	PREC_22	CC-22	73	37	CIVIC CENTER	1340 HARRISON AVE	BUTTE	59701	7:00 am - 8:00 pm		
Silver Bow	PREC_26E	CC-26E	74	37	ROCKER FIRE HALL	1110 GRIZZLY TRAIL	Rocker	59701	*Noon - 8:00 pm		
Silver Bow	PREC_26W	CC-26W	74	37	ROCKER FIRE HALL	1110 GRIZZLY TRAIL	Rocker	59701	*Noon - 8:00 pm		
Silver Bow	PREC_27N	CC-27N	78	39	RAMSAY SCHOOL	3 RUSSELL	RAMSAY	59748	7:00 am - 8:00 pm		
Silver Bow	PREC_27S	CC-27S	72	36	RAMSAY SCHOOL	3 RUSSELL	RAMSAY	59748	7:00 am - 8:00 pm		
Silver Bow	PREC_28	CC-28	72	36	DIVIDE GRANGE HALL	105 SCHOOLHOUSE RD	DIVIDE	59727	*Noon - 8:00 pm		
Silver Bow	PREC_29	CC-29	72	36	MELROSE SCHOOL	377 HECLA STREET	MELROSE	59743	*Noon - 8:00 pm		
Silver Bow	PREC_2E	CC-2E	76	38	CIVIC CENTER	1340 HARRISON AVE.	BUTTE	59701	7:00 am - 8:00 pm		
Silver Bow	PREC_2W	CC-2W	73	37	CIVIC CENTER	1340 HARRISON AVE.	BUTTE	59701	7:00 am - 8:00 pm		
Silver Bow	PREC_3	CC-3	73	37	CIVIC CENTER	1340 HARRISON AVE.	BUTTE	59701	7:00 am - 8:00 pm		
Silver Bow	PREC_4	CC-4	76	38	CIVIC CENTER	1340 HARRISON AVE.	BUTTE	59701	7:00 am - 8:00 pm		
Silver Bow	PREC_6	CC-6	76	38	CIVIC CENTER	1340 HARRISON AVE.	BUTTE	59701	7:00 am - 8:00 pm		



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Silver Bow	PREC_BE	CC-BE	76	38	CIVIC CENTER	1340 HARRISON AVE.	BUTTE	59701	7:00 am - 8:00 pm		
Silver Bow	PREC_BW	CC-BW	73	37	CIVIC CENTER	1340 HARRISON AVE.	BUTTE	59701	7:00 am - 8:00 pm		
Silver Bow	PREC_9E	CC-9E	71	36	CIVIC CENTER	1340 HARRISON AVE.	BUTTE	59701	7:00 am - 8:00 pm		
Silver Bow	PREC_9N	CC-9N	76	38	CIVIC CENTER	1340 HARRISON AVE.	BUTTE	59701	7:00 am - 8:00 pm		
Silver Bow	PREC_9W	CC-9W	76	38	CIVIC CENTER	1340 HARRISON AVE.	BUTTE	59701	7:00 am - 8:00 pm		
Stillwater	COLUMBUS PRECINCT 1	PREC_1	57	29	STILLWATER PAVILLION	328 E 5TH AVE N	COLUMBUS	59019	7:00 am - 8:00 pm		
Stillwater	NYE PRECINCT 10	PREC_10	57	29	NYE FIRE HALL	2033 NYE ROAD	NYE	59061	*Noon - 8:00 pm		
Stillwater	FISHTAIL PRECINCT 11	PREC_11	57	29	FISHTAIL COMMUNITY CENTER	21 WEST MAIN STREET	FISHTAIL	59028	7:00 am - 8:00 pm		
Stillwater	ABSAROKEE PRECINCT 13	PREC_13	57	29	ABSAROKEE ELEM SCHOOL GYM	130 S. MONTANA AVE.	ABSAROKEE	59001	7:00 am - 8:00 pm		
Stillwater	PARK CITY PRECINCT 2	PREC_2	57	29	PARK CITY CIVIC CENTER	21 2ND AVE. SW	PARK CITY	59063	7:00 am - 8:00 pm		
Stillwater	REED POINT PRECINCT 4	PREC_4	57	29	REED POINT HIGH SCHOOL LIBRARY	308 CENTRAL AVENUE W	REED POINT	59069	7:00 am - 8:00 pm		
Stillwater	MOLT PRECINCT 7	PREC_7	57	29	MOLT SCHOOL	214 LAKE AVE.	MOLT	59057	*Noon - 8:00 pm		
Stillwater	RAPELIE PRECINCT 9	PREC_9	57	29	RAPELIE HIGH SCHOOL	714 MAIN	RAPELIE	59067	*Noon - 8:00 pm		
Sweet Grass	PRECINCT 1	PREC_1	59	30	CIVIC CENTER	301 HOOPER ST	BIG TIMBER	59647	7:00 am - 8:00 pm		
Sweet Grass	PRECINCT 2	PREC_2	59	30	CIVIC CENTER	301 HOOPER ST	BIG TIMBER	59330	7:00 am - 8:00 pm		
Sweet Grass	PRECINCT 3	PREC_3	59	30	CIVIC CENTER	301 HOOPER ST	BIG TIMBER	59316	7:00 am - 8:00 pm		
Sweet Grass	PRECINCT 4	PREC_4	59	30	CIVIC CENTER	301 HOOPER ST	BIG TIMBER	59330	7:00 am - 8:00 pm		
Sweet Grass	PRECINCT 5	PREC_5	57	29	CIVIC CENTER	301 HOOPER ST	BIG TIMBER	59259	7:00 am - 8:00 pm		
Teton	PRECINCT #1	PREC_1	17	9	TETON COUNTY ANNEX BUILDING	19 MAIN AVE. SOUTH	CHOTEAU	59422	7:00 am - 8:00 pm		
Teton	PRECINCT #11	PREC_11	17	9	PENDROY FIRE DEPARTMENT	119 MAIN AVE	PENDROY	59467	*Noon - 8:00 pm		
Teton	PRECINCT #17	PREC_17	17	9	DUTTON AMERICAN LEGION	201 MAIN STREET EAST	DUTTON	59433	*Noon-8:00pm		
Teton	PRECINCT #6	PREC_6	17	9	POWER PUBLIC SCHOOL	402 TETON	POWER	59468	*Noon - 8:00 pm		
Teton	PRECINCT #7	PREC_7	17	9	FAIRFIELD TOWN HALL	403 CENTRAL	FAIRFIELD	59436	7:00 am - 8:00 pm		
Toole	DEVON-GALATA	DEV-GAL	18	9	GAL HALL	3 DIVISION STREET	GALATA	59444	*Noon - 8:00 pm		
Toole	KEVIN	KEVIN	18	9	K DEPOT	4 NORTH 1ST STREET	KEVIN	59454	*Noon - 8:00 pm		
Toole	SHELBY CITY	SHE-CTY	18	9	CIVIC CNT	669 PARK AVE	SHELBY	59474	7:00 am - 8:00 pm		
Toole	SHELBY RURAL	SHEL-R	18	9	CIVIC CNT	669 PARK AVE	SHELBY	59474	7:00 am - 8:00 pm		
Toole	SUNBURST	SUNBRST	18	9	ELEM SCH	220 1ST STREET SOUTH	SUNBURST	59482	7:00 am - 8:00 pm		
Treasure	PRECINCT # 3	PREC_3	39	20	T.C. COMMUNITY CENTER (PCT.3)	306 RAPELIE	HYSHAM	59038	*Noon - 8:00 pm		
Treasure	PRECINCT # 4	PREC_4	39	20	T.C. COURTHOUSE COURTROOM (PCT. 4)	307 RAPELIE	HYSHAM	59038	7:00 am - 8:00 pm		
Treasure	PRECINCT # 6	PREC_6	39	20	T.C. COMMUNITY CENTER (PCT 6)	306 RAPELIE	HYSHAM	59038	*Noon - 8:00 pm		
Valley	31 FTP FRZ	31	31	16	GLASSGOW CIVIC CENTER 31	319 3RD ST S	GLASSGOW	59230	7:00 am - 8:00 pm		
Valley	33 GLS HIN	33	33	17	GLASSGOW CIVIC CENTER 33	319 3RD ST S	GLASSGOW	59230	7:00 am - 8:00 pm		
Valley	34 LUS OPH NAS GNE	34	34	17	GLASSGOW CIVIC CENTER 34	319 3RD ST S	GLASSGOW	59230	7:00 am - 8:00 pm		
Wheatland	PRECINCT 1	1	30	15	PREC 1 COMMUNITY CLUB	TWO DOT HIGHWAY	TWO DOT	59085	7:00 am - 8:00 pm		
Wheatland	PRECINCT 2	2	30	15	PREC 2 HARLOWTON HIGH SCHOOL	304 E. DIVISION	HARLOWTON	59036	7:00 am - 8:00 pm		
Wheatland	PRECINCT 3	3	30	15	PREC 3 SHAWMUT SCHOOL	1 EAST 3RD AVE	SHAWMUT	59078	7:00 am - 8:00 pm		
Wheatland	PRECINCT 4	4	30	15	PREC 4 CITY COMPLEX	601 MEAGHER ST	JUDITH GAP	59453	7:00 am - 8:00 pm		
Wheatland	PRECINCT 9	9	30	15	PREC 9 HARLOWTON HIGH SCHOOL	304 E. DIVISION	HARLOWTON	59036	7:00 am - 8:00 pm		
Wibaux	PRECINCT #1	1	36	18	COURTROOM 1	203 WIBAUX ST S	WIBAUX	59353	7:00 am - 8:00 pm		
Yellowstone	39.1	39.1	39	20	CUSTER SCHOOL GYM	210 2ND AVENUE	CLUSTER	59024	7:00 am - 8:00 pm	*Montana Pavilion, Metra Park	308 6th Ave N, Billings
Yellowstone	39.2	39.2	39	20	HUNTLEY PROJECT ELEM. GYM	1477 ASH STREET	WORDEN	59088	7:00 am - 8:00 pm		
Yellowstone	40-45 [40]	40-45	40	20	INDEPENDENT SCHOOL	2907 ROUNDUP ROAD	BILLINGS	59105	7:00 am - 8:00 pm		
Yellowstone	40.1	40.1	40	20	SHEPHERD H.S.	7842 SHEPHERD ROAD	SHEPHERD	59079	7:00 am - 8:00 pm		
Yellowstone	40.3	40.3	40	20	BROADVIEW COMMUNITY CENTER	13725 5TH	BROADVIEW	59015	7:00 am - 8:00 pm		



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Yellowstone	40.4	40.4	40	20	ELDER GROVE SCHOOL	1532 S 64TH ST WEST	BILLINGS	59106	7:00 am - 8:00 pm		
Yellowstone	40.5	40.5	40	20	LAUREL H.S.	203 E 8TH	LAUREL	59044	7:00 am - 8:00 pm		
Yellowstone	42.1	42.1	42	21	YELLOWSTONE VALLEY ELEC. CO-OP	150 COOPERATIVE WAY	HUNTLEY	59037	7:00 am - 8:00 pm		
Yellowstone	42.2	42.2	42	21	LOCKWOOD SCHL	1932 US HWY 87	BILLINGS	59101	7:00 am - 8:00 pm		
Yellowstone	43.1	43.1	43	22	PIONEER SCHOOL	1937 DOVER ROAD	BILLINGS	59105	7:00 am - 8:00 pm		
Yellowstone	43.2	43.2	43	22	METRA PARK	308 6TH AVENUE NORTH	BILLINGS	59101	7:00 am - 8:00 pm		
Yellowstone	43.3	43.3	43	22	METRA PARK	308 6TH AVENUE NORTH	BILLINGS	59101	7:00 am - 8:00 pm		
Yellowstone	44.1	44.1	44	22	METRA PARK	308 6TH AVENUE NORTH	BILLINGS	59101	7:00 am - 8:00 pm		
Yellowstone	44.2	44.2	44	22	METRA PARK	308 6TH AVENUE NORTH	BILLINGS	59101	7:00 am - 8:00 pm		
Yellowstone	44.3	44.3	44	22	METRA PARK	308 6TH AVENUE NORTH	BILLINGS	59101	7:00 am - 8:00 pm		
Yellowstone	40-45 [45]	40-45	45	23	INDEPENDENT SCHOOL	2907 ROUNDUP ROAD	BILLINGS	59105	7:00 am - 8:00 pm		
Yellowstone	45.2	45.2	45	23	METRA PARK	308 6TH AVENUE NORTH	BILLINGS	59101	7:00 am - 8:00 pm		
Yellowstone	46.1	46.1	46	23	METRA PARK	308 6TH AVENUE NORTH	BILLINGS	59101	7:00 am - 8:00 pm		
Yellowstone	46.2	46.2	46	23	METRA PARK	308 6TH AVENUE NORTH	BILLINGS	59101	7:00 am - 8:00 pm		
Yellowstone	47.1	47.1	47	24	METRA PARK	308 6TH AVENUE NORTH	BILLINGS	59101	7:00 am - 8:00 pm		
Yellowstone	47.2	47.2	47	24	METRA PARK	308 6TH AVENUE NORTH	BILLINGS	59101	7:00 am - 8:00 pm		
Yellowstone	48.1	48.1	48	24	METRA PARK	308 6TH AVENUE NORTH	BILLINGS	59101	7:00 am - 8:00 pm		
Yellowstone	48.2	48.2	48	24	METRA PARK	308 6TH AVENUE NORTH	BILLINGS	59101	7:00 am - 8:00 pm		
Yellowstone	49.1	49.1	49	25	METRA PARK	308 6TH AVENUE NORTH	BILLINGS	59101	7:00 am - 8:00 pm		
Yellowstone	49.2	49.2	49	25	METRA PARK	308 6TH AVENUE NORTH	BILLINGS	59101	7:00 am - 8:00 pm		
Yellowstone	50.1	50.1	50	25	METRA PARK	308 6TH AVENUE NORTH	BILLINGS	59101	7:00 am - 8:00 pm		
Yellowstone	50.2	50.2	50	25	METRA PARK	308 6TH AVENUE NORTH	BILLINGS	59101	7:00 am - 8:00 pm		
Yellowstone	51.1	51.1	51	26	METRA PARK	308 6TH AVENUE NORTH	BILLINGS	59101	7:00 am - 8:00 pm		
Yellowstone	51.2	51.2	51	26	ELYSIAN SCHOOL	5416 ELYSIAN ROAD	BILLINGS	59101	7:00 am - 8:00 pm		
Yellowstone	51.3	51.3	51	26	METRA PARK	308 6TH AVENUE NORTH	BILLINGS	59101	7:00 am - 8:00 pm		
Yellowstone	52.1	52.1	52	26	METRA PARK	308 6TH AVENUE NORTH	BILLINGS	59101	7:00 am - 8:00 pm		
Yellowstone	52.2	52.2	52	26	METRA PARK	308 6TH AVENUE NORTH	BILLINGS	59101	7:00 am - 8:00 pm		
Yellowstone	53.1	53.1	53	27	METRA PARK	308 6TH AVENUE NORTH	BILLINGS	59101	7:00 am - 8:00 pm		
Yellowstone	53.2	53.2	53	27	ELDER GROVE SCHOOL	1532 S 64TH ST WEST	BILLINGS	59106	7:00 am - 8:00 pm		
Yellowstone	53.3	53.3	53	27	LAUREL H.S.	203 E 8TH	LAUREL	59044	7:00 am - 8:00 pm		
Yellowstone	54.1	54.1	54	27	METRA PARK	308 6TH AVENUE NORTH	BILLINGS	59101	7:00 am - 8:00 pm		
Yellowstone	54.2	54.2	54	27	CANYON CREEK SCHOOL	3139 DUCK CREEK ROAD	BILLINGS	59101	7:00 am - 8:00 pm		
Yellowstone	55.1	55.1	55	28	BLUE CREEK SCHOOL	3652 BLUE CREEK ROAD	BILLINGS	59101	7:00 am - 8:00 pm		
Yellowstone	55.2	55.2	55	28	CANYON CREEK SCHOOL	3139 DUCK CREEK ROAD	BILLINGS	59101	7:00 am - 8:00 pm		
Yellowstone	55.3	55.3	55	28	LAUREL H.S.	203 E 8TH	LAUREL	59044	7:00 am - 8:00 pm		
Yellowstone	55.4	55.4	55	28	LAUREL H.S.	203 E 8TH	LAUREL	59044	7:00 am - 8:00 pm		
Yellowstone	55.5	55.5	55	28	LAUREL H.S.	203 E 8TH	LAUREL	59044	7:00 am - 8:00 pm		
Yellowstone	56.1	56.1	56	28	YELLOWSTONE VALLEY ELEC. CO-OP	150 COOPERATIVE WAY	HUNTLEY	59037	7:00 am - 8:00 pm		
Yellowstone	56.2	56.2	56	28	LOCKWOOD SCHL	1932 US HWY 87	BILLINGS	59101	7:00 am - 8:00 pm		
Yellowstone	56.3	56.3	56	28	BLUE CREEK SCHOOL	3652 BLUE CREEK ROAD	BILLINGS	59101	7:00 am - 8:00 pm		



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GENERAL INFORMATION										FINANCIAL INFORMATION										OPERATIONAL INFORMATION										COMPLIANCE INFORMATION									
NO.	NAME	ADDRESS	CITY	STATE	ZIP	PHONE	FAX	EMAIL	WEBSITE	TYPE	STATUS	START DATE	END DATE	PERIOD	REVENUE	EXPENSES	NET INCOME	ASSETS	LIABILITIES	NET WORTH	EMPLOYEES	CONTRACTS	DISPUTES	REGULATIONS	VIOLATIONS	FINANCIAL STATEMENTS	AUDITORS	TAX RETURNS	COMPLIANCE	DISCLOSURES	REPORTS	NOTES							
1	ABC COMPANY	123 MAIN ST	NEW YORK	NY	10001	212-555-1234		info@abc.com	www.abc.com	Public	Active	2010-01-01	2010-12-31	Q4	1000000	800000	200000	500000	200000	300000	10	5	2	1	0	1000000	ABC & CO	1000000	1000000	1000000	1000000								
2	DEF CORPORATION	456 PINE ST	LOS ANGELES	CA	90001	213-555-5678		contact@def.com	www.def.com	Private	Active	2008-03-15	2008-06-30	Q2	500000	400000	100000	250000	100000	150000	5	3	1	0	0	500000	DEF CORP	500000	500000	500000	500000								
3	GHI LLC	789 OAK ST	CHICAGO	IL	60601	312-555-9012		admin@ghi.com	www.ghi.com	Public	Active	2005-01-01	2005-12-31	Q4	2000000	1500000	500000	1000000	500000	500000	20	10	5	3	2	2000000	1500000	1500000	1500000	1500000									
4	JKL PARTNERSHIP	101 BROADWAY	MANHATTAN	NY	10004	212-555-3456		partners@jkl.com	www.jkl.com	Private	Active	2003-01-01	2003-12-31	Q4	750000	600000	150000	350000	150000	200000	8	4	2	1	0	750000	1500000	750000	750000	750000									
5	MNO HOLDINGS	202 WALL ST	NEW YORK	NY	10005	212-555-7890		info@mno.com	www.mno.com	Public	Active	2001-01-01	2001-12-31	Q4	3000000	2500000	500000	1500000	750000	750000	30	15	8	4	3	3000000	2500000	2500000	2500000	2500000									



# EXHIBIT H

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# A Brief from the Montana Advisory Committee

May 2019

## Bordertown Discrimination in Montana

### Summary Findings and Policy Implications

In 2001, the Montana State Advisory Committee (SAC) to the United States Commission on Civil Rights issued a report analyzing the disparities in education between Native Americans and Whites in Montana. The Committee made recommendations for stemming dropout rates, low achievement levels, low test scores, and little advancement to higher education by Native Americans.

As part of its continuing assessment of progress in the conditions of Native Americans in the state, the Montana SAC held a series of community briefings designed to examine alleged discrimination against Native Americans in border towns.

In August 2016, the Montana SAC held a community briefing in Billings, the largest metropolitan area in the state, to determine the prevalence of discrimination in the social and economic relationships of Native Americans and the white community. The Committee held a second briefing in March 2018 in Hardin, a town bordering a Crow reservation. The briefings revealed anecdotal evidence suggesting continued disparity and or discrimination in the areas of education, healthcare, voting, and the administration of justice.

According to many panelists, whether systemic discrimination exists or not, the perception of unfairness among Native Americans is so pervasive that it negatively affects Native Americans' experiences in border towns.

### Purpose, Scope, and Methods

The U.S. Commission on Civil Rights is an independent, bipartisan agency established by Congress and directed to study and collect information relating to discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, disability, national origin, or in the administration of justice. The Commission has established advisory committees in each of the 50 states and the District of Columbia. These state advisory committees (SACs) are composed of state citizens who serve without compensation. State advisory committees advise the Commission of civil rights issues in their states that are within the Commission's jurisdiction.

In July 2015 the Montana SAC by unanimous vote selected Border Town Discrimination as its project topic for study.

The Montana SAC held two separate community briefings. The first was held in Billings, in August 2016, The second was held in Hardin March 2018. Invitees included law enforcement, local/county/state/federal/tribal officials, representatives from community organizations, and members of academia. Additionally, each briefing provided an open session for the community at large to make comments.

This brief presents a review of the issues addressed, identifies key findings of the Committee, and provides policy recommendations.

The federal government recognizes seven Tribes in Montana<sup>1</sup>: the Assiniboine & Sioux Tribes of the Fort Peck Indian Reservation, the Blackfeet Tribe of the Blackfeet Indian Reservation, The Chippewa Cree Indians of the Rocky Boy's Reservation, the Confederated Salish & Kootenai Tribes of the Flathead Reservation, The Crow Tribe of Montana, the Fort Belknap Indian Community of the Fort Belknap Reservations, and the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation. (See fig. 1)



Figure 1 Montana Native American Reservations – US Dept. of Agriculture. <sup>5</sup>

Each of the federally recognized tribes is a nation unto itself, sovereign, self-determining and self-governing. Each tribe maintains a government-to-government relationship with the United States.

American Indians have a unique relationship to the U.S. government because they are dual citizens: U.S. citizens and tribal citizens. This relationship creates a complex set of laws regarding civil rights protections.<sup>2</sup> Native Americans are subject to mostly federal jurisdiction in Indian Country<sup>3</sup>, but are subject to state and local laws when not on reservation land.

Discrimination against Native Americans is common. According to a Harvard study, more than one in three Native Americans report experiences of slurs, offensive comments, threats or harassment, and violence. Thirty eight percent of Native Americans say they or a family member have experienced violence because they are Native, with 23 percent saying they have been sexually harassed.<sup>4</sup>

### Summary Findings of the Montana SAC

In 2015 the Montana Advisory Committee embarked on a study of Bordertown communities in Montana. Communities near American Indian reservations are frequently referred to as border towns.<sup>6</sup> The Montana Advisory Committee held public briefings to collect testimony regarding discrimination in Montana border towns. The following is a representation of the testimony collected at these public briefings and reflects primarily the experience of the Crow and Northern Cheyenne reservations.

### THE ADMINISTRATION OF JUSTICE

The *Administration of Justice*, in this study, is a compendious term that stands for all the complexes of activity that operate to bring the substantive law of crime to bear, or to keep it from coming to bear, on persons who are suspected of having committed crimes in the state of Montana. The term refers to the rules of law that govern the detection, investigation,

<sup>1</sup> U.S. Dept. of Int., Bureau of Indian Affairs, Tribal Leaders Directory Dataset (2018), <https://www.bia.gov/tribal-leaders-directory>.

<sup>2</sup> See Appendix 2.

<sup>3</sup> "Indian Country" is a codified term which refers to lands referred to as "Indian Reservation[s]," though it also includes many others. 18 U.S.C. § 1151 (2006).

<sup>4</sup> Todd Datz, Harvard Chan School of Public Health, Poll Finds More than one-third Native American (2017).

<sup>5</sup> U.S. Dept. of Ag., public domain, <https://www.nrcs.usda.gov/wps/portal/nrcs/mt/about/outreach/tribal/>.

<sup>6</sup> See; Navaho Nation Human Rights Commission. <http://www.nnhrc.navajo-nsn.gov/docs/Border%20Towns.pdf>; UNM newsroom article. <https://news.unm.edu/news/border-town-bullies-goes-international>. IndianZ story. [https://www.indianz.com/News/2006/07/13/border\\_town\\_rac.asp](https://www.indianz.com/News/2006/07/13/border_town_rac.asp). Arizona Daily Sun. [https://azdailysun.com/news/border-town-bias-against-navajos-in-dispute/article\\_40ea515e-389c-5402-a20b-b1773c020b46.html](https://azdailysun.com/news/border-town-bias-against-navajos-in-dispute/article_40ea515e-389c-5402-a20b-b1773c020b46.html).

apprehension, interviewing, and trial of persons suspected of crime and those persons whose responsibility it is to work within these rules. The administration of justice is not confined to the courts; it encompasses officers of the law and others whose duties are necessary to ensure that the courts function effectively.

The administration of justice then, can be fallible since the factor of human judgement cannot be programmed out.

The testimony gathered in Billings and Hardin include the following:

### Statewide

- Native Americans make up 6.6% of the population in Montana. They represent 18% of those arrested in 2016, and currently comprise 22% of the jail population in Montana.<sup>7</sup>
- Native American women in particular are disproportionately incarcerated, making up roughly 3% of the population and accounting for 36% of incarcerated women.<sup>8</sup>
- For the period 2013-2014 Native Americans in Montana were generally overrepresented as the *arrestees* for 11% of deliberate homicide, 14% for rape, 28% for robbery, 19% for aggravated assault, 12% of burglaries, 20% of motor vehicle thefts, and 9% of DUIs.<sup>9</sup>

- Native Americans in Montana are generally slightly overrepresented as victims of violent crime.<sup>10</sup>

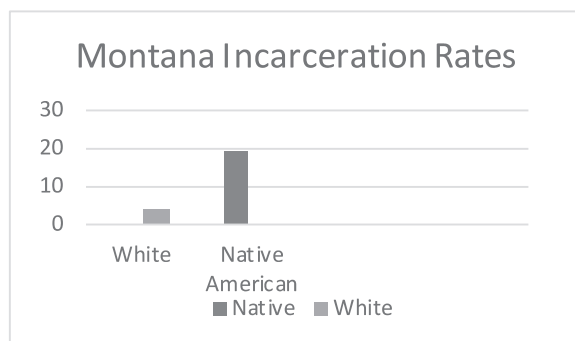


Figure 2: Montana Incarceration rate per 1,000 people in that racial group.<sup>11</sup>

- Crime in Montana has decreased 18% from 2000 to 2014, yet the arrest rates have increased by 12% during the same period.<sup>12</sup>
- The number and proportion of arrests involving revocations, violations, failure to appear, etc. has increased by 15% and accounts for 45% of the increase in total arrests.<sup>13</sup>
- A member of the Montana Sentencing Commission told the committee the increase in arrests is not new crime, but rather the State is arresting more people who are unable to comply with parole conditions, who are revoked, and who are at risk of failure to appear.<sup>14</sup>
- A common problem for Native Americans living on reservations is the inability to comply with court requirements due to the

<sup>7</sup> Prison Policy Initiative, Montana Profile, (2019) <https://www.prisonpolicy.org/profiles/MT.html>.

<sup>8</sup> Caitlin Borgman, Testimony before the Montana Advisory Committee to the U.S. Commission on Civil Rights, hearing, Billings, MT, Aug. 29, 2016, transcript, p.83 (hereafter cited as Hearing Transcript 1).

<sup>9</sup> Brent Brooks, Testimony before the Montana Advisory Committee to the U.S. Commission on Civil Rights, hearing, Billings, MT, Aug. 29, 2016, transcript, p.48 (hereafter cited as *Hearing Transcript 1*).

<sup>10</sup> Brooks Testimony, *Hearing Transcript 1*, p. 48.

<sup>11</sup> Prison Policy Initiative, Montana Profile, (2019) <https://www.prisonpolicy.org/profiles/MT.html>.

<sup>12</sup> Majel Russell, Testimony before the Montana Advisory Committee to the U.S. Commission on Civil Rights, hearing, Billings, MT, Aug. 29, 2016, transcript, p.88 (hereafter cited as Hearing Transcript 1).

<sup>13</sup> *Id.* at p.90.

<sup>14</sup> *Id.* at p.90.

distance between the reservation and the location of court ordered supervision.<sup>15</sup>

- Most Native Americans living on reservations are low-income, lack reliable transportation, and live in rural areas. The probability of missing a court date, or parole meeting, urinalysis, or some other condition of the court is very high. There are Native Americans sitting in jail simply for failure to appear.<sup>16</sup>
- Risk assessment by probation and parole officers in Montana usually consists of assessments such as: “Does this person have a stable family?” “Does this person have a job?” “Does this person have reliable transportation and a stable support group?” Many Native Americans do not meet these standards and are wrongly considered high-risk.<sup>17</sup>
- The U.S. Attorney’s office informed the Committee that past civil rights cases involving Native Americans have included landlord-tenant bias, employment bias, housing sale bias, and equal credit opportunity cases.<sup>18</sup>
- One case recently involved a landlord discrimination complaint which was successfully tried in the Montana U.S. District Court.<sup>19</sup>
- Assistant U.S. Attorney Victoria Francis said implicit bias training is needed to stem civil rights violations.<sup>20</sup>

- Assistant U.S. Attorney Francis said that in 2013 there was an alleged round-up of homeless and intoxicated Native Americans. They were held in holding areas without due-process until after a local rodeo had been held so that tourists would not be chased away.<sup>21</sup>
- These allegations were corroborated by Mary Cleland, a tribal court lay advocate, who told the committee on July 12 and 13 of 2013, there was a mass incarceration of “street people”, who the police referred to as “prairie niggers.” She said they were picked up and held without a warrant or probable cause.<sup>22</sup>
- According to a report by the U.S. Sentencing Commission, there is a nationwide perception among Native Americans, many federal prosecutors, federal defenders, and some federal and state judges, that Indians are subject to sentencing disparities.<sup>23</sup>
- A Native American Justice of the Peace told the committee that he contacted the Bureau of Indian Affairs (BIA) over the inadequate jail facilities on his reservation. The jail was built to house 19 inmates, and currently houses 60 individuals. The Judge met resistance from the BIA, who ships inmates

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<sup>15</sup> *Id.* at p.92.

<sup>16</sup> Russell Testimony, Hearing Transcript 1, p.92-93.

<sup>17</sup> *Id.* at p.100.

<sup>18</sup> Victoria L. Francis, testimony before the Montana Advisory Committee to the U.S. Commission on Civil Rights, hearing, Billings, MT, Aug. 29, 2016, transcript, p.54 (hereafter cited as *Hearing Transcript 1*).

<sup>19</sup> Brendan McCarthy, testimony before the Montana Advisory Committee to the U.S. Commission on Civil Rights, hearing, Hardin, MR, March 29, 2018, transcript, p.72 (hereafter cited as *Hearing Transcript 2*).

<sup>20</sup> Francis Testimony, Hearing Transcript 1, p.55.

<sup>21</sup> Francis Testimony, Hearing Transcript 1, p.70.

<sup>22</sup> Mary Cleland Testimony before the Montana Advisory Committee to the U.S. Commission on Civil Rights, hearing, Billings, MT, Aug. 29, 2016, transcript, p.240 (Hereafter cited as *Hearing Transcript 1*).

<sup>23</sup> U.S. Sentencing Comm’n Tribal Issues Advisory Group, Report of the Tribal Issues Advisory Group (2016), p.15.

as far away as Oklahoma to solve the problem.<sup>24</sup>

- The Tribal Issues Advisory Group to the United States Sentencing Commission recommends “better training of federal employees who work in Indian country about Native American history and culture.”<sup>25</sup>

#### Yellowstone County and Billings, Montana

- Native Americans make up 4.4% of the population in Billings, Montana.<sup>26</sup> They represent 23% of those arrested in 2015<sup>27</sup>, and currently comprise 31% of the jail population in Yellowstone County.<sup>28</sup>

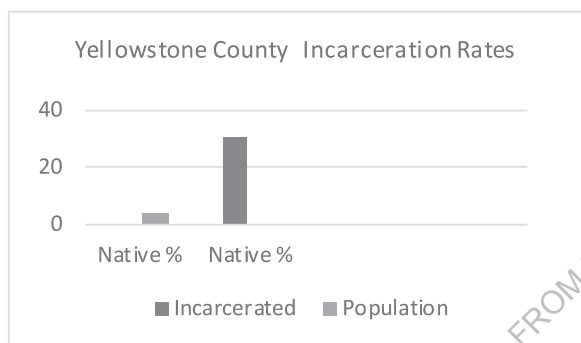


Figure 3 Yellowstone County Native American Incarceration Percentage

- Despite a distance of only a few miles, the Billings Police Chief Rich St. John does not

consider Billings to be in close proximity to a reservation<sup>29</sup>, however, the President of Chief Dull Knife College in Lame Deer, Montana, considers *all of Montana* a Border Town because “discrimination and profiling happens from one end of the state to the other.”<sup>30</sup>

- The Chief St. John told the committee that despite the high disparity between the Native population and their arrest rate, “There are absolutely no red flags for any policing, any profiling, anything of that sort that would be cause for discrimination.”<sup>31</sup>
- According to Chief St. John, the Billings Police Department receives between 3 and 5 discrimination complaints per year. No allegations have been sustained. The review process is internal with no current community oversight. The Chief added, “If we have a committee (oversight), you don’t have any leverage, you don’t have any say-so, it’s advisory only.”<sup>32</sup>
- The Chief told the Committee, “Regardless of what culture you’re from, we expect people to obey the law. We expect people to obey lawful orders of law enforcement officers.”<sup>33</sup>
- In 2017 there were 144 total investigations into Citizen and Department Initiated

<sup>24</sup> Leroy Not Afraid, testimony before the Montana Advisory Committee to the U.S. Commission on Civil Rights, hearing, Hardin, MR, March 29, 2018, transcript, p.122 (hereafter cited as Hearing Transcript 2).

<sup>25</sup> United States Sentencing Commission, Tribal Issues Advisory Group, Report of the Tribal Issues Advisory Group, p.2, (2016). [https://www.uscc.gov/sites/default/files/pdf/research-and-publications/research-publications/2016/20160606\\_TIAG-Report.pdf](https://www.uscc.gov/sites/default/files/pdf/research-and-publications/research-publications/2016/20160606_TIAG-Report.pdf).

<sup>26</sup> Rich St. John, Testimony before the Montana Advisory Committee to the U.S. Commission on Civil Rights, hearing, Billings, MT, Aug. 29, 2016, transcript, p.10 (hereafter cited as *Hearing Transcript 1*).

<sup>27</sup> *Id.* at p.29.

<sup>28</sup> Mike Linder, Testimony before the Montana Advisory Committee to the U.S. Commission on Civil Rights, hearing, Billings, MT, Aug. 29, 2016, transcript, p.29 (hereafter cited as *Hearing Transcript 1*).

<sup>29</sup> St. John Testimony, Hearing Transcript 1, p.11

<sup>30</sup> Dr. Richard Littlebear, Testimony before the Montana Advisory Committee to the U.S. Commission on Civil Rights, hearing, Billings, MT, Aug. 29, 2016, transcript, p.210 (hereafter cited as Hearing Transcript 1).

<sup>31</sup> St. John Testimony, Hearing Transcript 1, p.11.

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*, P. 23.



complaints against the Billings Police Department.<sup>34</sup>

hours of Cultural Competency training at the academy, and the department tries to have it every two or three years.<sup>38</sup>

## CULTURAL COMPETENCY

Cultural Competency can be defined as a set of congruent behaviors, attitudes and policies that come together in a system, agency, or professional, and enable effective work in cross-cultural situations.<sup>35</sup>

In the committee's view, public sector cultural competency should be concerned with an organization's commitment to institutionalizing the policies and practices that lead to culturally competent behaviors, and interactions with the public.

The testimony gathered in Billings and Hardin include the following:

- Every point of contact between a government institution and Native Americans in Montana is an opportunity for bias to rear its head.<sup>36</sup>
- ACLU Director Borgmann observed "I don't think you can do any kind of systemic reform in the area of race discrimination without the specified training like cultural competency training."<sup>37</sup>
- Yellowstone County Sheriff Linder told the committee that the deputies receive 4

- Billings Police Chief St. John said his department tries to have them (cultural competency training) occasionally, although they are not mandatory, unless a situation calls for them.<sup>39</sup>
- The Chief said that he treats people with respect and fairness, and "it's irrelevant who's who."<sup>40</sup>
- Currently the Billings Police Department utilizes an online course called Police One for cultural awareness training.<sup>41</sup>
- Tribal Leader Killsback commented that decision makers and directors in state government should develop cultural competency, there should be education within the state government to have state employees understand tribal governments and tribal government capacity.<sup>42</sup>
- Kassie Runsabove told the committee that in healthcare, part of the solution to tense relations is cultural sensitivity training. She said it would help with communication, because wrongly assuming someone's tribal membership automatically breaks down

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<sup>34</sup> Billings Police Department, 2017 Annual Report, p.33 (2017).

<https://www.ci.billings.mt.us/DocumentCenter/View/36096/2017-Annual-Report---Final>.

<sup>35</sup> Norman & Goodman. *Cultural competency for public administrators*. (32-46). Armonk, NY: ME Sharp, (2012).

<sup>36</sup> Borgmann Testimony, Hearing Transcript 1, p. 81.

<sup>37</sup> *Id.* at p.80.

<sup>38</sup> Linder Testimony, Hearing Transcript 1, p20.

<sup>39</sup> St. John Testimony, Hearing Transcript 1, p.21.

<sup>40</sup> St. John Testimony, Hearing Transcript 2, p. 38.

<sup>41</sup> *Id.* at p.32.

<sup>42</sup> Lawrence Killsback, Testimony before the Montana Advisory Committee to the U.S. Commission on Civil Rights, hearing, Billings, MT, Aug. 29, 2016, Transcript, p135 (Hereafter cited as Hearing Transcript 1).

communication, regardless of the intention.<sup>43</sup>

- Reno Charette who works as an administrator at Montana State University- Billings, said the staff needs to be better educated and trained on cultural diversity and cross-cultural communications. Students are often left humiliated after having to provide proof of their “below the poverty line” economic status.<sup>44</sup>
- Glenda McCarthy, an instructional coach at Billings Public Schools (BPS), told the committee that progress in closing achievement gaps will take an ongoing effort and real understanding of the legacy and the historical trauma that impacts many of the BPS students, and an understanding of the importance of maintaining cultural language.<sup>45</sup>
- One panelist gave an example of a student who is 75% Native American, but of different tribes and not enough of one to be enrolled. According to the government, that student is not a Native American. She said, “In no other race would you have to identify your [lineage], unless you’re a horse or a dog.”<sup>46</sup>

## EDUCATION

The experience of the committee shows that childhood education faces stark disparities in Montana. Every school district has a higher percentage of students of color than teachers of color within the public-school system. Even in schools on reservations serving primarily Native students, the majority of educators are White. The committee’s personal experience and professional interaction with educators notes that American Indian students are predominantly marginalized, and often have little to no curriculum experience with educators who share their cultural heritage.

The testimony gathered in Billings and Hardin include the following:

- In Montana, 13.5% of public-school students are Native American. 112 public schools have a Native population of 25% or more. 58 schools have up to a 75% Native population.<sup>47</sup>
- There is a 20% gap in graduation rates between white students and Native American Students in Montana.<sup>48</sup>
- Indian students at Fort Peck Schools are being discriminated against and excluded from extracurricular activities and are subjected to discriminatory disciplinary actions.<sup>49</sup>
- Wolf Point was the subject of a complaint filed with the U.S. Office of Civil Rights in 2003, charging race discrimination. There have been a few

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<sup>43</sup> Kassie Runsabove, Testimony before the Montana Advisory Committee to the U.S. Commission on Civil Rights, hearing, Billings, MT, Aug. 29, 2016, Transcript, p. 156 (Hereafter cited as Hearing Transcript 1).

<sup>44</sup> Reno Charette, Testimony before the Montana Advisory Committee to the U.S. Commission on Civil Rights, hearing, Billings, MT, Aug. 29, 2016, Transcript, p.173 (Hereafter cited as Hearing Transcript 1).

<sup>45</sup> Glenda McCarthy, Testimony before the Montana Advisory Committee to the U.S. Commission on Civil Rights, hearing, Billings, MT, Aug. 29, 2016, Transcript, p203 (Hereafter cited as Hearing Transcript 1).

<sup>46</sup> Jennifer Smith, Testimony before the Montana Advisory Committee to the U.S. Commission on Civil Rights, hearing, Billings, MT, Aug. 29, 2016, Transcript, p.178 (Hereafter cited as Hearing Transcript 1).

<sup>47</sup> *Id.* at p.164.

<sup>48</sup> McCarthy Testimony, Hearing Transcript 1, p. 199.

<sup>49</sup> Borgmann Testimony, Hearing Transcript 1, p.82

cosmetic changes, but the basic issue is still there.

- Caitlin Borgmann, Executive Director of the ACLU in Montana, said Native American parents are not being informed of their rights and responsibilities under the federal education funding stream for Indian students or that those rights and responsibilities are not being honored by the schools, including their rights to influence curriculum and disciplinary policies.<sup>50</sup>
- One panelist felt that schools, unofficially, are used to eliminate Native culture, language, and way of life.<sup>51</sup> He said, “None of the treaties require that education be conducted in English, this is part of their hidden curriculum where schools were used to getting rid of it (Native language), to homogenize.”<sup>52</sup>
- Principal Jason Cummins told the committee that in the past, he had a staff member tell him that he (the staff member) hated the Crow language and didn’t think that Native Americans should speak their language at work.<sup>53</sup>
- Mr. Cummins related another story of walking in on one of his teachers who was telling her class “The reason your tribe does not speak their language anymore is because your tribe has

progressed.” Mr. Cummins said it is important for teachers to understand that the Native students do not share the teacher’s backgrounds, their values or beliefs. “Differences must be acknowledged instead of pretending we are all the same.”<sup>54</sup>

- A tribal leader indicated that the tribe cannot begin to address the education disparity without data, which the state is slow to provide.<sup>55</sup>
- The Education and Secondary Education Act Title VII<sup>56</sup> requires a student fill out a form to prove eligibility. The student must be an enrolled tribal member or have a parent who is a tribal member. Many students, for whatever reason, do not have access to their number and this creates funding problems for the districts that must still provide special services to these students.<sup>57</sup>
- The state of Montana’s Indian Education for All law<sup>58</sup>, instructs “Every educational agency and all educational personnel will work cooperatively with Montana tribes ... when providing instruction and implementing an educational goal.”<sup>59</sup> Native American leaders have said they have had trouble adding Crow culturally relevant

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<sup>50</sup> *Id.* at p.82-83.

<sup>51</sup> Jason Cummins, Testimony before the Montana Advisory Committee to the U.S. Commission on Civil Rights, hearing, Billings, MT, Aug. 29, 2016, Transcript, p.165 (Hereafter cited as Hearing Transcript 1).

<sup>52</sup> Cummins Testimony, Hearing Transcript 1, p.167.

<sup>53</sup> Cummins Testimony, Hearing Transcript 1, p.166.

<sup>54</sup> Cummins Testimony, Hearing Transcript 1, p.169.

<sup>55</sup> Lawrence Killback, Testimony before the Montana Advisory Committee to the U.S. Commission on Civil Rights, hearing, Hardin, MT, March 29, 2018, transcript, p.19 (Hereafter cited as Hearing Transcript 2).

<sup>56</sup> 20 U.S.C. § 7427 (a).

<sup>57</sup> Smith Testimony, Hearing Transcript 1, p. 176.

<sup>58</sup> Mont. Code Ann. § 20-1-501 (1999).

<sup>59</sup> *Id.* at 20-1-501 (b).

curriculum to the Hardin Curriculum, even though it is the law.<sup>60</sup>

- Indian Education for All is mandated by the state, but it requires the individual teacher to implement the program, and there are some teachers who resist the change to a cultural approach.<sup>61</sup>
- One educator told the committee that she hears stories from students and families about discrimination from staff members in the Billings Public Schools.<sup>62</sup> She also commented that the recent opening of the Medicine Crow Middle School drew negative comments and revealed prejudice and ignorance in the white community.<sup>63</sup>
- Indians are 6% of the student population at Montana State University – Billings (MSUB).<sup>64</sup>
- The retention rates are low for Native American students at MSUB. Less than half the freshman population move on to their sophomore year.<sup>65</sup>
- Native American students at MSUB, unlike their White counterparts, do not have university staff that they can talk to, and lack a place where they feel safe and are not worried about how they phrase a question, and can speak in mixed language (Crow or Cheyenne). Higher education is a foreign environment for them, most of the Native population is low-income, first generation student, it is

not uncommon for them to feel worthless.<sup>66</sup>

## VOTING

Recent litigation in Montana has centered around voter registration and access to the ballot inequalities for Native Americans. The committee is aware that Native Americans by and large have non-traditional mailing addresses and suffer great distances to travel for in-person voting.

As previously indicated in this brief, a disproportionately high number of Native Americans are incarcerated in Montana. A collateral issue to this phenomenon is that the incarcerated cannot vote in Montana. The numbers of prison population are counted in prison address instead of prisoner's home of record. This inflates the numbers in the prison address and dilutes the numbers in the inmate's home.

The testimony gathered in Billings and Hardin include the following:

- In the big counties in Montana, people can live a fair distance from the county seat. All people have to drive to the county seat, but many people have a car that work, money for gas, and a mailbox. Most tribal members get to town maybe once a week, maybe once a month to pick up mail. These are unique challenges.<sup>67</sup>
- In 2012 the U.S. Attorney for Montana submitted a statement of interest in the

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<sup>60</sup> Killsback Testimony, hearing Transcript 2, p.20.

<sup>61</sup> McCarthy Testimony, Hearing Transcript 1, p.201-202.

<sup>62</sup> *Id.* at p. 204-205

<sup>63</sup> *Id.* at p.207.

<sup>64</sup> Charette Testimony, Hearing Transcript 1, p.171.

<sup>65</sup> *Id.* at 185.

<sup>66</sup> Charette Testimony, Hearing Transcript 1, p.199.

<sup>67</sup> Francis Testimony, Hearing Transcript 1, p.58.

Wandering Medicine<sup>68</sup> case, which claimed the location for in-person registration of early voting in Big Horn county discriminated against Native Americans, a violation of Section 2 of the Voting Rights Act.<sup>69</sup> In his statement, the U.S. Attorney submitted expert testimony which showed Native Americans identified in the lawsuit had significantly less access than Whites.<sup>70</sup>

- In Big Horn County, Whites had to travel an average of 11.6 miles to register, while Native Americans had to travel on average 22 miles. In Yellowstone County, Whites traveled an average of 9.7 miles as opposed to 31.5 miles on average for Native Americans.<sup>71</sup>
- As a settlement of the Wandering Medicine litigation, the ACLU is working to implement the Montana Secretary of State's directive to counties regarding satellite voting offices and polling places on reservations. Two reservations had satellite offices on their reservations for the 2016 primaries.<sup>72</sup>
- In 2014 the ACLU sued the Wolf Point School District for denying Indian people their full voting rights.<sup>73</sup>
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## HEALTHCARE

The special history between the United States government and the Native Americans is a long

one. There is no single issue that has remained as contested as healthcare. The United States government, as stewards of the Native American people, has a responsibility to provide adequate healthcare to the tribes. There is little argument that the government fails to meet its obligation.

The testimony gathered in Billings and Hardin include the following:

- Institutional discrimination in healthcare, housing, education, and criminal justice have produced major racial disparities nationwide, and specifically in Montana, even when we can't pinpoint any specific intent to discriminate.<sup>74</sup>
- Health is an indicator of discrimination.<sup>75</sup>
- Many Native Americans suffer from historical trauma.<sup>76</sup> The theory of historical trauma was developed to explain the current problems facing many Native Americans. This theory purports that some Native Americans are experiencing historical loss symptoms (e.g., depression, substance dependence, diabetes, dysfunctional parenting, unemployment) as a result of the cross-generational transmission of trauma from historical losses (e.g., loss of population, land, and culture). However, there has been skepticism by mental health professionals about the validity of this concept.<sup>77</sup>

<sup>68</sup> Wandering Medicine v. McCulloch, No. 1:12-cv-135 (D. Mont. Mar. 26, 2014), D.E. 153, 2014 WL 12588302.

<sup>69</sup> 42 U.S.C. § 1971 (2)(a).

<sup>70</sup> B. McCarthy Testimony, Hearing Transcript 2, p.75.

<sup>71</sup> *Id.*

<sup>72</sup> Borgmann Testimony, Hearing Transcript 1, p. 84

<sup>73</sup> *Id.*

<sup>74</sup> *Id.* at p.77.

<sup>75</sup> Killisback Testimony, *Hearing Transcript 2*, p. 16.

<sup>76</sup> Killisback Testimony, *Hearing Transcript 1*, p.142.

<sup>77</sup> Kathleen Brown-Rice, *Examining the Theory of Historical Trauma Among Native Americans*, *The Professional Counselor* (2017). <http://tpcjournal.nbcc.org/examining-the-theory-of-historical-trauma-among-native->

- Montana recently created the Office of American Indian Health as a response to the 2013 Department of Health and Human Services report on the state of health in Montana. The report indicated that Native Americans in Montana die a whole generation sooner than their White counterparts. On average, Native Americans die at age 59. One panelist felt this disparity implied discrimination because of a lack of health equity. He felt the disparity should bring resources.<sup>78</sup>
- Tribal leader Killsback told the committee that the state of Montana does not consult with or ask for feedback for ways to intervene on this health disparity.<sup>79</sup>
- The problem is exacerbated by the fact that some types of funding, by statute, must go to the state first, and then to the county, and ultimately to the reservations. The counties (using tribal demographics in their request for state funding) don't always filter funds appropriately. In Big Horn County, Crow data is mingled with Cheyenne data, so funds could potentially only make it to the Crow and not the Cheyenne.<sup>80</sup>
- Tribes are now just starting to learn the value of their data, and they want ownership of that data. If dollars follow data, then the tribes should have the resources to address the negative health disparities.<sup>81</sup>
- The Indian Health Service (IHS), an agency within the Department of Health and Human Services, is responsible for providing federal health services to Indians from federally recognized tribes.<sup>82</sup>
- Panelist Killsback said IHS has levels of priority, and the referral for care process is based on life or limb, meaning the agency has funding to care for patients in danger of losing life or limb and nothing else.<sup>83</sup> He said, "Don't get sick after June, because after June the money is gone and the IHS has no more funding for referrals."<sup>84</sup>
- In many instances, the Native American healthcare system is inadequate to deal with actual correct diagnosis because they are too late. There are not enough resources to get prevention measures done, so patients self-medicate. This leads to substance abuse, violence and anger.<sup>85</sup>
- If a Native American is referred from the reservation clinic to Billings, Billings wants to know if IHS is going to pay for the treatment. If IHS is not going to pay, the patient is discharged and told to leave the premises.<sup>86</sup>
- If a tribal member is denied treatment, often they are stranded in Billings without a way to return to the reservation because they were taken in an

americans/.

<sup>78</sup> Killsback Testimony, Hearing Transcript 1, p.130.

<sup>79</sup> *Id.* at p. 131.

<sup>80</sup> *Id.* at p.137.

<sup>81</sup> *Id.* at p.138.

<sup>82</sup> U.S. Department of Health and Human Services, Indian Health Services, <https://www.ihs.gov/aboutihs/eligibility/>

<sup>83</sup> Killsback testimony, Hearing Transcript 1, p.158.

<sup>84</sup> *Id.* at p. 159.

<sup>85</sup> Killsback Testimony, Hearing Transcript 1, p.143.

<sup>86</sup> *Id.* at 149.

ambulance. The tribal member is then left looking for a shelter, stranded and having to hustle just to get back to the reservation. At this point, they are stuck on the streets.<sup>87</sup>

- Billings Police Chief St. John informed the committee of a program called Motivated Alcohol Addiction Program (MAAP). The Chief said the program is a response to the serial inebriant/transient problem for the residents and businesses in downtown Billings.<sup>88</sup>
- Chief St. John said that the police department “could not arrest ourselves out of the problem”, so the community and the police department came up with a jail diversion program to get Native Americans with co-occurring mental health and substance abuse issues into treatment.<sup>89</sup>
- Panelist Killsback said that tribal members that end up in the judicial system don’t receive resources to address mental health or behavioral health issues, and if they do, they are not culturally appropriate, and they are not in a manner that identifies with “our cultural practices and heritage.”<sup>90</sup>
- Brent Brooks, city attorney for Billings, said the MAAP program is a wonderful example of the city reaching out to the Native American populations, as well as other types of minorities, and affording them a greater opportunity for treatment. “And they need that.”<sup>91</sup>

- Panelist Runsabove told the committee that the Native American almost invariably enters the system in the wrong place: the emergency room. The provider takes care of the tertiary problem and doesn’t understand the whole concept of the patient’s health.<sup>92</sup>
- Physicians need to understand what happened to the Native American people and understand why patients are coming in with major health problems.<sup>93</sup>

## RECOMMENDATIONS

Recognizing that the Charter for the Montana Advisory Committee requires the Committee to initiate and forward advice and recommendations to the Commission upon matters that the committee has studied, the Committee offers three sets of recommendations, a set for the Administration of Justice, for Healthcare, and for Education.

### ADMINISTRATION OF JUSTICE

1. The Montana Advisory Committee asks the U.S. Commission on Civil Rights to send a copy of this brief to the Congress of the United States, who is delegated with trust status over Native Americans.
2. The U.S. Commission on Civil Rights should send a letter to the Secretary of the Department of the Interior and request the Department conduct a study on Native American arrest, sentencing, and incarceration disparities in Border Towns and Indian country.

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<sup>87</sup> *Id.*

<sup>88</sup> St. John Testimony, Hearing Transcript 1, p.8.

<sup>89</sup> *Id.* at p.9.

<sup>90</sup> Killsback Testimony, Hearing Transcript, p.143-144.

<sup>91</sup> Brooks Testimony, Hearing Transcript, p. 37.

<sup>92</sup> Runsabove Testimony, Hearing Transcript 1, p. 140.

<sup>93</sup>

3. The U.S. Commission on Civil Rights should send a letter to the Department of the Interior, Bureau of Indian Affairs, and request that the Bureau encourage local and state governments in Indian Country to enter into agreements so that the tribes can supervise individuals on the reservation that have been charged and sentenced in state court. Services such as drug and alcohol assessments, drug and alcohol treatment, supervision follow-through, and community supervision should take place on the reservation.
4. The U.S. Commission on Civil Rights should send a letter to the Department of Interior, Bureau of Indian Affairs, and suggest that the Bureau develop Cultural Competency curriculum for each of the law enforcement agencies that fall within 100 miles of Indian Country.

#### HEALTHCARE

1. The U.S. Commission on Civil Rights should contact the Department of Health and Human Services, Indian Health Service, and request that Cultural Competency training be developed for physicians and healthcare workers that interact with each of the federally recognized tribes. The training should be culturally specific to each tribe, and not Native Americans in general.
2. The U.S. Commission on Civil Rights should send a letter to the Department of Health and Human Services, and request that the Indian Health Service identify what it would cost to provide “Medicaid and Medicare” standard of care to IHS healthcare recipients.

3. The U.S. Commission on Civil Rights should request from the Department of Health and Human Services to include in the FY2020 budget request, the dollar amount identified in item 2 above.

#### EDUCATION

1. The U.S. Commission on Civil Rights should send a letter to the Civil Rights Unit with the U.S. Department of Education, and
  - a. Ask that a *Dear Colleague* letter be sent to all State Education Agencies within Indian Country to encourage cooperation between Local Education Agencies and Tribal Governments to ensure all federal and state requirements are met for the education of Native American children.
  - b. Ask that the Civil Rights Unit conduct an investigation regarding complaints of discrimination against Native Americans in Montana Public Schools.



### **Limitations**

Research has largely conceptualized the Native American experience through a racial/ethnic framework. This has yielded valuable insights but is incomplete in capturing the Native American experience as it pertains to the administration of justice. Racial and ethnic frameworks and analysis, as commonly applied, are inadequate to capture the Native American Indians' socio-political status, experience, and group ties. A limitation of existing analysis of Native Americans in US society is not recognizing that while tribes are sovereign nations, they face interlocking power arenas, and unlike other minority groups, Native American sovereignty and justice jurisdiction are key areas of contention.

**Montana Advisory Committee to the  
United States Commission on Civil Rights**



**Gwen Kircher – Chairperson**  
Billings

**Norma Bixby**  
Lame Deer

**Kiah Abbey**  
Missoula

**Dr. John Baden**  
Gallatin Gateway

**Doug Betters**  
Whitefish

**Dr. Joan Hoff**  
Big Sky

**Dr. David Lopez**  
Billings

**Dale Rambur**  
Billings

**Rev. Denise Rogers**  
Bozeman

**Maylinn Smith**  
Missoula

**Dennis Taylor**  
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**U. S. Commission on Civil Rights Contact**

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*This research brief is the work of the Montana Advisory Committee to the U.S. Commission on Civil Rights. The brief, which may rely on studies and data generated by third parties, is not subject to an independent review by Commission staff. State Advisory Committee reports to the Commission are wholly independent and reviewed by Commission staff only for legal and procedural compliance with Commission policies and procedures. State Advisory Committee reports are not subject to Commission approval, fact-checking, or policy changes. The views expressed in this brief and the findings and recommendations contained herein are those of a majority of the Montana State Advisory Committee members and do not necessarily represent the views of the Commission or its individual members, nor do they represent the policies of the U.S. Government.*

## Appendix 1: Panelists

<u>Name</u>	<u>Title</u>	<u>Organization</u>
Carol Blank	Administrator	Riverstone Health Clinic
Brent Brooks	City Attorney	Billings, Montana
Caitlin Borgmann	Executive Director	ACLU Montana
Reno Charette	Dir. Of Am. Indian Outreach	Montana State University, Billings
Jason Cummins	Principal	Crow Agency School
Victoria Francis	Assistant U.S. Attorney	District of Montana
Jose Figueroa	Chief of Police	Bureau of Indian Affairs
Scooter Gates	Administrator	Riverstone Health Clinic
David Graber	Educator	
Jay Harris	County Attorney	Big Horn County, Montana
Lawrence J Killsback	President	Northern Cheyenne Tribe
Jordan Knudsen	City Attorney	Hardin, Montana
Michael LaValley	Native American Liaison	Office of U.S. Senator John Tester
Mike Linder	Sheriff	Yellowstone County, Montana
Dr. Richard Littlebear	President	Chief Dull Knife College, MT
Brendan McCarthy	Assistant U.S. Attorney	District of Montana
Glenda McCarthy	Instructional Coach	Billings Public Schools
Alvin Not Afraid	Chairman	Crow Tribe of Indians
Leroy Not Afraid	Justice of the Peace	
Kassie Runsabove	Administrator	St. Vincent Healthcare
Majel Russell	Attorney Member	Montana Sentencing Commission
Jennifer Smith	Dir. of Indian Education	Billings Public Schools
Frank Simpson	Sheriff	Big Horn County, Montana
Rich St. John	Chief of Police	Billings, Montana

## Appendix 2: Laws Relevant to the Civil Rights of American Indians

### *Indian Citizenship Act of 1924*<sup>94</sup>

The Indian Citizenship Act conferred citizenship to Indians born in the country. Prior to the Civil War, Indian citizenship was typically limited to Indians of one half or less Indian blood. The ratification of the 14th amendment, making all those who were born here U.S. citizens, did not clarify citizenship for Indians.

### *The Voting Rights Act of 1965*<sup>95</sup>

The Voting Rights Act (VRA) prohibited discrimination on the basis of race and color, and the extension of the act in 1975 provided additional protection and assistance to language minorities. This legislation was significant because states used literacy tests and poll taxes as barriers to Indian voting despite their eligibility under the Indian Citizenship Act.

### *The Indian Civil Rights Act (ICRA)*<sup>96</sup>

Congress held hearings regarding the authority of Indian tribes and discovered abuses from the tribal governments. In response, the Indian Civil Rights Act was passed in 1968. Because sections of the law mirror the Bill of Rights, the act is sometimes referred to as the "Indian Bill of Rights;" it offers some, but not all of the protections. The ICRA is Congress' attempt to balance the complicated issue of protecting the civil rights of American Indians while recognizing the authority of the tribal governments.

### *The Indian Self-Determination and Education Assistance Act of 1975*<sup>97</sup>

The Indian Self-Determination and Education Assistance Act of 1975 authorizes government agencies to enter into contracts with (and make grants to) Indian tribes and gives authority to the tribes to administer the funds.

### *Religious Freedom Act of 1978*<sup>98</sup>

The Religious Freedom Act of 1978, enacted to protect and preserve the traditional religious rights of American Indians, Eskimos, Aleuts, and Native Hawaiians, includes the following rights:

Access of sacred sites; Repatriation of sacred objects held in museums; Freedom to worship through ceremonial and traditional rites (including within prisons); Use and possession of objects considered sacred.

### *The Indian Child Welfare Act of 1978*<sup>99</sup>

The Indian Child Welfare Act of 1978 requires American Indian children be placed with extended family members, other tribal members, or other Native American families for foster-care or adoption purposes. The law protects the tribes' interest in retaining custody of their children.

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<sup>94</sup> Indian Citizenship Act of 1924, Pub. L. No. 68-175, 43 Stat. 253.

<sup>95</sup> Voting Rights Act of 1965, Pub. L. No. 89-110, 79 Stat. 437.

<sup>96</sup> Indian Civil Rights Act of 1968, Pub. L. No. 90-284, 82 Stat. 73.

<sup>97</sup> Indian Self-Determination and Education Assistance Act of 1975, Pub. L. No. 93-638, 88 Stat. 2203.

<sup>98</sup> American Indian Religious Freedom Act of 1978, Pub. L. No. 95-341, 92 Stat. 469.

<sup>99</sup> Indian Child Welfare Act of 1978, Pub. L. No. 95-608, 92 Stat. 3069.

# EXHIBIT I

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Page 1

Montana House State Administrative Hearing  
House Bill 176  
Audio Transcription  
January 21, 2021

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DIGITAL EVIDENCE GROUP  
1730 M Street, NW, Suite 812  
Washington, D.C. 20036  
(202) 232-0646

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1 election. I am proud to be bringing the first in  
2 election integrity bills, and I'm happy to support our  
3 new Secretary of State, Christi Jacobsen, as she  
4 assures election integrity in Montana.  
5 We are blessed with the privilege of voting,  
6 but we also must accept responsibility for that  
7 privilege. Elections don't pop up out of the blue and  
8 surprise us. If we are a responsible voter, we study  
9 the ballot ahead of time, and we also note -- need to  
10 know that we need to register to vote.  
11 One of our state's election administrators  
12 pointed out to me that we are only one of 11 states  
13 that still allows same-day registration. That's less  
14 than 25 percent of our states. Many states require an  
15 average of 15 days prior to the election to register,  
16 and she adds, changing the statute is a best practice  
17 approach, to mitigate against voter fraud, and ensure  
18 voter integrity. The changes proposed will make the  
19 Montana voting system more robust, and ensures that  
20 every legitimate vote by every legitimate voter, is  
21 counted.  
22 The intent of House Bill 176 is to provide a  
23 solution for citizens discouraged from registering to  
24 vote and casting a ballot due to long lines and  
25 extended wait times by making the process more

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1 (Recording begins)  
2 CHAIRWOMAN MCKAMEY: This opens the hearing  
3 on House Bill 176. Oh, excuse me, Representative  
4 Heyman, I'm sorry?  
5 REPRESENTATIVE HEYMAN: I'm sorry to  
6 interrupt. I just thought you could share if we had  
7 the EA today.  
8 CHAIRWOMAN MCKAMEY: Oh, thank you. There  
9 will be no executive action today. We'll have that on  
10 Tuesday, Representative Heyman, thank you so much for  
11 asking.  
12 REPRESENTATIVE HEYMAN: Thank you.  
13 CHAIRWOMAN MCKAMEY: Okay. I have to start  
14 again. This opens the hearing on House Bill 176.  
15 Welcome to the podium Representative Greef.  
16 REPRESENTATIVE GREEF: Ty, Madam Chair.  
17 Madam Chair and members of the committee, I am Sharon  
18 Greef, and I represent House District 88, which is the  
19 north end of the Bitterroot Valley, the towns of  
20 Florence and Stevensville.  
21 I am here today to bring to you House Bill  
22 176. The purpose of this bill is to change  
23 registration from the day of election until the Friday  
24 before. There is a provision that allows military and  
25 overseas electors to register on the day of the

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1 efficient for the benefit of all Montanans, and it will  
2 reduce the opportunity for mistakes.  
3 Current law places election officials, in  
4 between handling new voter registration, issuing  
5 replacement ballots, accepting deposited ballots, and  
6 even counting ballots, all at the same time. The focus  
7 of House Bill 176 is not to burden. It is not to  
8 disenfranchise, and it is not to provide a forum for a  
9 historical debate. But it is important to administer  
10 an election with complete fairness for all voters.  
11 Madam Chair and members of the committee, I  
12 urge you to consider the importance of this bill.  
13 There are others here also to testify on it. Madam  
14 Chair.  
15 CHAIRWOMAN MCKAMEY: Thank you,  
16 Representative. Are there proponents for House Bill  
17 176?  
18 SECRETARY JACOBSEN: Madam Chair and members  
19 of the committee, I'm Christi Jacobsen. I'm the new  
20 Secretary of State, and it's an absolute honor and  
21 privilege to be here before all of you. I look forward  
22 to our partnership during the legislature. And I want  
23 to thank Representative Greef for bringing this very  
24 important legislation forward to strengthen the  
25 integrity of elections.

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1 I stand here to support this, along with four  
 2 other legislative priorities that we will be bringing  
 3 to your committee along the way, and I thank you for  
 4 your time today.  
 5 CHAIRWOMAN MCKAMEY: Thank you, Secretary of  
 6 State.  
 7 Are there further proponents for House Bill  
 8 176?  
 9 MR. CORSON: Yes, good morning Madam Chair  
 10 and members of the committee. I'm Dana Corson. D-A-N-  
 11 A. C-O-R-S-O-N. And I'm the director of elections and  
 12 voter services for the Montana Secretary of State's  
 13 Office.  
 14 And thank you, Representative Greef, for  
 15 addressing your concerns about voter registration, and  
 16 the impacts it has on the operations of the election  
 17 office in the closing days of an election. It's a huge  
 18 challenge to address and attend to all of the details  
 19 and the surprises that the two days before an election  
 20 can bring to the county election offices, and I think I  
 21 can speak for everybody here, that we appreciate all  
 22 the good work and efforts of our county election  
 23 offices.  
 24 But despite all that good effort, our office  
 25 continues to hear about the confusion and frustration

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1 that voters have who are in line, waiting for  
 2 considerable periods of time, just trying to get their  
 3 business done, and they end up walking away and still  
 4 not being able to exercise their right to vote. The  
 5 stories aren't new. We hear about the same stories  
 6 time and time again, election after election.  
 7 Some would want to put the blame on the  
 8 procrastination of the voter, insisting that with  
 9 rights come responsibilities. Others claim that better  
 10 planning by the voter would fix the issue. Others  
 11 blame the local election office for a lack of  
 12 resources. And others blame advocacy groups for  
 13 driving voters at the last minute.  
 14 Unless a change is made, the problem will  
 15 continue, and the problem will grow. Montanans deserve  
 16 a better voting experience, and this bill will  
 17 reallocate the necessary resources of the county  
 18 election office to address registrations and free up  
 19 time for election officials on the Monday and Tuesday  
 20 of the election for all registered voters. I recommend  
 21 the committee due pass House Bill 176, and thank you  
 22 for your time.  
 23 CHAIRWOMAN MCKAMEY: Thank you very much,  
 24 Director Corson.  
 25 Do we have further proponents for the House

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1 Bill 176?  
 2 SENATOR CUFFE: Madam Chair, my name is Mike  
 3 Cuffe, the senator for Senate District 1, which is all  
 4 of Lincoln County, Eureka and Libby-Troy.  
 5 And I spent a lot of time on the campaign  
 6 trail this year. I did not have a personal campaign,  
 7 but I spent a lot of time with Christi Jacobsen, Craig  
 8 Gianforte and a number of others. There's no question  
 9 where my basic philosophies come from.  
 10 I think this is a very important thing. The  
 11 people spoke. The people spoke very loudly. And our  
 12 new Secretary of State heard them. If anyone didn't  
 13 get the message, they have not been paying to --  
 14 attention to television news, to lawsuits, to the folks  
 15 around the coffee shops.  
 16 My big intent is to reduce the likelihood of  
 17 errors, to reduce that frantic pace in many courthouses  
 18 that happen on Election Day. I've been told over  
 19 recent years -- I started to carry this bill a couple  
 20 years ago, backed off from it, but I had been told that  
 21 our elections are headed for a train wreck. I was told  
 22 this by more than one Clerk of Court -- Clerk and  
 23 Recorder, I'm sorry.  
 24 So the big -- number one big answer, this  
 25 bill you are hearing today, simple separation of

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1 registration deadline day from Election Day. Let the  
 2 folks give their full attention to get registration  
 3 properly done on Friday. On Tuesday, come in and focus  
 4 entirely on getting the election done properly, the  
 5 votes counted properly, and in a timely fashion. I  
 6 have only one disappointment in this bill, and if you  
 7 want to look, right at the top of it, it says that the  
 8 sponsor is Representative Sharon Greef. And I wanted  
 9 my name there. That's the only thing. But  
 10 Representative Greef, I'm so proud of her for walking  
 11 in and saying, I'm doing it, I've got it done, I've got  
 12 my bill draft in, and you can be my co-sponsor. And I  
 13 am so honored that she asked me to do that, and I'm so  
 14 proud of her, for taking this bill on. This is a big  
 15 one. And as the Secretary of State said, this is one  
 16 of at least four voter -- Election Day -- election  
 17 integrity bills, and I think we have a great  
 18 responsibility to set the tone going forward to make  
 19 our elections the best they can be. Thank you, Madam  
 20 Chair and members of the committee.  
 21 CHAIRWOMAN MCKAMEY: Thank you, Senator  
 22 Cuffe.  
 23 Are there further proponents for House Bill  
 24 176? Further proponents for House Bill 176?  
 25 MS. BEVERIDGE: Madam Chair and members of

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1 the committee, my name is Mary Beveridge. M-A-R-Y. B-  
 2 E-V-E-R-I-D-G-E. And I come to you today in support of  
 3 this bill. I started a group where I trained about 600  
 4 poll watchers on election laws. We met with the county  
 5 clerks before we went out into their counties, and this  
 6 was one of the issues that they brought up, because one  
 7 of the questions I did ask them was, what would you  
 8 change? And this was by far the foremost item that  
 9 they would have changed.

10 And the reason I started our poll watching  
 11 adventure was to find out firsthand what was really  
 12 happening at the polls. And this -- the same-day  
 13 registration did cause a lot of chaos that was there,  
 14 and my support of this bill is that that day should be  
 15 for voting, and not registering.

16 And as the previous sponsor and other  
 17 proponents have stated, it's very difficult not to know  
 18 that there's an election. And when I was looking at  
 19 the numbers of registered voters in Montana, if you  
 20 take our population, which is, we'll just say, roughly  
 21 about a million people, and if there's 85 percent that  
 22 are voting age, we had, right before the election,  
 23 around 730,000 of those people registered. So the  
 24 majority of people are registered, and are registering  
 25 before the election. And I think that's all I have.

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1 Thank you so much.

2 CHAIRWOMAN MCKAMEY: Thank you,  
 3 Ms. Beveridge.

4 MS. BEVERIDGE: Do you need me to stay?  
 5 CHAIRWOMAN MCKAMEY: Good idea, yes, please.  
 6 Everyone who provides testimony should be available.  
 7 Next proponent for House Bill 176?  
 8 MR. ELLIS: Pardon my hearing aids falling  
 9 out. My name is Doug Ellis. I'm here from Broadwater  
 10 County. I'm currently the Treasurer, Clerk and  
 11 Recorder, Superintendent of Schools, and Election  
 12 Administrator of that county. I've been in this  
 13 position for about eight years. Before that, I was the  
 14 Chief Deputy in the same office. So I've worked  
 15 elections for about 19 years. Seen a lot of changes.

16 I would like to support this bill  
 17 wholeheartedly, and thank you for bringing it forward.  
 18 One of our biggest problems is trying to run an  
 19 election in a decent and -- decent way that is --  
 20 excuse my words, but, organized, when you still have  
 21 people coming in to vote, to register to vote.

22 We -- our day starts off, on an election,  
 23 about five in the morning, getting the machines ready  
 24 to take to the polling places, and loading up our  
 25 reports, and getting our people ready, our poll

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1 workers. So it's a long day. My first election, I  
 2 worked from five in the morning until five at night. I  
 3 was back at eight o'clock the next day.

4 So I just want to tell you, your election  
 5 workers for the county, and the election judges that we  
 6 have to hire, are very dedicated to elections.  
 7 Elections is probably by far the most trying position  
 8 that I have, and a lot of it is because of same-day  
 9 registration. It's extremely hard to put the  
 10 information of all of the voters into the system, get  
 11 their ballots counted, and keep the numbers correct,  
 12 while you're still registering people to vote the same  
 13 day you're having an election. It's extremely hard. I  
 14 can't emphasize that enough.

15 We -- before an election, an election  
 16 administrator puts in three to four ads in the local  
 17 paper, to let people know the date of the close of  
 18 registration, so they've had three or four warnings  
 19 that the election registration is going to close, plus  
 20 they've already had 365 days to get in and vote. Four  
 21 years, if you go by presidential elections. We're not  
 22 trying to keep people from voting. We want people to  
 23 vote. My county had the largest turnout of any  
 24 election we've ever had for this last presidential  
 25 election.

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1 We were one of only nine counties that had a  
 2 poll election. To have a poll election, we need poll  
 3 workers. Poll workers have to be trained for two  
 4 hours. I had three trainings that I had not planned  
 5 on, because of COVID and poll workers dropping out. It  
 6 ended up that the day before the election, we had our  
 7 last training and got enough people to put all five of  
 8 our precincts in one building so we could have a poll  
 9 election. We usually have three different areas that  
 10 people can vote, three different buildings. And a lot  
 11 -- and while you're doing all of this, you're still  
 12 registering people to vote.

13 It's extremely hard to keep your numbers  
 14 straight. We've got ballots coming in, we've got --  
 15 throughout the year, I know there are other counties,  
 16 Lewis and Clark is one, that the Treasurer, Clerk and  
 17 Recorder, Superintendent of Schools, and Election  
 18 Administrator, wears the same hat. There are three or  
 19 four counties that are that way in Montana, but most  
 20 counties, also the Clerk and Recorder is the Election  
 21 Administrator.

22 So you don't just have the election to run,  
 23 also, you're preparing deeds, you're recording, you're  
 24 filing deeds, you're doing your regular office work  
 25 while you're mailing your ballots out. In my office,



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1 the November election just happens to come about the  
 2 same time we're mailing out 7,000 tax bills, and we're  
 3 collecting payments for those tax bills, and we're  
 4 mailing out 5,000 ballots, and we're collecting those  
 5 ballots, and the ballots have to be mailed out on a  
 6 certain day. A lot of them come back about the same  
 7 time. So it's not uncommon to have 400 ballots come in  
 8 on one day that you have to put into the system, we  
 9 have to verify every signature on every ballot, to make  
 10 sure it matches the voter's signature. It's a time  
 11 intensive thing, to put on an election, and the Clerk  
 12 and Recorders and the Election Administrators, need  
 13 that time in order to bring the ballots in, put them in  
 14 the system, verify the signatures.

15 The day before the election, you have to run  
 16 your reports for the poll workers so they know who's  
 17 registered, who's not registered, who might be  
 18 provisional. There's a lot of work that goes into  
 19 reports and preparing of this election. This is a very  
 20 important bill.

21 Again, I'd like to say, we're not trying to  
 22 keep people from voting. We want them to vote. I love  
 23 it when people come out to the polls. I love having a  
 24 poll election. But if it's a mail election, it doesn't  
 25 change the work that you do. You still have to bring

Page 14

1 in all those ballots. You still have to verify all the  
 2 signatures. You have to count all the ballots, whether  
 3 it's by a machine or by hand. And again, that's very  
 4 time intensive. It takes a lot of time, a lot of  
 5 preparation. We have six people in my office, and I'm  
 6 glad I have six. I wish I had more, because when the  
 7 election comes, all six of the people in my office are  
 8 election judges. They're trained. And I -- besides  
 9 the other four trainings I had this year to try and  
 10 bring people in to run an election on a very hard year  
 11 to have an election, but I would just ask all of you to  
 12 vote in favor of this bill. It's very well needed, and  
 13 it would be very well appreciated.

14 Our offices need the time to run an election.  
 15 It would be nice to be able to just put on an election  
 16 and not have to run an election like you're running a  
 17 marathon. When we're done, at the end of the day we  
 18 are completely drained, and we need that time to get  
 19 this done correctly, to get the votes cast correctly,  
 20 to get them counted, and our reports done. There are  
 21 so many things we need to do that most people don't  
 22 even see. I would just urge you to support this bill,  
 23 and I thank you for bringing it forward. Thank you for  
 24 listening to me.

25 CHAIRWOMAN MCKAMEY: Thank you very much,

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1 Mr. Ellis.  
 2 Further proponents that are on site? There  
 3 are no further proponents on site.  
 4 Are there proponents on -- excuse me.  
 5 Senator Cuffe, did you have a --  
 6 SENATOR CUFFE: Madam Chair, I have an email  
 7 from our Clerk and Recorder.  
 8 CHAIRWOMAN MCKAMEY: Okay.  
 9 SENATOR CUFFE: If it's okay, I'll have it  
 10 printed and get it to your committee secretary for  
 11 distribution.  
 12 CHAIRWOMAN MCKAMEY: You have permission,  
 13 yes, that'll be terrific, thank you.  
 14 Do we have any further testimony from  
 15 proponents on site? Do we have any -- we do not have  
 16 any proponents on Zoom, as far as I can see. Is that  
 17 correct, Ms. Street?  
 18 MS. STREET: Yes, that's correct.  
 19 CHAIRWOMAN MCKAMEY: Thank you very much.  
 20 Okay. With that, we will begin with  
 21 testimony from opponents. First on site, and then on  
 22 Zoom. We have four opponents on site. The first one  
 23 to the podium. Welcome.  
 24 MR. THOMPSON: (First Nations language  
 25 spoken) Madam Chair, members of the committee. My name

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1 is Jordan Thompson. That's T-H-O-M-P-S-O-N. And I  
 2 represent the Confederated Salish and Kootenai Tribes  
 3 of the Flathead Nation.  
 4 With all due respect to the sponsor,  
 5 Representative Greef, and with a lot of respect to the  
 6 election workers, CSKT opposes House Bill 176. The  
 7 Salish and Kootenai Tribes believe a democracy should  
 8 be accessible to all Montanans and U.S. citizens as  
 9 possible.  
 10 In 2014, the Montana late voter registration  
 11 revision measure was brought as a legislatively  
 12 referred state statute. That would have accomplished  
 13 much of the same thing that this bill brings today, and  
 14 57 percent of Montanans voted no on that measure. We  
 15 agree with this public sentiment, the last we know of,  
 16 where the public actually voted on this, and think that  
 17 we should keep elections open until Election Day.  
 18 In addition, Montana consistently ranks well  
 19 in election administration assessments in the U.S., as  
 20 seen in surveys such as MIT's Election Performance  
 21 Index. Let's keep voting as accessible as possible to  
 22 all Montanans and think of other solutions, and oppose  
 23 House Bill 176. Thank you for your time.  
 24 CHAIRWOMAN MCKAMEY: Thank you, Mr. Thompson.  
 25 Further opponents on site for House Bill 176?

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1 MR. SUNCHILD: Good morning, Madam Chair and  
 2 members of the committee. My name is Keaton Sunchild,  
 3 S-U-N-C-H-I-L-D. I am the political director for  
 4 Montana Native Vote.  
 5 I just want to talk about a couple of the  
 6 hurdles that the people that our organization has  
 7 members from, that they face when it comes to voting in  
 8 elections. We know that our reservations are very  
 9 large in terms of land area, and lots of these folks  
 10 are traveling great distances, and by closing off voter  
 11 registration earlier than needed, we're making it even  
 12 harder for them to vote. And part of the tradition on  
 13 a lot of our reservations is, they go to vote on  
 14 Election Day, and if you're a first-time voter, part of  
 15 that includes registering to vote, and so we need to  
 16 make sure that that's still an option for them. And we  
 17 heard today about how the people have spoken, and  
 18 Jordan just talked about it, too.  
 19 You know, they spoke when it came to L.R. 126  
 20 a number of years ago, that they didn't want to end  
 21 voter registration early. So we've seen a lot lately  
 22 that there's a small number of people that don't  
 23 necessarily think that the will of the people is  
 24 correct, but I think we need to get back to that  
 25 tradition, and the only thing I've heard today is that

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1 we don't need to end registering to vote early, we just  
 2 need to invest in more open and more free and more fair  
 3 elections. And for those reasons, I am urging you to  
 4 vote no on this bill, and I thank you guys for your  
 5 time.  
 6 CHAIRWOMAN MCKAMEY: Thank you, Mr. Sunchild.  
 7 Further opponents on site for House Bill 176?  
 8 MS. BRENNEMAN: Mr. Chairman -- oh. Madam  
 9 Chairwoman. I'm very sorry. Madam Chairwoman,  
 10 representatives. Beth Brenneman, B-R-E-N-N-E-M-A-N.  
 11 And I'm an attorney with Disability Rights Montana.  
 12 And back in 2005, when we originally adopted this  
 13 measure, we did it with many, many individuals, many,  
 14 many stakeholders, including the clerks, that were all  
 15 embracing making sure that everybody who's eligible to  
 16 vote can vote. And we were all excited. It was a  
 17 wonderful time, and we -- it's been a tremendous  
 18 success.  
 19 And one of the reasons I was involved -- and  
 20 just a bit about our organization. We were federally  
 21 created in the '70s to investigate abuse and neglect of  
 22 people with disabilities in institutional settings, and  
 23 that's what we still do. And one of the things that we  
 24 see all of the time is that with all of the work that  
 25 goes into finding an appropriate placement for somebody

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1 who has serious health conditions, whether it be a  
 2 nursing home, assisted living, another hospital  
 3 setting, nobody is thinking about voting.  
 4 And that's because there are other things to  
 5 think about. There are other emergency things that  
 6 have to be handled, but unfortunately what that means  
 7 is, direct care staff that work at these institutions  
 8 are left to be the ones to help people register to  
 9 vote, and they often have many, many other things that  
 10 they have to do instead, and so registration to vote is  
 11 really not considered when people are going into those  
 12 settings.  
 13 So we've been able to fill that gap, and  
 14 we're happy to do it. We've worked hard to get agency  
 15 into the law, and that's a reasonable accommodation for  
 16 people with disabilities that can have somebody else go  
 17 and get them registered, and help them get the ballot  
 18 and deliver the ballot. But if they can't register  
 19 late, we can't help them. And unfortunately, this  
 20 happens far more often than you might think. It's not  
 21 a huge number of people, but they're people that earned  
 22 their right to vote. They've lived long lives. They  
 23 happen to need some help right now, and they really  
 24 need the ability to exercise that right to vote, not  
 25 just because it's their constitutional right, but

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1 because it's normalcy.  
 2 And in a situation like that, where everyone  
 3 is placed in crisis, it's really important for people  
 4 to be able to have that, to be able to participate in  
 5 their community and to be able to vote.  
 6 This is similarly true for people in the  
 7 community with serious disabilities that have home  
 8 health care. Again, our rates are not good, and home  
 9 health care have a whole lot of things to worry about.  
 10 Helping people get dressed, making sure that they have  
 11 their catheter, making sure that they eat, as opposed  
 12 to making sure that they're registered to vote. That's  
 13 not a perfect system, it's not a perfect system, I wish  
 14 they had the time to really help people with those  
 15 issues, but they don't.  
 16 Please don't make it harder for these people  
 17 to vote. Late registration has been a godsend for  
 18 them, and we do all that we can to make sure that  
 19 people can exercise the franchise. Thank you.  
 20 CHAIRWOMAN MCKAMEY: Thank you very much,  
 21 Ms. Brenneman.  
 22 Next opponent -- excuse me, pro -- next  
 23 opponent on House Bill 176.  
 24 MS. STUTZER: Thank you. Good morning, Madam  
 25 Chair and members of the committee. My name is Katjana

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1 Stutzer. For the record, that's K-A-T-J-A-N-A, S-T-U-  
 2 T-Z-E-R. And I'm here on behalf of the Montana Public  
 3 Interest Research Group, or MontPIRG. We represent  
 4 students across the state of Montana.  
 5 And as you've been hearing from the other  
 6 opponents of this bill, this would impact lots of  
 7 different groups in unique ways, and particularly  
 8 students as well. Although it doesn't only affect  
 9 students. The average American -- one in eight of  
 10 average Americans move once a year. You can imagine  
 11 that that rate is a lot higher for students who are  
 12 often relocating from every county across Montana to  
 13 our colleges and universities, and as a recent student  
 14 myself, I can say that I moved every single year that I  
 15 attended the University of Montana.  
 16 So you can imagine that there are some really  
 17 good reasons, as other folks are telling you, that  
 18 folks might need to register late. If you change a  
 19 name, or if you move, and don't even realize that you  
 20 haven't updated your voter registration, show up on  
 21 Election Day to vote, and then realize that you no  
 22 longer can vote and need to re-register, that's a  
 23 situation that many people find themselves in.  
 24 We don't have data yet from the Secretary of  
 25 State available for 2020. But between 2006 and 2018,

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1 over 60,488 Montanans used same-day voter registration,  
 2 and as a former proponent of the bill pointed out, the  
 3 vast majority of people are registered before Election  
 4 Day, to keep in mind.  
 5 So although this is -- in the total  
 6 percentage of voters, a small amount, over 60,000  
 7 people using same-day voter registration clearly causes  
 8 harm to that group of people, and over 137,000 use late  
 9 registration as well.  
 10 And this is across the board. These aren't  
 11 all from the same place. Fifty-four out of fifty-six  
 12 of our counties had at least one Election Day  
 13 registrant in 2018, and every single county had an  
 14 Election Day registrant in 2016. And also note that in  
 15 2018, over 40 percent of those late registration users  
 16 were not new to the state, and were not new voters.  
 17 They simply showed up on Election Day, and their voter  
 18 registration was out of date. That's a large group of  
 19 our reliable voters who are just trying to participate  
 20 in our election system being disenfranchised by this  
 21 law.  
 22 So clearly, this bill causes harm. We're --  
 23 the United States is recognized as the leading  
 24 democracy in the world because of access to the ballot,  
 25 and we have a responsibility to protect that for all of

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1 our citizens no matter what the reason is that they  
 2 need to register on Election Day. But I would also ask  
 3 you to bear in mind that there are some very good  
 4 reasons, as folks have pointed out today, that people  
 5 may need to register late.  
 6 I would just close with further, I know that  
 7 we heard earlier that the people have spoken in saying  
 8 they're concerned about Election Day registration. But  
 9 the people also spoke in 2014, when they voted no on  
 10 L.R. 126. With the majority of the districts  
 11 represented by you, members of the committee in this  
 12 room, your districts voted no on L.R. 126, including  
 13 the district of the sponsor of this bill.  
 14 We've had same-day, Election Day registration  
 15 for over a decade that passed through these chambers  
 16 with bipartisan support, and it's been working for  
 17 elections offices and for the people since then. We  
 18 reviewed it in 2014. The people have spoken on this  
 19 issue, and I really encourage you to take that to heart  
 20 when you vote, and I urge you to vote no on this bill.  
 21 Thank you.  
 22 CHAIRWOMAN MCKAMEY: Thank you, Ms. Stutzer.  
 23 Are there further opponents to House Bill 176  
 24 on site?  
 25 MR. FORSTAG: Madam Chair, members of the

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1 committee. My name is Sam Forstag, and I'm here on --  
 2 that is F-O-R-S-T-A-G, and I am here on behalf of the  
 3 American Civil Liberties Union of Montana. We rise in  
 4 opposition to this bill.  
 5 Article 2, Section 13, of our state's  
 6 Constitution declares that all elections shall be free  
 7 and open, and that no power, civil or military, shall  
 8 prevent the free exercise of this right. We know that  
 9 thousands of Montanans use same-day registration and  
 10 late registration as a vital means of accessing that  
 11 right to vote, and that Montanans in every county,  
 12 every legislative district, Montanans that voted for  
 13 and are represented by each of you, voted  
 14 overwhelmingly to -- against these restrictions that  
 15 are proposed in House Bill 176 today.  
 16 Beyond the Montana State Constitution, the  
 17 United States Constitution instructs that -- instructs  
 18 us to afford citizens equal protection under the law,  
 19 with particular care to the fundamental right to vote.  
 20 And these constitutional imperatives are something we  
 21 ought to strive toward, not back away from.  
 22 With respect to the sponsor, to proponents of  
 23 this bill, we ask that you please provide Montanans  
 24 with consistency and with fidelity to the vote that  
 25 they all took in 2014, and vote no on this bill. Thank

Page 25

1 you for your time, and I am available for questioning.  
 2 CHAIRWOMAN MCKAMEY: Thank you, Mr. Forstag.  
 3 Are there any further opponents on site for  
 4 House Bill 176?  
 5 Seeing none, we will go to the Zoom list, and  
 6 we will first hear from Ms. Sellers.  
 7 UNIDENTIFIED: Chairwoman, Ms. Sellers has  
 8 not called in as of yet.  
 9 CHAIRWOMAN MCKAMEY: Okay. We will move to  
 10 the next one in line. We will follow -- just by way of  
 11 information, Ms. Street, we will just follow the order  
 12 consecutively down the list as it was printed off by  
 13 you. Will that be okay?  
 14 MS. STREET: Yes.  
 15 CHAIRWOMAN MCKAMEY: Okay. Thank you,  
 16 Ms. Sellers [sic].  
 17 All right. Then Ms. Millie Robinson, please.  
 18 MS. ROBINSON: Yes. Thank you, Madam Chair  
 19 and members of the committee. My name is Millie  
 20 Robinson. Last name is R-O-B-I-N-S-O-N, and I live in  
 21 Glendive. I'm here testifying on behalf of the  
 22 Northern Plains Resource Council, in opposition to  
 23 House Bill 176.  
 24 Northern Plains is opposing this bill because  
 25 it contradicts our belief in a fair and transparent

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1 democracy that is accessible to everyone. We believe  
 2 that it's the right and responsibility of all citizens  
 3 to participate in decisions that affect their lives,  
 4 and that citizens' rights to vote should not be  
 5 suppressed or made more difficult by their decision  
 6 makers.  
 7 As others have mentioned, Montanans have  
 8 already fairly recently resoundingly rejected this same  
 9 proposal in 2014, on L.R. 126. Election Day voter  
 10 registration provides just one additional opportunity  
 11 for working people to cast their vote when they might  
 12 not otherwise be able to. Before I retired, I drove 35  
 13 minutes to Wibaux to work, and I taught many years  
 14 long, long hours in schools. I know lots of other  
 15 people who drive those distances to get to work. They  
 16 work in our communities, in our clinics, our schools,  
 17 our businesses. They don't have time to get to a  
 18 courthouse to get late registered during a work break.  
 19 We need to be able to register on Election  
 20 Day. There have already been many reasons given why  
 21 somebody might need to late register on Registration  
 22 [sic] Day. All of them legitimate.  
 23 It's not the government's job to infringe on  
 24 our right to vote in Montana elections. That right  
 25 extends through Election Day. We have a fairly small

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1 population, much smaller than other states who also  
 2 have same-day registration rights, and luckily,  
 3 Election Day voter registration is not something new.  
 4 It doesn't require significant implementation. We  
 5 already have it, and our county election officials are  
 6 already doing a fantastic job of handling it. Please,  
 7 don't try to fix something that isn't broken. Protect  
 8 our rights to Election Day registration by voting no on  
 9 House Bill 176. Thank you for your time.  
 10 CHAIRWOMAN MCKAMEY: Thank you, Ms. Robinson.  
 11 Next opponent on Zoom on the list is Alexa  
 12 Bunnion? Runnion? Runnion. Yes. There we go. This  
 13 print is very small. Welcome to the  
 14 MS. RUNNION: Madam --  
 15 CHAIRWOMAN MCKAMEY: Uh-huh.  
 16 MS. RUNNION: -- thank you, Madam Chair and  
 17 members of the committee. My name is Alexa Runyon, R-  
 18 U-N-N-I-O-N. I'm a University of Montana student, and  
 19 I oppose this bill which unnecessarily makes it more  
 20 difficult for students to vote.  
 21 Our elections thus far have been free, fair,  
 22 and accessible, and I'm asking you to keep them that  
 23 way. I've submitted written testimony as well, and I  
 24 urge you to read them. Please vote no on House Bill  
 25 176, and thank you all.

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1 CHAIRWOMAN MCKAMEY: Thank you, Ms. Runnion.  
 2 Next will be -- there's no last name provided  
 3 here -- oh. The next one will be Alanna Wulf. Thank  
 4 you. Welcome, Ms. Wulf.  
 5 MS. WULF: Can you hear me?  
 6 CHAIRWOMAN MCKAMEY: Yes, we can.  
 7 MS. WULF: Okay, great. Thank you very much.  
 8 My name is Alanna Wulf. That's A-L-A-N-N-A. W-U-L-F.  
 9 And I work for Big Sky 55 Plus, which is a non-profit  
 10 organization that advocates for policies, public  
 11 policies that make a difference in the lives of  
 12 Montanans 55 and older, as well as the lives of future  
 13 generations. We have 2,000 members across the state,  
 14 and our organization stands in opposition to House Bill  
 15 176.  
 16 Same-day voter registration benefits our  
 17 elderly, mobility limited members, who don't have  
 18 constant access, or consistent access to  
 19 transportation, and our rural members, who don't work  
 20 traditional hours, and don't often make it into town.  
 21 Any barrier that prevents our eligible voters from  
 22 participating in the democratic process is unmistakably  
 23 undemocratic, and on a personal note, working on a  
 24 campaign to defeat L.R. 126 back in 2014 was my first  
 25 venture into political organizing, and I canvassed

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1 thousands of people that year, and I will not forget a  
 2 particular, but not uncommon conversation I had with a  
 3 gentleman who did not hold the same political  
 4 persuasion that I do.  
 5 He told me that while we disagree on many  
 6 things, we agree that maintaining Election Day voter  
 7 registration protects all Montanans, that all  
 8 Democrats, all Republicans, all Independents, all of  
 9 our ability to exercise our constitutional right, not  
 10 privilege, our constitutional right to vote. So I urge  
 11 you, and so does Big Sky 55 Plus and our members, to  
 12 vote no on House Bill 176. Thank you.  
 13 CHAIRWOMAN MCKAMEY: Thank you, Ms. Wulf.  
 14 MS. STREET: Ms. Chair?  
 15 CHAIRWOMAN MCKAMEY: Thank you, Ms. Street,  
 16 yes?  
 17 MS. STREET: Andy has not called in to  
 18 testify.  
 19 CHAIRWOMAN MCKAMEY: Okay, thank you.  
 20 MS. STREET: Next on the list is John  
 21 Elliston.  
 22 CHAIRWOMAN MCKAMEY: Welcome, John Elliston.  
 23 MR. ELLISTON: Good morning, Madam Chair and  
 24 members of the committee. Thank you for giving me this  
 25 opportunity to register my opposition to House Bill

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1 176.  
 2 In 2005, when I was the Senate Majority  
 3 Leader, I sponsored Senate Bill 302, the act which  
 4 provided for same-day voter registration, and voting on  
 5 the same day. This bill passed with overwhelming  
 6 bipartisan support, including the endorsement of the  
 7 Republican Secretary of State, Brad Johnson. The votes  
 8 on third reading were 42 to 8 in the Senate, and 89 to  
 9 8 in the House.  
 10 Over the last seven election cycles, same-day  
 11 voter registration has functioned well, and has allowed  
 12 for the increasingly high percentage of registered  
 13 voters who are actually voting in our elections. It  
 14 has not caused fraud. It has not caused errors. We  
 15 hear often about allegations of fraud or errors, but  
 16 very infrequently do we hear actual cases of that.  
 17 Let's look at the evidence. And furthermore,  
 18 it has not caused significant administrative problems,  
 19 as our local elections administrators have implemented  
 20 the law.  
 21 And moreover, voter turnout has risen to new  
 22 heights. This can be attributed, in part, to the fact  
 23 that voters may register on the same day that they  
 24 vote. I want to turn your attention specifically to  
 25 the difficulty of someone who lives a long way away

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1 from their election office. If they are needing to  
 2 bring their registration up to date, it imposes upon  
 3 them, this bill would impose upon them, the necessity  
 4 of making two long distance trips to the election  
 5 office, one to register, and one to vote. This is  
 6 simply an increased burden upon the electorate, which  
 7 diminishes the likelihood that they will participate.  
 8 Moreover, the people of the state have twice  
 9 reaffirmed the importance of this in rejecting L.R.  
 10 126, and once before this came before the legislature,  
 11 and it was killed. I would urge you to vote against  
 12 House Bill 176. Same-day voter registration for  
 13 Montana voters has made it easier for Montanans to vote  
 14 and participate in our democracy. This is a result  
 15 that we should all be able to support. Please vote no  
 16 on this bill. Thank you for giving me this opportunity  
 17 to express these opinions.  
 18 CHAIRWOMAN MCKAMEY: Thank you very much,  
 19 Mr. Elliston.  
 20 Is the next person Danielle Vazquez?  
 21 MS. VAZQUEZ: Yeah, hi. Can you all hear me?  
 22 CHAIRWOMAN MCKAMEY: Yes, we can.  
 23 MS. VAZQUEZ: Cool. Good morning, Madam  
 24 Chair, members of the committee. My name is Danielle  
 25 Vazquez. That's D-A-N-I-E-L-L-E. Vazquez, V-A-Z-Q-U-

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1 E-Z.  
 2 And I am here today on behalf of the  
 3 Indigenous Organizers Collective of Montana, and we  
 4 rise up in opposition to this bill. This bill would  
 5 create unnecessary barriers to Montanans'  
 6 constitutional right to vote, and we believe that  
 7 access to the ballot shouldn't be conditional. Every  
 8 eligible Montanan has the right to register to vote and  
 9 cast a ballot, and working long hours or living in a  
 10 rural area should not be a disqualification for casting  
 11 a ballot. So again, we are asking you all to oppose  
 12 this bill. Thank you.  
 13 CHAIRWOMAN MCKAMEY: Thank you, Ms. Vazquez.  
 14 Further opponents on Zoom?  
 15 MS. STREET: Madam Chair, Kelly Lynch, who  
 16 registered to testify has not called in.  
 17 CHAIRWOMAN MCKAMEY: Okay.  
 18 MS. STREET: Guest will be Eleanor Smith,  
 19 also known as Ellie Smith.  
 20 CHAIRWOMAN MCKAMEY: Okay. Thank you. If I  
 21 may ask a question, Ms. Street, at this time --  
 22 MS. STREET: Sure.  
 23 CHAIRWOMAN MCKAMEY: -- do we have -- just  
 24 for time management purposes, do we have -- how many do  
 25 we have left that have actually registered and shown up

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1 on Zoom?

2 MS. STREET: Six, ma'am.

3 CHAIRWOMAN MCKAMEY: Thank you very much,

4 Ms. Street.

5 Okay. Ms. Smith, welcome to the House State

6 Administration.

7 MS. SMITH: Thank you, Madam Chair and

8 members of the committee. My name is Eleanor Smith.

9 E-L-E-A-N-O-R, S-M-I-T-H. And I'm here on behalf of

10 Montana Women Vote, a statewide organization of

11 low-income women and families.

12 Low-income Montanans and working families

13 rely on same-day voter registration for access to the

14 ballot and for all of the reasons previously stated, we

15 also rise in opposition to this bill. Thank you so

16 much.

17 CHAIRWOMAN MCKAMEY: Thank you, Ms. Smith.

18 Is Ms. Caldwell -- welcome to State

19 Administration, Ms. Caldwell.

20 MS. CALDWELL: Hello, Chairwoman McKamey.

21 Can you hear me okay?

22 CHAIRWOMAN MCKAMEY: We can, thank you.

23 MS. CALDWELL: Great. Good morning, Chair

24 and members of the committee. My name is Lauren

25 Caldwell. That's L-A-U-R-E-N, last name is C-A-L-D-W-

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1 E-L-L.

2 I am here with you virtually on behalf of the

3 Montana Federation of Public Employees, and the

4 educators and employee members we represent across

5 Montana.

6 Every two years, our members through a

7 democratic process draft, amend, and pass our

8 legislative program in which they task us as staff to

9 carry out their will at the legislature. And one of

10 the principal components of their directive is to

11 protect voting rights, specifically to oppose

12 legislation that is designed to -- and this is a quote

13 from our legislative program.

14 Deny or impede any eligible Montana

15 citizen's right to register and vote.

16 Unfortunately, House Bill 176 does just that,

17 which is why I'm here today. As you've heard, and as

18 you know, this is not a new debate. In 2005, as

19 Senator Elliston was just mentioning, nearly unanimous

20 bipartisan majorities voted to pass same-day voter

21 registration in Senate Bill 302, and I just wanted to

22 ground that in specifics. It passed 42 to 8 in the

23 Senate, and 89 to 8 in the House, on third reading.

24 Then in 2013, your predecessors wanted to

25 review this question again, and they chose to put it to

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1 a vote of the people through L.R. 126. In 2014,

2 Montanans voiced their opinion on it loud and clear.

3 They rejected 126 by majorities statewide, and

4 majorities in 80 out of 100 legislative districts.

5 Because of that choice, Montanans continue to

6 turn out to vote in record numbers. We should be proud

7 of that fact. We're very high compared to other

8 states, and indeed, I think that the bar should be set

9 very high for the legislature when you specifically

10 asked Montanans to weigh in on an issue, they let you

11 know what they think, and then you consider overturning

12 it. There should be a really high bar for that.

13 Some of these facts have been shared, so I

14 just want to emphasize a few about how many Montanans

15 would be impacted if House Bill 176 is allowed to pass.

16 So late registration figures from the Secretary of

17 State for the 2021 election aren't available yet, but

18 what we can tell you is that between 2006 and 2018,

19 60,488 Montanans used same-day voter registration.

20 But this bill, as you know, isn't just about

21 same-day voter registration. It rolls it back to the

22 Friday before. So it's important to also know that

23 137,957 Montanans utilized late voter registration to

24 cast a ballot. And those statistics are all available

25 on the Secretary of State's website.

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1 In 2018 alone, an election in which many of

2 you were on the ballot, 8,053 voters registered on

3 Election Day, and 21,700 registered during the late

4 registration window for the general election.

5 Fifty-six out of four -- I'm sorry. Fifty-four out of

6 fifty-six counties had at least one Election Day

7 registrant in 2018, and in 2016, every single county in

8 the state had Election Day registrants.

9 For the most recently available data, the

10 2018 general election, as was mentioned, over 40

11 percent of Montanans who used late voter registration

12 were not new to the state, or newly registering in

13 Montana. They were county to county or precinct to

14 precinct registration changes. That tells us that a

15 lot of these folks are showing up to vote on Election

16 Day. They have done their work to register, but they

17 find once they arrive at their polling place that they

18 are still registered at the previous address. Right

19 now, they have a clear remedy for this, but if this

20 bill were to pass, those Montanans would be unable to

21 have their voice heard in our elections.

22 You all are in a critical position. Thank

23 you for your service on a committee charged with the

24 fairness, security, and accessibility of our elections,

25 serving on a committee to uphold our state

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1 constitutional promise that all Montanans have a right  
 2 to access the ballot without interference.

3 I urge you to stand with Montanans and reject  
 4 this attempt to thwart their will, disenfranchise  
 5 thousands of Montanans every election, and undermine  
 6 our strong election laws. Please vote no on House  
 7 Bill 176. Thank you very much.

8 CHAIRWOMAN MCKAMEY: Thank you, Ms. Caldwell.  
 9 Next we will hear from Ms. Kindness. We're  
 10 not hearing you, Ms. Kindness.

11 MS. KINDNESS: Hello? Can you hear me?  
 12 CHAIRWOMAN MCKAMEY: We can now, thank you.

13 MS. KINDNESS: Good morning Madam Chair and  
 14 members of the committee. My name is Lori Kindness.  
 15 Last name spelled K-I-N-D-N-E-S-S. In appearance  
 16 before the committee today on House Bill 176, I am in  
 17 opposition.

18 This election season I assumed a role to get  
 19 out the vote with Montana Native Vote as an advocate  
 20 for the Crow Reservation and Bighorn County. My  
 21 teammates and I worked tirelessly for the people by  
 22 registering them to vote, and encouraging the important  
 23 message that your vote is your voice. Amid a global  
 24 pandemic, we adapted and rotated weekly through six  
 25 districts, and set up drive through pop-up sites,

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1 ensuring COVID-19 safety protocol. We assisted every  
 2 person we could reach within voter age to register to  
 3 vote. This took place until the very minute the polls  
 4 closed on Election Night. My team set up a drive  
 5 through site across Bighorn County Courthouse with a  
 6 bulk supply of registration cards and made ourselves  
 7 available for any questions the public may have had.

8 Bighorn County Courthouse was the only  
 9 location in all of Bighorn County that -- the location  
 10 that you could vote. The line spilled into the  
 11 alleyway and near Forest Street. We assisted over 150  
 12 people on Election Day alone with voter registration.  
 13 As a result of full force aided efforts, the Secretary  
 14 of State's website recorded history voter turnout in  
 15 Bighorn County despite the pandemic.

16 Every voter should be given every opportunity  
 17 to register to vote, considering the real issues the  
 18 very rural populations face. The economy, lack of  
 19 employment, lack of income, and lack of transportation,  
 20 as well as recognizing our disabled and elderly, and  
 21 those who are at high risk, especially during these  
 22 times.

23 If denying satellite sites in our county  
 24 wasn't already a cue for voter suppression, denying  
 25 citizens their due diligence may certainly contribute.

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1 It is so important that House Bill 176 does not close  
 2 late voter registration. It is my plea to the  
 3 committee to consider no on House Bill 176. Thank you.

4 CHAIRWOMAN MCKAMEY: Thank you, Ms. Kindness.  
 5 Next we have Ms. Barbour.

6 MS. BARBOUR: Thank you Chairwoman McKamey  
 7 and members of the committee. Are you able to hear me?  
 8 CHAIRWOMAN MCKAMEY: Yes, we are. Thank you.

9 MS. BARBOUR: Hi there. My name is Ruthie  
 10 Barbour, spelled B-A-R-B-O-U-R. And I'm here today on  
 11 behalf of Forward Montana. Forward Montana is the  
 12 largest civic engagement organization in the state. We  
 13 work to engage and mobilize young Montanans to  
 14 participate in all aspects of democracy.

15 As an organization there was also -- we were  
 16 also in opposition of L.R. 126 in 2014, which I'm sure  
 17 you've heard, it's a similar referendum that sought to  
 18 remove same-day voter registration. And we strongly  
 19 rise in opposition to House Bill 176. Forward Montana  
 20 works specifically with college students and young  
 21 people across all corners of the state. Our members  
 22 feel enormously passionate about being involved in our  
 23 democratic process and making sure their voices are  
 24 heard.

25 But barriers such as the ones that House

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1 Bill 176 proposes would prevent them from exercising  
 2 their constitutional right. Same-day voter  
 3 registration ensures that every voter has equitable  
 4 access to the polls, and allows our democracy to  
 5 thrive.

6 Montana's record voter turnout in the 2020  
 7 elections demonstrates how engaged the people of  
 8 Montana are in their local and national elections.  
 9 This past election cycle, our organization aided in  
 10 staffing a non-partisan voter hotline that helped  
 11 voters remedy issues with casting a ballot, like  
 12 updating their address, or finding their polling  
 13 location.

14 Many of these people that we talked to in  
 15 those days leading up to the election ultimately ended  
 16 up using same-day registration services to make their  
 17 voice heard. Whether you're a single parent with  
 18 limited access to childcare, someone who works full-  
 19 time, a full-time student, or someone who doesn't have  
 20 reliable access to transportation, or someone who  
 21 simply lives at an extreme distance from their polling  
 22 location, sometimes the only opportunity to register to  
 23 vote and cast a ballot may be on the day of the  
 24 election.

25 For many rural and indigenous people, the

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1 long commute to their local elections office may be the  
 2 only possible day to register and cast a ballot as in  
 3 person or by mail voter registration is the only way to  
 4 register to vote in Montana, it's important that all  
 5 Montanans have every avenue open to them to register  
 6 and cast a ballot.

7 This bill is directly harmful to Montana's  
 8 seniors, folks who live in rural areas, young people,  
 9 and indigenous people. Why change a process that has  
 10 not only been working to serve Montanans, but has shown  
 11 no negative effects on the efficacy and efficiency of  
 12 our elections?

13 As you've heard, L.R. 126 was voted down in  
 14 2014 by the majority of Montana voters, who believe  
 15 that every resident of Montana should have the right to  
 16 register to vote on the day of the election. Please  
 17 honor the will of your constituents, who have already  
 18 spoken on this issue, and stand with the majority of  
 19 Montanans in voting no for House Bill 176. Thank you.

20 CHAIRWOMAN MCKAMEY: Thank you, Ms. Barbour.  
 21 Next we have Delilah [sic] Killback.  
 22 Welcome.

23 MS. KILLSBACK: Good morning, Madam Chair and  
 24 members of the committee. My name is Daliyah  
 25 Killback, spelled D-A-L-I-Y-A-H K-I-L-L-S-B-A-C-K.

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1 And I represent Western Native Voice. Our organization  
 2 is in opposition to House Bill 176, because it would  
 3 impede access to democracy for many Montana citizens,  
 4 disproportionately, American Indians.

5 The people of Montana have already spoken.  
 6 As you have already heard today, six years ago, the  
 7 majority of Montana voters voted against L.R. 126, a  
 8 ballot measure that would have done the same thing.  
 9 Many American Indians, especially those on rural  
 10 reservations, rely on Election Day voter registration  
 11 and late voter registration. American Indians face  
 12 disproportionate barriers to access -- to voting access  
 13 in Montana. The average voter turnout in reservation  
 14 precincts is 20 percentage points below the average  
 15 turnouts of precincts outside of reservation  
 16 boundaries. Distance to polling, registration  
 17 locations, and the cost of travel are all barriers to  
 18 voting. These issues have been brought against Montana  
 19 in litigation many times before.

20 House Bill 176 would make it even more  
 21 difficult for American Indians to rightfully cast their  
 22 vote. Every citizen in Montana, including American  
 23 Indians, has the right to vote to ensure that their  
 24 voice is heard.  
 25 Elected officials should respect the will and

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1 the rights of Montana voters. Rights as a voter should  
 2 not end before Election Day begins, as clearly stated  
 3 in the -- in Montana's constitution. Our organization  
 4 urges this committee to vote against House Bill 176.  
 5 Thank you.

6 CHAIRWOMAN MCKAMEY: Thank you,  
 7 Ms. Killback.

8 I see the next person that is registered  
 9 here, Ms. Street, is Ms. Brenneman, but she has -- she  
 10 appeared on site, so we will go to Ms. Liefer or  
 11 Liefer?

12 MS. LIEFER: Yes, thank you, Madam Chair. My  
 13 name is -- and members of the committee, my name is  
 14 Nancy Liefer and I am here today on behalf of the  
 15 League of Women Voters of Montana.

16 For over 100 years, the League of Women  
 17 Voters has promoted citizens' rights to vote as the  
 18 hallmark of a strong democracy. The citizens who  
 19 drafted Montana's 1972 [sic] constitution, it was a  
 20 true bipartisan effort that included nine League of  
 21 Women Voters members, an addition of strong democracy  
 22 for Montana.

23 House Bill 176 would weaken our democracy.  
 24 Montana completed two elections in 2020 flawlessly. A  
 25 lawsuit found no evidence of problems. Moreover,

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1 Montana had the largest turnout in decades, due in part  
 2 to voters who registered and voted on Election Day.

3 Every vote is precious. The League of Women  
 4 Voters opposes House Bill 176, and encourages this  
 5 committee to reject this bill that prevents Montana  
 6 voters from registering and voting. Thank you.

7 CHAIRWOMAN MCKAMEY: Thank you, Ms. Liefer.  
 8 Ms. Street, have any of those who were not on  
 9 at the assigned time shown?

10 MS. STREET: Madam Chair, the answer is no.

11 CHAIRWOMAN MCKAMEY: Okay, thank you.

12 MS. STREET: (Indiscernible) the opponents.

13 CHAIRWOMAN MCKAMEY: Okay.

14 So that completes the testimony of opponents  
 15 online. Are there any further opponents on site,  
 16 Sergeant?

17 SERGEANT: No.

18 CHAIRWOMAN MCKAMEY: Thank you very much.

19 With that, seeing none, we will proceed to  
 20 informational witnesses. We will take on site  
 21 testimony first, and we welcome any informational  
 22 witnesses that are on site at this time. Informational  
 23 witnesses on site.

24 Thank you, Sergeant.  
 25 Any informational witnesses on Zoom? Online?



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1 MS. STREET: Madam Chair.  
 2 CHAIRWOMAN MCKAMEY: Welcome,  
 3 Ms. Plettenberg.  
 4 MS. PLETTENBERG: Madam Chair, members of the  
 5 committee, good morning, and I am Regina Plettenberg.  
 6 I am the Clerk and Recorder in Ravalli County, and I am  
 7 here on behalf of the Montana Association of Clerk and  
 8 Recorders. And although you may hear testimony from  
 9 individual Clerks or receive written testimony for or  
 10 against this bill, as an association, we are remaining  
 11 neutral, and I am here today to answer any questions  
 12 that you -- the committee may have. Thank you.  
 13 CHAIRWOMAN MCKAMEY: Thank you,  
 14 Ms. Plettenberg. Just double checking to make sure  
 15 there are no further informational witnesses on site,  
 16 in case they missed the announcement.  
 17 Seeing none, let's proceed to questions from  
 18 the committee. Questions from the committee?  
 19 Ms. Binkley.  
 20 REPRESENTATIVE BINKLEY: Thank you, Madam  
 21 Chair. I had a question for Mr. Dana Corson.  
 22 CHAIRWOMAN MCKAMEY: Mr. Corson, please.  
 23 MR. CORSON: Good morning.  
 24 REPRESENTATIVE BINKLEY: Good morning. Madam  
 25 Chair, Mr. Corson, I'm curious to know the process of

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1 verification when someone is registering to vote. What  
 2 type of -- do you go against a database? Are they  
 3 registered in another county? Are they registered in  
 4 another state? What is the time frame? I guess I just  
 5 would like some information regarding that, I'm sorry.  
 6 CHAIRWOMAN MCKAMEY: Representative, we  
 7 certainly welcome all of your questions.  
 8 REPRESENTATIVE BINKLEY: Thank you.  
 9 CHAIRWOMAN MCKAMEY: And just ask one  
 10 question at a time --  
 11 REPRESENTATIVE BINKLEY: Oh, I'm sorry. Yes,  
 12 thank you --  
 13 CHAIRWOMAN MCKAMEY: -- no, it's not --  
 14 REPRESENTATIVE BINKLEY: -- I apologize.  
 15 CHAIRWOMAN MCKAMEY: -- no, no problem. I  
 16 just want to get all of your questions answered.  
 17 REPRESENTATIVE BINKLEY: Thank you.  
 18 CHAIRWOMAN MCKAMEY: So one at a time,  
 19 please.  
 20 REPRESENTATIVE BINKLEY: Thank you. So  
 21 what's the verification process?  
 22 MR. CORSON: Okay, so Madam Chair and  
 23 Representative Binkley, so for new registration, it  
 24 requires the application, and the voter's affirmation  
 25 that they are 18 years old, a U.S. citizen, have

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1 resided in the county for 30 days. They also present  
 2 some form of ID. Typically we'll get like the last  
 3 four digits of their Social Security number, along with  
 4 their name, their date of birth, which can be checked  
 5 against the Social Security database, and then they can  
 6 do a Montana driver's license or Montana ID.  
 7 They could also do the supplemental forms of  
 8 that as well. Failing that, people will end up in what  
 9 we call a provisional voter until those things are  
 10 identified and cured, and identity can be assured of  
 11 the voter. Does that answer your question?  
 12 REPRESENTATIVE BINKLEY: Yes, and I have --  
 13 may I have follow up?  
 14 CHAIRWOMAN MCKAMEY: Follow up,  
 15 Representative Binkley.  
 16 REPRESENTATIVE BINKLEY: Thank you.  
 17 So what is the process on same-day voter  
 18 registration for verifying that information that you  
 19 just supplied me with?  
 20 MR. CORSON: So, Madam Chair and  
 21 Representative Binkley, the voter will come in. They  
 22 will either have their form filled out or not filled  
 23 out, so when they step up, they're probably working on  
 24 the form so that the clerk can take that information to  
 25 the form and get it into the Montana Votes database,

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1 the present-day voter registration system. And that's  
 2 when those checks are done in terms of new  
 3 registration. Other activities will occur if you're  
 4 there, maybe moving between precincts or county to  
 5 county. There's further checks that will need to be  
 6 done prior to a ballot being issued. But strictly --  
 7 and what I'm talking about is just brand new voter  
 8 registrations.  
 9 REPRESENTATIVE BINKLEY: May I have one more  
 10 follow up?  
 11 CHAIRWOMAN MCKAMEY: Follow up,  
 12 Representative Binkley.  
 13 REPRESENTATIVE BINKLEY: Thank you, Madam  
 14 Chair, Mr. Corson.  
 15 So what is the time frame on that  
 16 verification process, as far as being able to know that  
 17 they are not registered somewhere else?  
 18 MR. CORSON: And Madam Chair and  
 19 Representative Binkley, so this doesn't guarantee that  
 20 the person is registered somebody -- somewhere else.  
 21 That is on the applicant's own affirmation, and it's a  
 22 violation of election law in their own state or the  
 23 other state where they might be registered. It doesn't  
 24 do that. It only proves identity. It proves I'm Dana  
 25 Corson because I present myself with that name, with my

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1 date of birth, and my driver's license or Social  
 2 Security number, I can validate who I am. So it only  
 3 validates identity.  
 4 The rest of it is, you know, is am I a U.S.  
 5 citizen? Have I really been here for 30 days? That's  
 6 all on the applicant's honor.  
 7 REPRESENTATIVE BINKLEY: Thank you.  
 8 CHAIRWOMAN MCKAMEY: Thank you, Mr. Corson  
 9 and Representative Binkley. Further questions from the  
 10 committee?  
 11 Representative Putnam?  
 12 REPRESENTATIVE PUTNAM: Madam Chair, this is  
 13 for Mr. Corson.  
 14 CHAIRWOMAN MCKAMEY: Mr. Corson, please.  
 15 REPRESENTATIVE PUTNAM: Madam Chair,  
 16 Mr. Corson. So if somebody's new to the state, and  
 17 they're going to -- have been a resident at 30 days on  
 18 Election Day, are they still able to vote, or able to  
 19 register to vote ahead of time, before they hit that 30  
 20 day mark?  
 21 MR. CORSON: Madam Chair and Representative  
 22 Putnam, so if I understand your question correctly,  
 23 you've got somebody coming in who will have been a  
 24 resident by Election Day?  
 25 REPRESENTATIVE PUTNAM: Yes.

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1 MR. CORSON: And meet all of the  
 2 requirements? Yes, they'll be able to vote on -- at  
 3 that time. Their ballot would be valid.  
 4 REPRESENTATIVE PUTNAM: Clarification, Madam  
 5 Chair.  
 6 Would they be able --  
 7 CHAIRWOMAN MCKAMEY: Follow up,  
 8 Representative.  
 9 REPRESENTATIVE PUTNAM: Would they be able to  
 10 vote ahead of time? Or register ahead of time, prior  
 11 to same day?  
 12 MR. CORSON: And Madam Chair and  
 13 Representative Putnam, say your question again, please?  
 14 REPRESENTATIVE PUTNAM: So say they wanted --  
 15 they get to town, they want to register right away, so  
 16 they've been a resident for five days. Can they  
 17 register?  
 18 MR. CORSON: Madam Chair and Representative  
 19 Putnam, so, in that declaration, it says you've been a  
 20 resident for 30 days, so that would not be a true  
 21 statement.  
 22 REPRESENTATIVE PUTNAM: Okay.  
 23 MR. CORSON: For the applicant to make.  
 24 REPRESENTATIVE PUTNAM: Thank you.  
 25 CHAIRWOMAN MCKAMEY: Thank you, Mr. Corson,

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1 Representative Putnam.  
 2 Further questions from the committee?  
 3 Representative Whitman.  
 4 REPRESENTATIVE WHITMAN: Oh, I think we're  
 5 running down the line here with our questions.  
 6 CHAIRWOMAN MCKAMEY: Not quite.  
 7 REPRESENTATIVE WHITMAN: And again a question  
 8 for Mr. Corson. And I hope that this is the right  
 9 direction. Can you tell me for registering to vote, is  
 10 it just in person? Can people register to vote by  
 11 mail, or by online? Are those acceptable methods to  
 12 vote or are they only allowed to register in person?  
 13 MR. CORSON: Madam Chair and Representative  
 14 Whitman, so that's a good question, and a point of  
 15 clarification after listening to some of the testimony  
 16 today.  
 17 So regular registration ends, you know,  
 18 approximately 30 days before the election. Up to that  
 19 point, there's a variety of ways for the voter to get  
 20 that information to the Clerk's Office. It doesn't  
 21 have to be in person. So with that being said, when  
 22 late registration starts, it requires the person to  
 23 appear in person anyway during the late registration  
 24 period, to process that voter application.  
 25 REPRESENTATIVE WHITMAN: Okay. Thank you.

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1 MR. CORSON: So the idea behind it is, the --  
 2 you'll have further checks, you'll have a face to face  
 3 transaction, in conformance with Montana law.  
 4 REPRESENTATIVE WHITMAN: Thank you.  
 5 CHAIRWOMAN MCKAMEY: Representative Hayman?  
 6 REPRESENTATIVE HAYMAN: Thank you, Madam  
 7 Chair. I have a question for Mr. Corson.  
 8 CHAIRWOMAN MCKAMEY: Mr. Corson.  
 9 REPRESENTATIVE HAYMAN: Could you walk us  
 10 through the number of --  
 11 CHAIRWOMAN MCKAMEY: To the chair -- excuse  
 12 me.  
 13 REPRESENTATIVE HAYMAN: -- same day election  
 14 restraints -- registrants over the last few cycles?  
 15 How many have registered? Do you -- and as part of  
 16 that, do you have the numbers for 2020?  
 17 MR. CORSON: And Madam Chair and  
 18 Representative Hayman, we're working on those 2020  
 19 numbers. The previous years are on our website, so  
 20 we'll have that updated as soon as we can. They've  
 21 been working on that these past few weeks. Request  
 22 permission to submit it to the committee?  
 23 CHAIRWOMAN MCKAMEY: We would appreciate that  
 24 submission, Director Corson.  
 25 MR. CORSON: Okay, thank you.

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1 REPRESENTATIVE HAYMAN: Madam Chair, I have  
 2 another question, but I need a moment.  
 3 CHAIRWOMAN MCKAMEY: Okay. We'll go to  
 4 Representative Karjala.  
 5 REPRESENTATIVE KARJALA: Thank you, Madam  
 6 Chair. My question is for Ms. Plettenberg, please.  
 7 CHAIRWOMAN MCKAMEY: Ms. Plettenberg. We're  
 8 not hearing you. You are muted. There you go.  
 9 MS. PLETTENBERG: Madam Chair, Representative  
 10 Karjala, yes.  
 11 REPRESENTATIVE KARJALA: Thank you. Madam  
 12 Chair, Ms. Plettenberg, you know we've heard a lot of  
 13 testimony today about the number of people who utilize  
 14 voting at the polls. We've heard a lot of testimony  
 15 about folks who are using same-day voter registration,  
 16 late voter registration, and it seems to me the  
 17 preponderance of the numbers of people who are voting  
 18 at the polls are either previously registered voters or  
 19 late registered voters, and not same-day registered  
 20 voters, and yet same-day voters who are registering cut  
 21 across all demographics of the state of Montana, and  
 22 they also are spread all across the state of Montana.  
 23 I think Ms. Caldwell's testimony backed that up,  
 24 speaking to the --  
 25 CHAIRWOMAN MCKAMEY: Excuse me. Excuse me.

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1 Is there a --  
 2 REPRESENTATIVE KARJALA: -- common late  
 3 registrants --  
 4 CHAIRWOMAN MCKAMEY: Excuse me,  
 5 Representative. Is there a question here?  
 6 REPRESENTATIVE KARJALA: Yeah, no, I'm trying  
 7 to ground it. Thank you, Madam Chair.  
 8 CHAIRWOMAN MCKAMEY: Okay. Proceed.  
 9 REPRESENTATIVE KARJALA: Thank you.  
 10 Ms. Plettenberg, would you please speak to  
 11 the numbers of same-day registrants versus late  
 12 registrants, folks that are already registered who come  
 13 to the polls, and the impact that that has on you?  
 14 MS. PLETTENBERG: Representative Karjala.  
 15 Yes, so I can't -- you know I don't have numbers for  
 16 the whole state. What I can tell you is -- so in  
 17 Montana, voter -- regular -- what we call regular voter  
 18 registration closes 30 days before the election.  
 19 So after that time, what that is, what  
 20 regular registration really means is that's the last  
 21 day that you could either mail in, fax, or email -- or  
 22 basically submit a registration that's not in person.  
 23 That's the last day.  
 24 And from then on, late registration begins.  
 25 And so what this bill is proposing is rolling it back

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1 to that Friday before. In my county I can tell you  
 2 that that would have meant that about 200 people would  
 3 not have voted in Ravalli County. We would have had to  
 4 have told them no. That -- those were just new. We  
 5 actually had 171 new late registrants on the Monday and  
 6 Tuesday for this last election.  
 7 Now, if folks were already registered, they  
 8 would have had the option to go vote on Election Day at  
 9 their old polling place. That would maybe have meant a  
 10 little more travel, so -- or in some counties, maybe a  
 11 lot more travel, I guess it just depends on the size of  
 12 the county. Does that answer your question?  
 13 REPRESENTATIVE KARJALA: That's fine. Thank  
 14 you Madam -- or Madam Chair, Ms. Plettenberg.  
 15 CHAIRWOMAN MCKAMEY: Thank you,  
 16 Ms. Plettenberg.  
 17 Next is Representative Custer.  
 18 REPRESENTATIVE CUSTER: I have several, but  
 19 I'll start with Mr. Corson.  
 20 CHAIRPERSON MCKAMEY: Mr. Corson, please.  
 21 REPRESENTATIVE CUSTER: Madam Chair,  
 22 Mr. Corson, I was wondering when we -- when you give us  
 23 the list that you were going to give us for the late  
 24 registrants, could we have it from 2005 for both the  
 25 primary and the general?

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1 And if you can get it without too much  
 2 problem, the ones that are actually registered on that  
 3 Monday before the election because that would --  
 4 essentially doing this would be the amount of people  
 5 that could potentially be disenfranchised or have to go  
 6 to their old polling place or maybe be voting in the  
 7 wrong district for the wrong legislator.  
 8 That would be potentially -- by doing this  
 9 bill, that would be potentially what we're looking at  
 10 here, of people that would maybe -- wouldn't get to  
 11 vote or would be in the wrong district. Would that be  
 12 possible?  
 13 MR. CORSON: Madam Chair, Representative  
 14 Custer, yes. So the reports I've been -- we're  
 15 familiar with are, you know, those registering, you  
 16 know, the same day and previous to Election Day. And  
 17 then, of course, the clarification on new versus  
 18 precinct-to-precinct versus county-to-county moves. Do  
 19 you think that would be -- satisfy the request for you?  
 20 REPRESENTATIVE CUSTER: Mainly, Madam Chair,  
 21 Mr. Corson, I was just thinking about the same day,  
 22 separate those out. And then the -- and just the  
 23 Monday morning, not worry about if they're new or just  
 24 happened to transfer, because they're probably --  
 25 they've got an issue if they're in there, probably,

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1 right before the election, and they didn't do it 30  
 2 days before, is what I'm thinking.  
 3 But those would be -- that -- I'm just  
 4 talking about the amount of people that would be  
 5 affected on that Monday morning and then the same day  
 6 that wouldn't get to -- get you -- their issue resolved  
 7 where they're supposed to be, or they're brand new.  
 8 MR. CORSON: Madam Chair, Representative  
 9 Custer, let me work with our vendor on that and see if  
 10 we can backstep that on the same day and previous day  
 11 and then prior to those two days.  
 12 REPRESENTATIVE CUSTER: And if it's too much  
 13 work, even just a couple of elections would be good.  
 14 CHAIRPERSON MCKAMEY: The Chair, please.  
 15 REPRESENTATIVE CUSTER: Please. Thank you.  
 16 MR. CORSON: And thank you.  
 17 CHAIRPERSON MCKAMEY: Thank you, Mr. Corson.  
 18 Representative Walsh.  
 19 REPRESENTATIVE WALSH: Madam Chairman, a  
 20 question for Director Corson.  
 21 CHAIRPERSON MCKAMEY: Director Corson.  
 22 REPRESENTATIVE WALSH: Madam Chair, Director  
 23 Corson, I have a couple of questions. So the first one  
 24 would be, what's the percentage of absentee voters in  
 25 the last election? Do we know that?

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1 MR. CORSON: Madam Chair and Representative  
 2 Walsh, for the 2020 election? Madam Chair and  
 3 Representative Walsh, that's a difficult number. Most  
 4 of the counties ran -- every county ran what we call a  
 5 mail ballot election. So every voter who was active  
 6 received a ballot. It doesn't have that absentee flair  
 7 to it.  
 8 During the general election, I think there  
 9 were 11 counties who conducted what we call the polling  
 10 place election versus the mail ballot election. So the  
 11 polling place are the traditional elections that we've  
 12 seen over the years, supported by Montana law. I can  
 13 give you those numbers for those counties that  
 14 conducted the election like that.  
 15 But the other analysis that might be useful  
 16 for you, is to take a look at the absentee status for  
 17 the voters that were sent a ballot and conduct that  
 18 review that way. So like me in Yellowstone County, we  
 19 were a mail ballot election, but I'm not an absentee  
 20 voter.  
 21 So I can give you that blend of people who  
 22 did get a ballot and voted. Versus those that got a  
 23 ballot and were in the absentee status to get to that  
 24 number for you. Would that work for you?  
 25 REPRESENTATIVE WALSH: Yes.

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1 A follow-up question, Madam Chair.  
 2 CHAIRPERSON MCKAMEY: Follow-up,  
 3 Representative Walsh.  
 4 REPRESENTATIVE WALSH: Explain maybe to  
 5 myself and -- how can I tell if I'm registered to vote?  
 6 I mean, where's the public information that -- so I  
 7 know that I'm registered and those type of things?  
 8 MR. CORSON: Madam Chair and Representative  
 9 Walsh, so one of the services the Secretary of State  
 10 offers is what we call the My Voter Page. And,  
 11 hopefully, you hear about that from your county  
 12 election administrators or in some of the materials  
 13 that you get in your ballot material.  
 14 So the idea behind that is, is you come onto  
 15 the service. It's a web service. You can type in your  
 16 name, first and last, and date of birth. And it finds  
 17 you, and it says, you know, who you are, your address  
 18 that you're presently at.  
 19 If there's an election coming up, it'll talk  
 20 about whether the ballot's been issued to you or not.  
 21 It'll tell you whether you are in an absentee status or  
 22 just a regular polling place voter. If you have  
 23 submitted your ballot back, it'll tell you when the  
 24 clerk accepted the ballot back.  
 25 And if there was trouble with it, if it was

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1 rejected or accepted. And if it was rejected, the  
 2 reasons for it. And during federal elections, there,  
 3 we also show sample ballots for the voters as well so  
 4 you can see the ballot that you'll get for your  
 5 precinct and your county. We do these for all of the  
 6 even-year federal elections, both primary and general.  
 7 REPRESENTATIVE WALSH: Thank you.  
 8 CHAIRPERSON MCKAMEY: Thank you, Director  
 9 Corson.  
 10 Representative Kortum.  
 11 REPRESENTATIVE KORTUM: Thank you, Madam  
 12 Chair.  
 13 My question is for Sam Forstag.  
 14 CHAIRPERSON MCKAMEY: Mr. Forstag.  
 15 MR. FORSTAG: Pardon me, Madam Chair,  
 16 Representative -- I didn't catch who's asking the  
 17 question.  
 18 CHAIRPERSON MCKAMEY: Representative Kortum.  
 19 REPRESENTATIVE KORTUM: Madam Chair,  
 20 Mr. Forstag, we heard some concerns early on in the  
 21 hearing about the integrity of our elections. Do you  
 22 have any data, statistics, or knowledge of court cases  
 23 on voter fraud?  
 24 MR. FORSTAG: Madam Chair, Representative  
 25 Kortum, as many of you, I'm sure, are aware and have

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1 seen in the news, there has been no substantive  
 2 evidence as reviewed by courts and numerous cases just  
 3 this past election confirming any evidence of  
 4 widespread voter fraud. And from anything that has  
 5 been reviewed by courts, it does not seem to be a  
 6 substantive concern.

7 CHAIRPERSON MCKAMEY: Thank you, Mr. Kortum.  
 8 Thank you, Mr. Forstag.

9 MR. FORSTAG: Thank you.

10 CHAIRPERSON MCKAMEY: Representative Hayman.

11 REPRESENTATIVE HAYMAN: Thank you, Madam  
 12 Chair. I have a question for Ms. Plettenberg.

13 CHAIRPERSON MCKAMEY: Ms. Plettenberg,  
 14 please.

15 REPRESENTATIVE HAYMAN: Madam Chair,  
 16 Ms. Plettenberg, if voter registration is closed at  
 17 5 p.m. on Friday, will clerks need to work through the  
 18 weekend to process these voters' registration in time  
 19 for the following week? Or will people who register to  
 20 vote on that Friday be casting provisional ballots?

21 MS. PLETTENBERG: Madam Chair, Representative  
 22 Hayman, no. Well, yeah, I mean, we usually work the  
 23 weekend before the election. And normally, what we're  
 24 doing that weekend is printing precinct registers.  
 25 The Friday before -- the only day that if you

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1 cast a ballot, you know, with the late registration  
 2 process that you have to vote it -- that you may have  
 3 cast it provisionally is Election Day because we  
 4 already have those registers and the supplements  
 5 printed.

6 And so a voter could be in the register,  
 7 like, maybe out here at one of my Precinct 5, but  
 8 they've moved to Precinct 3. So if they come and late  
 9 register on election day, I still have them in the  
 10 register at Precinct 5.

11 And so to ensure that they don't get to vote  
 12 twice, we have them cast a provisional ballot when they  
 13 late register until we can confirm that they did not  
 14 vote in their old precinct at the polling place.

15 REPRESENTATIVE HAYMAN: Thank you.

16 CHAIRPERSON MCKAMEY: Thank you,  
 17 Ms. Plettenberg, Representative Hayman.

18 Further questions from the committee?  
 19 Representative -- oh, excuse me. I'm sorry.  
 20 I thought you were pointing to somebody else. I'm very  
 21 sorry, my error. Representative Weatherwax.

22 REPRESENTATIVE WEATHERWAX: Thank you, Madam  
 23 Chair. Nice to be visible again.

24 My question is for Mr. Corson.

25 CHAIRPERSON MCKAMEY: Director Corson,

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1 please.

2 REPRESENTATIVE WEATHERWAX: Madam Chair,  
 3 Mr. Corson, I have a question for these -- I guess the  
 4 question is for 18-year-olds -- 17-year-olds, I mean.  
 5 I just saw in here it says 30 days before election.  
 6 Okay. No matter what area, no matter what county, no  
 7 matter where you are in the state of Montana, every  
 8 18-year-old -- not every 18-year-old, most 18-year-olds  
 9 are excited to be able to vote.

10 So in that 30 days, if they're not 18 before  
 11 that 30 days, they lose that milestone, I guess. And I  
 12 mean, I'm not talking just about tribal communities.  
 13 I'm talking about every community in the state. And we  
 14 say that all votes matter, and in 30 days, how many  
 15 18-year olds -- how many 17-year-olds are going to turn  
 16 18 and be able to vote? So can you address that?

17 MR. CORSON: Yes, Madam Chair and  
 18 Representative Weatherwax, so the -- we see  
 19 registrations in the voter system for people younger  
 20 than 18 years old. And, you know, some of that comes  
 21 from your driver's license. Some of it comes just from  
 22 the voter-initiated activity to the election office to  
 23 get registered in time. It's a proactive thing.

24 So the trick on the law is, and the law isn't  
 25 100 percent explicitly clear, but the idea is the

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1 ballot for the voter wouldn't count until he's 18. So  
 2 the clerks have a variety of processes. We talked  
 3 about his last week with one of the technical  
 4 committees for our -- with our clerks, the METAC  
 5 (phonetic) Committee.

6 And we can -- the opportunity exists for  
 7 people to do that. The clerks will typically hold that  
 8 ballot until they turn the age of majority, 18, and  
 9 then allow that ballot to be counted. So there's a  
 10 process for it now. I think you'll see some  
 11 standardization in process come out across the counties  
 12 to make it more uniform.

13 REPRESENTATIVE WEATHERWAX: Thank you.

14 CHAIRPERSON MCKAMEY: Thank you, Mr. Corson.

15 And my apologies, again, Vice-Chair  
 16 Weatherwax. I thought you were trying to draw my  
 17 attention elsewhere.

18 And the next question from the committee will  
 19 be Representative Bertoglio.

20 REPRESENTATIVE BERTOGLIO: Madam Chair, this  
 21 is for Director Corson.

22 CHAIRPERSON MCKAMEY: Director Corson,  
 23 please.

24 REPRESENTATIVE BERTOGLIO: Thank you for  
 25 taking so many questions. So I registered a long, long

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1 time ago when I got --  
 2 CHAIRPERSON MCKAMEY: Excuse me.  
 3 REPRESENTATIVE BERTOGLIO: So Madam Chair --  
 4 CHAIRPERSON MCKAMEY: Thank you.  
 5 REPRESENTATIVE BERTOGLIO: -- Director  
 6 Corson, so can you talk about the process for absentee  
 7 -- being an absentee voter getting an absentee ballot?  
 8 Because I was in the military, I've always done  
 9 absentee voting, getting that absentee ballot.  
 10 Would this address the traveling time for  
 11 those people that work long hours, and they can't go  
 12 somewhere twice? Would that be an answer? What is the  
 13 process to qualify for an absentee voter registration?  
 14 MR. CORSON: Madam Chair and Representative  
 15 Bertoglio --  
 16 REPRESENTATIVE BERTOGLIO: Bertoglio, thank  
 17 you.  
 18 MR. CORSON: Bertoglio, excuse me. So for  
 19 absentee voters, first of all, you need to become  
 20 registered, which you are. And then, you could make an  
 21 application to the Election Office to be an absentee  
 22 voter, to obtain that absentee status. And it's a  
 23 pretty convenient process. And you can even get it  
 24 narrowed for specifics of time.  
 25 So if you're a sunbird person and you're

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1 going to be gone from November 1st to February 28th,  
 2 you can declare those times, and your ballot will  
 3 arrive to you at your remote location. Outside of  
 4 those time frames, it'll come to your present mailing  
 5 address.  
 6 So in terms of how this bill affects an  
 7 absentee voter, I don't see that because those absentee  
 8 ballots will be mailed out shortly after the close of  
 9 regular registration, or the start of late registration  
 10 anyway. So I don't see it as an impact to those  
 11 people. This bill would only impact people who are new  
 12 registrants, you know, new faces to the system. And  
 13 affect the ability to register up until that 5 o'clock  
 14 on Friday.  
 15 Most Montanans are aware of all the  
 16 deadlines. If you're a hunter or angler or things like  
 17 that, you're aware of specific dates in fish and  
 18 wildlife law. Voters are vulnerable for that too. I  
 19 think our office would be proactive in messaging to the  
 20 voting community in Montana about any changes when this  
 21 bill becomes passed.  
 22 REPRESENTATIVE BERTOGLIO: Madam Chair,  
 23 thank you.  
 24 CHAIRPERSON MCKAMEY: Thank you, Director  
 25 Corson.

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1 Representative Karjala.  
 2 REPRESENTATIVE KARJALA: Thank you, Madam  
 3 Chair. Representative Running Wolf had a question, and  
 4 his hand raise function on his Zoom isn't working  
 5 today.  
 6 CHAIRPERSON MCKAMEY: Oh, okay. Thank you.  
 7 Representative Running Wolf.  
 8 REPRESENTATIVE RUNNING WOLF: Thank you,  
 9 Madam Chair.  
 10 And thank you, Representative Karjala, for  
 11 picking up -- backing me up by trying to get the  
 12 question out there.  
 13 Ms. Chair, I have a question for -- I think  
 14 his name's Doug Ellis.  
 15 CHAIRPERSON MCKAMEY: Ellis, I believe.  
 16 REPRESENTATIVE RUNNING WOLF: Okay. Ellis.  
 17 CHAIRPERSON MCKAMEY: Mr. Ellis, please.  
 18 REPRESENTATIVE RUNNING WOLF: Yes.  
 19 CHAIRPERSON MCKAMEY: Mr. Ellis, are you  
 20 available?  
 21 He is outside the room right now,  
 22 Representative Running Wolf. We are trying to summon  
 23 him to the room.  
 24 REPRESENTATIVE RUNNING WOLF: Well, Madam  
 25 Chair, I think I can ask Ms. Plettenberg the question,

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1 then.  
 2 CHAIRPERSON MCKAMEY: Ms. Plettenberg,  
 3 please.  
 4 Oh, Mr. Ellis is here, Representative Running  
 5 Wolf.  
 6 REPRESENTATIVE RUNNING WOLF: Thanks, Madam  
 7 Chair.  
 8 CHAIRPERSON MCKAMEY: On Zoom, Mr. Ellis,  
 9 welcome to the podium.  
 10 MR. ELLIS: Thank you.  
 11 CHAIRPERSON MCKAMEY: Representative Running  
 12 Wolf.  
 13 REPRESENTATIVE RUNNING WOLF: Madam Chair,  
 14 Mr. Ellis -- excuse me. Can you give me a rundown of  
 15 how your day starts on Election Day? Well, I would say  
 16 a couple of days up to the Election Day and the day  
 17 after. Can you -- I think you kind of told us a little  
 18 bit, but can you explain it in more detail?  
 19 MR. ELLIS: Madam Chair and Representative  
 20 Running Wolf, a couple of days before the election, my  
 21 day will start opening the office, doing motor  
 22 vehicles, doing filing for clerk and recording, doing  
 23 various jobs that we have to do from day-to-day.  
 24 We will have people who drop ballots off in  
 25 our office. We will take those ballots and enter them

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1 into the Montana Votes System and check the signatures  
 2 as we have time. And register anyone that comes in to  
 3 vote. I'm not sure how much detail you want.  
 4 It's -- we do four different jobs in my  
 5 office. So we have motor vehicles, we have driver's  
 6 licenses, we have clerk and recording, and we have  
 7 election administrating. I do superintendent of  
 8 schools so whatever comes across my desk is what I do.  
 9 As far as the elections, a couple of days  
 10 before the election, we really are busy inputting the  
 11 ballots into Montana Votes and putting late registrants  
 12 into Montana Votes and checking their signatures. We  
 13 also have registration cards that are sent in by mail.  
 14 We have registration cards that come in online. We  
 15 have registration cards that come in through the  
 16 driver's license system. So we have to input those  
 17 into Montana Votes. Does that answer your question?  
 18 REPRESENTATIVE RUNNING WOLF: Follow-up,  
 19 Madam Chair.  
 20 CHAIRPERSON MCKAMEY: Follow-up,  
 21 Representative Running Wolf.  
 22 REPRESENTATIVE RUNNING WOLF: So is them days  
 23 usually like a 9 to 5 or does it -- and just on the  
 24 election, is it during that time and the time frame  
 25 from that Friday to say that Wednesday, is it 9 to 5

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1 days? Or is it longer days? Or how many --  
 2 MR. ELLIS: No. They're longer --  
 3 REPRESENTATIVE RUNNING WOLF:  
 4 (Indiscernible).  
 5 CHAIRPERSON MCKAMEY: Excuse me, to the  
 6 Chair, please.  
 7 MR. ELLIS: I'm sorry. Representative  
 8 Running Wolf and Madam Chair, I think the presidential  
 9 election this year, for 2020, it would be the Friday  
 10 before the election; my day started at seven o'clock.  
 11 I just went in an hour early, started putting ballots  
 12 in the computer and checking signatures.  
 13 I worked through my lunch. I worked until  
 14 seven o'clock that night having a training, so I could  
 15 get election judges to keep my polls open. I finally  
 16 got home at about 7:30. I took about three phone calls  
 17 while I was at home about -- regarding elections. We  
 18 did not work Saturday or Sunday. We kind of rested up  
 19 for the Monday that was to come.  
 20 And on Monday, we started at 8 o'clock and  
 21 worked until about 8 o'clock that evening to count  
 22 ballots -- not count ballots the way you think but  
 23 count the ballots that come in, enter them into a poll  
 24 book, and verify the signatures. When I say count  
 25 ballots, what I mean is we are -- we separate our

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1 ballots in packages of 25; it just kind of helps us  
 2 keep a little more organized.  
 3 Once they're in 25, batches of 25, we check  
 4 their signatures and make sure the signature matches.  
 5 If the signatures don't match, then we try to contact  
 6 the voter. If we have a current phone number, we'll  
 7 call them, email them, whatever way that we can contact  
 8 the voter.  
 9 That's another reason for registering to  
 10 vote. I don't know if people realize how important  
 11 that registration is. If you change your phone number,  
 12 it would be a good idea to re-register to vote, so the  
 13 election administrator has a current number in case  
 14 there's a problem with your ballot.  
 15 You know, we hand out voter registration. I  
 16 heard a few questions about out-of-state people wanting  
 17 to register to vote, people who've moved in from out-  
 18 of-state. When we do their motor vehicle, we ask them  
 19 if they're registered to vote, and at that time, we'll  
 20 hand them a voter registration card that they can fill  
 21 out right then and hand back to us or mail back in at  
 22 their own convenience.  
 23 And Tuesday, the day of the election, like I  
 24 stated before, my day started at five o'clock, getting  
 25 the voting equipment ready. We have to do an Election

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1 Day test on a certain amount of our machines to make  
 2 sure the machines are still reading the ballots  
 3 correctly, load the ballots, load the machines and the  
 4 ballots up and take them to the polling places. Set up  
 5 the polling place, swear in the election judges. We  
 6 worked until, I think, it was almost midnight on  
 7 Election Day.  
 8 Our last voter came in to register at 7:58  
 9 p.m. That's about the time when all the ballots are  
 10 coming in from the polls, and you're trying to count  
 11 the ballot, count the actual votes on the ballots, and  
 12 see who won the election. It's a little late in the  
 13 last few elections because we're still registering  
 14 voters and handing out a ballot and waiting for them to  
 15 vote.  
 16 If they're in the office by eight o'clock on  
 17 Election Day, they still get to register and vote even  
 18 though we're trying to count the ballots and get the  
 19 numbers to the state so the candidates can know who won  
 20 the election.  
 21 REPRESENTATIVE RUNNING WOLF: Madam Chair.  
 22 CHAIRPERSON MCKAMEY: Representative Running  
 23 Wolf.  
 24 REPRESENTATIVE RUNNING WOLF: Can I have one  
 25 more follow-up?

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1 CHAIRPERSON MCKAMEY: A follow-up?  
 2 REPRESENTATIVE RUNNING WOLF: And that will  
 3 be it.  
 4 CHAIRPERSON MCKAMEY: Thank you.  
 5 A follow-up for Representative Running Wolf.  
 6 REPRESENTATIVE RUNNING WOLF: Miss -- Madam  
 7 Chair, Mr. Ellis, thank you for your service of what  
 8 you do for the elections. It's a lot of hard work, it  
 9 sounds like. But back again to the questions I'm  
 10 asking. This doesn't last for the whole entire year of  
 11 your job, as during the elections it happens every two  
 12 years, and it sounds like you put in a lot of work.  
 13 But that ain't how your day goes every day throughout  
 14 your work session, is it?  
 15 MR. ELLIS: No. The -- no, you're correct,  
 16 Madam Chair and Representative Running Wolf, the  
 17 elections don't last the entire year. However, we do  
 18 have people that register throughout the year. I  
 19 believe this year for my report to the Secretary of  
 20 State, I think, I just sent the last one in about three  
 21 weeks ago for the presidential election.  
 22 But, no, my typical day throughout the year  
 23 starts at 8 and usually ends at 5. And, like I said,  
 24 we do motor vehicle, we do driver's licenses, we do  
 25 clerk and recording, we do -- I take care of the home

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1 school people in my county. We do the commissioner  
 2 minutes.  
 3 We -- just the various things that come in  
 4 but elections, even though there's not an election  
 5 every year, on the off years, you have what is called  
 6 an NVRA process where you're checking the voters and  
 7 making sure that they're -- if they're not registered,  
 8 you send them -- if they've fallen off and become a  
 9 voter that's in the -- I can't think of the terminology  
 10 right now if they're -- if they've fallen off to where  
 11 they're not registered, we send them a letter letting  
 12 them know that their registration has lapsed and ask  
 13 them to re-register. And give them a chance to sign up  
 14 for an absentee ballot at the same time.  
 15 There's various things throughout the year  
 16 you can do for an election to keep things running  
 17 smoothly. That's one of the problems with getting  
 18 election judges and getting help for elections. It's  
 19 not every day of the year. So when election day comes,  
 20 and you're trying to run an election and register  
 21 voters, the extra help that you need is hard to come by  
 22 because, as you said, it's not a daily thing.  
 23 There's not a lot of people that want a job  
 24 for one week or two weeks. It's hard to find people  
 25 that will come in and just fill in. It's hard to find

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1 trained people that will come and fill in to do things  
 2 with elections. They have to be trained for -- to be  
 3 an election judge. It takes two hours each year. So,  
 4 yeah, it just makes the job a little bit more difficult  
 5 to find the help you need on the -- at the crunch time  
 6 when you really need it.  
 7 REPRESENTATIVE RUNNING WOLF: Thank you,  
 8 Madam Chair.  
 9 CHAIRPERSON MCKAMEY: And thank you,  
 10 Mr. Ellis.  
 11 And thank you, Representative Running Wolf.  
 12 Representative Karjala, please.  
 13 And then we have some of the committee  
 14 on-site too.  
 15 REPRESENTATIVE KARJALA: Thank you, Madam  
 16 Chair. My question is for Ms. Plettenberg.  
 17 CHAIRPERSON MCKAMEY: Ms. Plettenberg.  
 18 MS. PLETTENBERG: Madam Chair and  
 19 Representative Karjala.  
 20 REPRESENTATIVE KARJALA: Thank you, Madam  
 21 Chair and Ms. Plettenberg. I think we just heard  
 22 someone say that this bill will only impact folks new  
 23 to the system. I think that was how they put it.  
 24 In the event that would create some confusion  
 25 about how this bill would work, would you please

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1 describe to us the types of voters who utilize Election  
 2 Day registration please? Or the reasons that they  
 3 would, I guess, would be a better way to ask it.  
 4 MS. PLETTENBERG: Yes, Madam Chair and  
 5 Representative Karjala, so what we see is there's  
 6 usually about three types of voters. There is, of  
 7 course, those that are new to the state and to your  
 8 county. And then there are those that are just new to  
 9 your county that maybe they're moving from -- we get it  
 10 a lot here in my county between Ravalli and Missoula.  
 11 There's a lot of moves that way.  
 12 And I think that Director Corson was kind of  
 13 explaining that the system, when we're registering  
 14 them, the system does, like, almost automatically it  
 15 verifies their driver's license or those last four of  
 16 the Social Security. But it's also looking to see if  
 17 they have a ballot out in that prior county.  
 18 So we're doing that. So what we have to do  
 19 is void that ballot if they have -- of course, if it's  
 20 been accepted, then we won't let them vote in our  
 21 county for this election. But if it's not been  
 22 accepted in the prior county, we'll get it voided, and  
 23 then we can get them registered and issue them a ballot  
 24 in the correct, you know, in their correct county.  
 25 The same thing for a precinct, what we call



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1 precinct-to-precinct changes, which is what I was  
 2 describing earlier, if somebody moves from one area of  
 3 my county to another, they'll come in. And a lot of  
 4 times, people want to do that because maybe there is --  
 5 we see it a lot, especially if there's, like, a levy on  
 6 the ballot or a school district issue and they were  
 7 registered in a previous school district.

8 Now, they've moved, but they didn't get  
 9 updated, and they want to vote on that school district  
 10 bond or whatever. They'll come in and do that  
 11 precinct-to-precinct change rather than voting in that  
 12 prior precinct.

13 REPRESENTATIVE KARJALA: Madam Chair and  
 14 Ms. Plettenberg, thank you so much.

15 CHAIRPERSON MCKAMEY: Thank you,  
 16 Ms. Plettenberg and Representative.

17 Questions, again, from the committee.  
 18 And cite Representative Custer, please.

19 REPRESENTATIVE CUSTER: Madam Chair for  
 20 Ms. Beveridge.

21 CHAIRPERSON MCKAMEY: Ms. Beveridge. We'll  
 22 wait for Ms. Beveridge to enter the room.

23 MS. BEVERIDGE: Madam Chair, members of the  
 24 committee.

25 REPRESENTATIVE CUSTER: Thank you, Madam

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1 Chair, Ms. Beveridge. And thank you for being a poll  
 2 worker trainer. And you mentioned in your testimony  
 3 that there was chaos. I was wondering, were you at a  
 4 polling place, or were you, if it was this past  
 5 election, were you working at a polling place where you  
 6 mentioned chaos? Or was -- were you at the, maybe, at  
 7 the county courthouse because it was a mail ballot and  
 8 you saw the line? I was just trying to clarify that.

9 MS. BEVERIDGE: Chairman and Representative  
 10 Custer.

11 REPRESENTATIVE CUSTER: Uh-huh.

12 MS. BEVERIDGE: We didn't do the poll-  
 13 watching this election. This was in past elections  
 14 that I had trained poll-watchers. And they were out in  
 15 ten different counties. So and it -- and when they  
 16 were done, they sent me all of their observations.  
 17 They noted everything that they had seen.

18 And we saw things like, I don't know if I  
 19 could describe them as poll-watchers, but they were  
 20 people that were at the counties that were talking to  
 21 voters when they were coming in, asking them if they  
 22 had been registered before or if they'd voted before.  
 23 And then they were making phone calls and doing  
 24 something with the person, and we couldn't determine  
 25 what that was.

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1 And there was just a lot of chaos. There was  
 2 a lot of people there running around. It was just  
 3 difficult to tell exactly what was going on and  
 4 especially since it went so late into the night. We  
 5 had people that were stalked and followed in cars that  
 6 -- because they dared to ask a question about things.  
 7 So there was just a lot of -- the only way I can  
 8 describe it is chaos going on and not really knowing.  
 9 It was just difficult, even from watching, to figure  
 10 out what was going on.

11 And it would seem that on Election Day,  
 12 people -- you go to the regular polls where they're not  
 13 doing same-day registration, and it's in very orderly  
 14 fashion, people go in, vote, they leave. And this is  
 15 not what we observed. And it had to do with the  
 16 same-day registration and the lines. The people that  
 17 were there that were just doing odd things. So that's  
 18 pretty much all I can really describe what we saw.

19 REPRESENTATIVE CUSTER: Follow-up?  
 20 CHAIRPERSON MCKAMEY: Follow-up for  
 21 Representative Custer.

22 REPRESENTATIVE CUSTER: That was my point for  
 23 clarification is this wasn't happening at a polling  
 24 place. This was happening in the lines at the county  
 25 courthouse or wherever the election office was where

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1 they could register on Election Day. People were  
 2 working the line, is what you're saying.

3 MS. BEVERIDGE: Absolutely.

4 REPRESENTATIVE CUSTER: Working the line.  
 5 Okay. Thank you.

6 MS. BEVERIDGE: I'm sorry I didn't clarify  
 7 that.

8 REPRESENTATIVE CUSTER: I just needed to know  
 9 that because I was thinking if it was at the polling  
 10 place, they don't register at the polling place.

11 MS. BEVERIDGE: No.

12 REPRESENTATIVE CUSTER: So I was just trying  
 13 to clarify that, and I thought possibly --

14 CHAIRPERSON MCKAMEY: Excuse me.

15 REPRESENTATIVE CUSTER: Madam Chair.

16 CHAIRPERSON MCKAMEY: Madam Chair, please.

17 REPRESENTATIVE CUSTER: Madam Chair, and I  
 18 thought maybe you were referring to, sometimes there's  
 19 an exit poll at the polling place, so I wanted to just  
 20 clarify that. Thank you.

21 MS. BEVERIDGE: Is that it?

22 CHAIRPERSON MCKAMEY: Thank you, Ms.  
 23 Beveridge, Representative Custer.

24 Further questions?  
 25 Representative Putnam, please. Oh, excuse

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1 me.

2 Representative Whitman, did you have a

3 question before that?

4 REPRESENTATIVE WHITMAN: That's okay.

5 CHAIRPERSON MCKAMEY: No. Excuse me. No.

6 REPRESENTATIVE WHITMAN: I'll take it next.

7 CHAIRPERSON MCKAMEY: Representative Whitman,

8 please.

9 REPRESENTATIVE WHITMAN: Thank you. Madam

10 Chair, this would be for the representative from

11 MontPIRG, please.

12 CHAIRPERSON MCKAMEY: Representative from?

13 REPRESENTATIVE WHITMAN: From MontPIRG.

14 CHAIRPERSON MCKAMEY: Okay. Thank you.

15 MS. STUTZER: Madam Chair, Representative

16 Whitman.

17 REPRESENTATIVE WHITMAN: Madam Chair,

18 director from MontPIRG?

19 MS. STUTZER: No. Just a lobbyist.

20 REPRESENTATIVE WHITMAN: Okay. This question

21 is kind of regarding the university and college student

22 that you've referred to. You indicated that a lot of

23 them are impacted by not being able to register because

24 they move around a lot, and they get distracted, and

25 things don't happen, correct?

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1 MS. STUTZER: Sure. Yeah.

2 REPRESENTATIVE WHITMAN: Okay. So with that

3 in mind and you had indicated that you move, generally,

4 yearly. How many times during that time did you forget

5 to register for your classes at the university?

6 MS. STUTZER: For my classes --

7 REPRESENTATIVE WHITMAN: Uh-huh.

8 MS. STUTZER: -- at the university?

9 REPRESENTATIVE WHITMAN: Uh-huh.

10 MS. STUTZER: I didn't forget to register for

11 my classes.

12 REPRESENTATIVE WHITMAN: Okay. And what

13 would happen to the students if they forgot to register

14 for their classes?

15 MS. STUTZER: Well, they could still

16 register, but they'd have to go through an additional

17 process to get into those classes.

18 REPRESENTATIVE WHITMAN: And they don't

19 attend the class --

20 CHAIRPERSON MCKAMEY: Excuse me.

21 REPRESENTATIVE WHITMAN: -- the same day they

22 register --

23 CHAIRPERSON MCKAMEY: Excuse me.

24 REPRESENTATIVE WHITMAN: -- correct?

25 CHAIRPERSON MCKAMEY: The proper way is to

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1 request --

2 REPRESENTATIVE WHITMAN: Oh. I'm sorry.

3 CHAIRPERSON MCKAMEY: -- a follow-up. Thank

4 you.

5 REPRESENTATIVE WHITMAN: I'm sorry. Yes.

6 Follow-up, Madam Chair.

7 CHAIRPERSON MCKAMEY: Follow-up,

8 Representative.

9 REPRESENTATIVE WHITMAN: So they don't

10 register the same day -- if they forget to register,

11 they don't register and attend class the same day. Is

12 that correct?

13 MS. STUTZER: Madam Chair, Representative

14 Whitman, the universities have different policies.

15 When I was an instructor at the university, students

16 can attend classes even if they forget to register.

17 The university tries to, you know, not punish students

18 for missing a deadline, from my experience.

19 REPRESENTATIVE WHITMAN: Okay. Thank you.

20 CHAIRPERSON MCKAMEY: Thank you.

21 MS. STUTZER: Thank you.

22 CHAIRPERSON MCKAMEY: Representative Putnam,

23 questions?

24 REPRESENTATIVE PUTNAM: Madam Chair, this is

25 for Director Corson.

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1 CHAIRPERSON MCKAMEY: Director Corson.

2 MR. CORSON: Madam Chair, Representative

3 Putnam.

4 REPRESENTATIVE PUTNAM: Madam Chair, Director

5 Corson, my question is if you do move from one precinct

6 or one district to another, is it okay to -- is it

7 legal to vote in your former district and not your

8 current district?

9 MR. CORSON: Representative -- Madam Chair

10 and Representative Putnam, my understanding is yes on

11 those precinct-to-precinct, the voter's got a choice to

12 make in that they can vote in their prior or register

13 new to -- or change their designation to the next

14 precinct within the county.

15 REPRESENTATIVE PUTNAM: Thank you.

16 CHAIRPERSON MCKAMEY: Thank you, Director.

17 Representative Custer.

18 REPRESENTATIVE CUSTER: Madam Chair, for

19 Mr. Corson while he's up there if he would.

20 CHAIRPERSON MCKAMEY: Mr. Corson, please.

21 MR. CORSON: Madam Chair and Representative

22 Custer.

23 REPRESENTATIVE CUSTER: Madam Chair and

24 Mr. Corson, when you go to your directors' meetings

25 with all the Secretary of States, how many states

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1 currently have late voter registration of all the 50?  
 2 MR. CORSON: Madam Chair and Representative  
 3 Custer, I've got that on the computer. I think it was  
 4 17 states. I can check my list again that did do the  
 5 same-day registration. The others are some variety of  
 6 prior to the day of election.  
 7 REPRESENTATIVE CUSTER: Thank you.  
 8 CHAIRPERSON MCKAMEY: Thank you, Mr. Corson.  
 9 Further questions?  
 10 Representative Hill.  
 11 REPRESENTATIVE HILL: Madam Chair, a question  
 12 for Ms. Plettenberg.  
 13 CHAIRPERSON MCKAMEY: Ms. Plettenberg,  
 14 please.  
 15 MS. PLETTENBERG: All right. Madam Chair,  
 16 Representative.  
 17 REPRESENTATIVE HILL: Ms. Plettenberg,  
 18 previously you'd talked about in the normal -- excuse  
 19 me, the regular 30-day registration you talked about  
 20 the ways to register. And the three ways you had  
 21 mentioned were mail-in, fax, and email. Is that  
 22 correct?  
 23 MS. PLETTENBERG: Correct. That's up until  
 24 the regular registration deadline.  
 25 I'm sorry, Madam Chair and Representative,

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1 yes. Up until that 30-day, you have those other  
 2 options. Once that 30-day has passed, it's just in  
 3 person.  
 4 REPRESENTATIVE HILL: Madam Chair --  
 5 MS. PLETTENBERG: We don't have online in  
 6 Montana.  
 7 REPRESENTATIVE HILL: Madam Chair, follow-up.  
 8 CHAIRPERSON MCKAMEY: Follow-up for  
 9 Representative Hill.  
 10 REPRESENTATIVE HILL: So Ms. Plettenberg, the  
 11 advantage of the registration, 30-day that I see, and  
 12 correct me if I'm wrong, would this help to eliminate  
 13 errors and mistakes?  
 14 MS. PLETTENBERG: I -- as has been talked  
 15 about, there is a lot going on in our offices on that  
 16 Monday and Tuesday before the election and the Tuesday  
 17 of the election. However, I do think that -- I don't  
 18 think we've had errors, but, you know, I do understand  
 19 what, you know, my colleague is saying, you know, that  
 20 there is -- there's a lot that we're juggling on that  
 21 day.  
 22 And I think that is the concern, but I also  
 23 understand the other concern, which is there's a lot of  
 24 people that do show up on those days. And I worked  
 25 elections before late registration went into effect,

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1 and, you know, you also have to tell people they can't  
 2 vote. So you know, there is two sides to this, and  
 3 those are just the things to be aware of.  
 4 Because we are going to then have to deal --  
 5 you know, have to address those folks that, and like I  
 6 was saying, in my county, that would be about 200  
 7 people that I would have to tell they couldn't vote on  
 8 Election Day, so just for the committee to be aware.  
 9 REPRESENTATIVE HILL: Madam Chair,  
 10 Ms. Plettenberg, thank you.  
 11 CHAIRPERSON MCKAMEY: Thank you,  
 12 Ms. Plettenberg.  
 13 Further questions from the committee?  
 14 Representative Custer.  
 15 REPRESENTATIVE CUSTER: Madam Chair, for  
 16 Ms. Plettenberg.  
 17 CHAIRPERSON MCKAMEY: Ms. Plettenberg,  
 18 please.  
 19 REPRESENTATIVE CUSTER: Madam Chair,  
 20 Ms. Plettenberg, in response to his question, I'm  
 21 thinking, maybe to clarify, could you tell him how the  
 22 cards are vetted, whether the 30 days before or on --  
 23 between 30 days and the Election Day or on Election Day  
 24 that all cards as are entered are vetted? And how  
 25 they're verified, and maybe that would alleviate his

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1 question, maybe.  
 2 MS. PLETTENBERG: Madam Chair, Representative  
 3 Custer, of course. Yes. So just like any cards that  
 4 we get up to the close of registration, any that come  
 5 in person, we're also doing that. All the same checks  
 6 and balances are going to be done for any registrants  
 7 that we do.  
 8 And, of course, you know, as was -- as  
 9 someone said before ballots go out, you know, in that  
 10 late registration period, 25 days before the election.  
 11 And so we're also verifying that you know, we're not  
 12 letting, you know, an accepted ballot -- once it's been  
 13 accepted whether it's in our county or a prior county  
 14 that, you know, we're not letting someone vote twice.  
 15 So all of those same checks are in place.  
 16 Is that what you were wondering,  
 17 Representative Custer?  
 18 REPRESENTATIVE CUSTER: Follow-up.  
 19 CHAIRPERSON MCKAMEY: Follow-up for  
 20 Representative Custer.  
 21 REPRESENTATIVE CUSTER: Madam Chair,  
 22 Ms. Plettenberg, what I was really getting at is when  
 23 we get a registered voter in the -- either the Montana  
 24 driver's license or Social Security number, I was going  
 25 to have you tell him how that's run against something

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1 to make sure they're a citizen.  
 2 MS. PLETTENBERG: Absolutely. Madam Chair,  
 3 Representative Custer, what the system -- the Montana  
 4 Votes System, our current system is doing -- it's  
 5 running, if we enter a driver's license or a state ID  
 6 it's running against the DOJ system to make sure that  
 7 we verify that with the voter's name and the date of  
 8 birth.  
 9 If it's the last four of the Social Security,  
 10 we're running that against the Social Security system,  
 11 again, to make sure that that information is verified.  
 12 And if it is, they are registered, and we give them a  
 13 ballot. If it is not, then they are what we consider  
 14 provisionally registered.  
 15 And I know that kind of gets people confused  
 16 with the provisional ballot. But it just means we  
 17 didn't get the ID. So when we send the ballot, we will  
 18 also send a card to get that information. And if we do  
 19 get it back, we can verify it and count the voter's  
 20 ballot. If we do not get it back, then we cannot count  
 21 that ballot. We must verify that information first.  
 22 REPRESENTATIVE CUSTER: Thank you. Could I  
 23 have one more follow-up?  
 24 CHAIRPERSON MCKAMEY: Follow-up for  
 25 Representative Custer.

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1 REPRESENTATIVE CUSTER: Sorry. Madam Chair  
 2 and Ms. Plettenberg, do you have the bill in front of  
 3 you?  
 4 MS. PLETTENBERG: I do not.  
 5 REPRESENTATIVE CUSTER: Okay. Then I will  
 6 ask someone else this question. Thank you.  
 7 CHAIRPERSON MCKAMEY: Representative Custer,  
 8 did you have a question for someone else?  
 9 REPRESENTATIVE CUSTER: Maybe for Director  
 10 Corson, then.  
 11 CHAIRPERSON MCKAMEY: Director Corson,  
 12 please.  
 13 REPRESENTATIVE CUSTER: Do you -- does he  
 14 have the ballot? Or the -- not the ballot, the bill?  
 15 CHAIRPERSON MCKAMEY: Yes.  
 16 Director Corson, do you have the bill in  
 17 front of you?  
 18 MR. CORSON: Madam Chair and Representative  
 19 Custer, let me pull it up on the computer. I just need  
 20 a few seconds here.  
 21 CHAIRPERSON MCKAMEY: Representative  
 22 Bertoglio can certainly hand it to you.  
 23 MR. CORSON: Oh, thank you.  
 24 CHAIRPERSON MCKAMEY: Thank you,  
 25 Representative Bertoglio.

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1 REPRESENTATIVE CUSTER: Madam Chair, Director  
 2 Corson, on Page 4, Lines 22 to 23, read that.  
 3 MR. CORSON: So Madam Chair and  
 4 Representative Custer, Page 4, Line 22, for an elector  
 5 who registers pursuant to 13-2-304 must receive the  
 6 ballot and vote it at the election administrator's  
 7 office.  
 8 REPRESENTATIVE CUSTER: Madam Chair and  
 9 Director Corson, I thought they could take the ballot  
 10 home during the early period and then just as long as  
 11 they get it back.  
 12 MR. CORSON: And Madam Chair and  
 13 Representative Custer, so the strikeout language on  
 14 that -- let me read what at present day it would be.  
 15 An elector who registers pursuant to 13-2-304 on  
 16 Election Day or on the day before Election Day must  
 17 receive the ballot and vote it at the election  
 18 administrator's office.  
 19 So this one here would be -- by having them  
 20 vote it in hand because of the complications of the  
 21 mail, which can sometimes take up to seven days. This  
 22 would help assure voters -- make sure that ballot gets  
 23 counted and did not arrive late or too late at the  
 24 election's office.  
 25 REPRESENTATIVE CUSTER: Follow-up.

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1 CHAIRPERSON MCKAMEY: Follow-up for  
 2 Representative Custer.  
 3 REPRESENTATIVE CUSTER: Madam Chair and  
 4 Director Corson, currently, when it's late registration  
 5 from the 30 days until say -- no matter what day the  
 6 close of registration is, they can take the ballot home  
 7 as long as they can get it back before Election Day.  
 8 That's current practice.  
 9 So that's what I'm thinking this -- the way  
 10 the language is struck out here that's making this very  
 11 confusing, right? Am I right? I mean, I don't know.  
 12 It's just to me -- I don't think this is worded right.  
 13 So we need to look at it.  
 14 MR. CORSON: Certainly, yeah, so it is a  
 15 change there, and it does have some meaning.  
 16 REPRESENTATIVE CUSTER: Because to me it  
 17 means that anyone that registers within that -- in what  
 18 was considered the late period, would have to vote  
 19 right there, which, you know, with mail it makes sense.  
 20 But that's not been the past practice because that's  
 21 almost three weeks, if you see what I'm saying.  
 22 MR. CORSON: Madam Chair and Representative  
 23 Custer, yeah, it just is dependent when that person  
 24 arrives at the office, whatever that set of  
 25 circumstances would be.

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1 REPRESENTATIVE CUSTER: Okay. Thank you.  
 2 CHAIRPERSON MCKAMEY: Any further questions  
 3 from the committee?  
 4 Representative Hill.  
 5 REPRESENTATIVE HILL: Madam Chair, I have a  
 6 question for the sponsor.  
 7 CHAIRPERSON MCKAMEY: A question for the  
 8 sponsor. Representative Greef, please.  
 9 REPRESENTATIVE GREEF: I'm sitting back there  
 10 sleeping. Forgive me.  
 11 Representative Hill.  
 12 REPRESENTATIVE HILL: Madam Chair and  
 13 Representative Greef, my question is in reference to  
 14 your opening statement. You had mentioned that Montana  
 15 is 1 of 11 states that still allow same-day  
 16 registration as voting. Is that correct?  
 17 REPRESENTATIVE GREEF: Yes. It is.  
 18 REPRESENTATIVE HILL: What I am leading to,  
 19 it seems to me that we have got our state, a very large  
 20 state, seven reservations. Is there any correlation to  
 21 the other states and reservations?  
 22 REPRESENTATIVE GREEF: I have not looked into  
 23 that. No.  
 24 Madam Chair.  
 25 CHAIRPERSON MCKAMEY: Yes.

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1 REPRESENTATIVE HILL: And Madam Chair,  
 2 Representative Greef, thank you.  
 3 CHAIRPERSON MCKAMEY: Okay. Thank you,  
 4 Representative.  
 5 And are there further questions from the  
 6 committee?  
 7 Representative Custer.  
 8 REPRESENTATIVE CUSTER: Thank you, Madam  
 9 Chair, for indulging me in so many questions. This is  
 10 for Senator Cuffe.  
 11 CHAIRPERSON MCKAMEY: Senator Cuffe, please.  
 12 SENATOR CUFFE: Representative and Madam  
 13 Chair.  
 14 REPRESENTATIVE CUSTER: Madam Chair, Senator  
 15 Cuffe, you mentioned in your testimony errors and a  
 16 train wreck. And I know you to be a journalist, so I  
 17 was wanting specifics because I read the papers, and I  
 18 didn't read of any errors in Montana and haven't for  
 19 years. So I was wondering if you could give us a  
 20 specific on that and then which was -- where was the  
 21 train wreck?  
 22 SENATOR CUFFE: I didn't say that it was a  
 23 train wreck.  
 24 REPRESENTATIVE CUSTER: It was what?  
 25 SENATOR CUFFE: I -- excuse me.

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1 REPRESENTATIVE CUSTER: That's all right.  
 2 SENATOR CUFFE: I did not say there was a  
 3 train wreck. I said that I have been in conversations  
 4 previously with several clerk and recorders, and that  
 5 was a term that they used. That we are headed for a  
 6 train wreck if we continue to load all this work onto  
 7 these same people the same day.  
 8 And as he said, they're down there late.  
 9 They're trying to get it done. Here comes  
 10 registrations at eight o'clock. And certainly, there  
 11 are places that are -- I've been told that there have  
 12 been populated areas where they're still recording  
 13 people to vote much later than eight o'clock, and  
 14 returns are not -- you know, they're still trying to  
 15 verify signatures and things, like, midnight and later.  
 16 So that was the -- this was -- and this came  
 17 to me -- back a couple of years ago I considered  
 18 carrying a bill like this. And that's when those  
 19 conversations came to me. And there were at least  
 20 three. And I -- and when I decided not to carry the  
 21 bill, I received some harsh questions as to why not if  
 22 there were these people that felt it was needed. Thank  
 23 you, Representative Custer, Madam Chair.  
 24 REPRESENTATIVE CUSTER: Thank you for  
 25 clarifying that.

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1 CHAIRPERSON MCKAMEY: Thank you, Senator.  
 2 I see a hand from a Ms. Street, but it may be  
 3 for Mister -- for Representative Running Wolf.  
 4 Representative Running Wolf, you have the  
 5 floor.  
 6 REPRESENTATIVE RUNNING WOLF: Thank you,  
 7 Madam Chair. This question is for Mrs. Plettenberg.  
 8 CHAIRPERSON MCKAMEY: Ms. Plettenberg,  
 9 please.  
 10 REPRESENTATIVE RUNNING WOLF: Okay. Kind of  
 11 following over the last couple that Custer asked, but,  
 12 you know, during this past election, was the election  
 13 successfully sued or challenged on the process in your  
 14 county due to the process for errors from in-person  
 15 registration?  
 16 MS. PLETTENBERG: Madam Chair, Representative  
 17 Running Wolf, no. We didn't have any challenges in my  
 18 county or in any county that I'm aware of around the  
 19 state.  
 20 REPRESENTATIVE RUNNING WOLF: Thank you,  
 21 Madam Chair.  
 22 CHAIRPERSON MCKAMEY: Thank you.  
 23 Are there further questions from the  
 24 committee?  
 25 If not, I do have a couple of questions for

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1 Director Corson, please.  
 2 MR. CORSON: Madam Chair.  
 3 CHAIRPERSON MCKAMEY: Thank you. Director  
 4 Corson, referring, again, to the bill, if you could.  
 5 Thank you, Representative.  
 6 And, again, on Page 4, Line 22, it says an  
 7 elector who registers pursuant to 13-2-304 must receive  
 8 the ballot and vote it at the election administrator's  
 9 office, correct?  
 10 MR. CORSON: Madam Chair, correct.  
 11 CHAIRPERSON MCKAMEY: Okay. My question then  
 12 is, regarding 13-2-304, which reads, "Late registration  
 13 and late changes, except as provided in Subsection 2,  
 14 the following provisions apply." So I'm going to go to  
 15 Subsection 2 and ask you a question regarding that if  
 16 you don't mind?  
 17 MR. CORSON: Please.  
 18 CHAIRPERSON MCKAMEY: Thank you. Subsection  
 19 2 reads,  
 20 "If an elector has already been issued a  
 21 ballot for the election, the elector may  
 22 change the elector's voter registration  
 23 information only if the original ballot,  
 24 voted ballot, has not been received at the  
 25 county election office or received by the

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1 school district if the district is  
 2 administering the election.  
 3 "And if the original ballot that was issued  
 4 is marked by the issuing county as void in  
 5 the statewide voter registration system or  
 6 the school district, if the district is  
 7 administering the election, prior to the  
 8 change."  
 9 So this is, I don't know; it seems like it's  
 10 a little bit of a conflict. Is it -- is -- do you see  
 11 the conflict with that, Director Corson?  
 12 MR. CORSON: Madam Chair, yeah. I'd like to  
 13 study that piece of law on it, but it does point out  
 14 one of the additional struggles with the clerks when  
 15 the ballot's in play someplace. The competition of  
 16 time for the other county, sometimes, they see the  
 17 ballot out in the wild.  
 18 They can't verify that it's been received or  
 19 canceled. You know, getting a hold of that other  
 20 election administrator does take some time, too,  
 21 costing two time components from two different offices.  
 22 But if you wouldn't mind, I would like to read up on  
 23 that and maybe refer to legal to get a best definition  
 24 of that for what the conflict is.  
 25 CHAIRPERSON MCKAMEY: Thank you. And I would

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1 appreciate that Director Corson. I have another  
 2 question about 13-2-304. And that is on Sub b, little  
 3 B, it states, "Late registration is closed from noon to  
 4 5 p.m. on the day before the election." And if you  
 5 could have -- I would request, respectfully, Director  
 6 Corson, that we make sure that we are not violating  
 7 statute at this point or in a conflict in some way with  
 8 13-2-304.  
 9 MR. CORSON: Madam Chair, yeah, so that's  
 10 been around for a long time. So that's when the --  
 11 we've stopped those activities. The clerks all around  
 12 the state start preparing their precinct reports and  
 13 rolls for the next day's activities.  
 14 So it causes a stopping point and a pause so  
 15 that when people print, they've got the most accurate  
 16 list for our polling places. And that was mentioned  
 17 earlier in testimony, I believe. It may be possibly  
 18 Regina who said that.  
 19 CHAIRPERSON MCKAMEY: Right. But I think  
 20 that it would be good to -- it seems to me that if it  
 21 is in statute listed as late registration is closed the  
 22 day -- closed on the day before the election, and we're  
 23 trying to close on Friday, is there -- I -- are we  
 24 trying to -- we're obviously trying to change the  
 25 statute. But isn't there a way that we're supposed to

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1 be listing it in the bill?  
 2 MR. CORSON: Possibly, we'll have to consult  
 3 with the drafter on that too, and sponsor, legal. And  
 4 we can get you the best answer for that.  
 5 CHAIRPERSON MCKAMEY: Okay.  
 6 MR. CORSON: I'll just add it to my list here  
 7 of things we'll submit to the committee.  
 8 CHAIRPERSON MCKAMEY: Okay. Yes. I had  
 9 heard it a couple of times, and I do appreciate you  
 10 addressing that directly, Director Corson.  
 11 Are there any further questions from the  
 12 committee?  
 13 REPRESENTATIVE CUSTER: Yes, Madam Chair.  
 14 CHAIRPERSON MCKAMEY: Representative Custer.  
 15 REPRESENTATIVE CUSTER: So, Madam Chair and  
 16 Director Corson, is it the intent of this law then to  
 17 change that they cannot take the ballot with them the  
 18 whole 30 days before so -- is it if I come in and  
 19 register to vote, say, day 31 and I'm late. I've got  
 20 to register, and I've got to vote my ballot right  
 21 there.  
 22 I cannot take it home, even though I could  
 23 possibly walk it back or mail it back. So I'm thinking  
 24 of an election, say when we have all the ballot issues,  
 25 and if I -- at that point, I may not even have, if I

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1 was on day 31, I probably wouldn't have my voter  
 2 information pamphlet at that point because they don't  
 3 -- they're not mailed out that far.  
 4 I'd have to vote my ballot right there and  
 5 not be able to take it home and wait for my voter  
 6 information pamphlet. Is that the intent of this?  
 7 Because the way I'm reading Line 22, that's what I'm  
 8 trying to bring to your attention is I think there's  
 9 some funky language there.  
 10 If that's not what you intended, we need to  
 11 clean that up. Just because we struck something, then  
 12 it doesn't make that -- it's not making it flow like it  
 13 should; if this is your intent, then great. But if  
 14 it's not, then we should maybe change that.  
 15 MR. CORSON: Madam Chair and Representative  
 16 Custer, good points and all that, so let's do the  
 17 background work on that for you. And get the read on  
 18 that with what the drafter had come up with. We'll  
 19 work with the sponsor and check cross-statute for you  
 20 to get you a clear read on that.  
 21 REPRESENTATIVE CUSTER: Thanks.  
 22 CHAIRPERSON MCKAMEY: Thank you, Director  
 23 Corson.  
 24 Are there any further questions from the  
 25 committee?

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1 All right. Representative Dooling.  
 2 REPRESENTATIVE DOOLING: Madam Chair, this is  
 3 just a quick comment or appreciation for Mr. Ellis. He  
 4 is the elections administrator of Broadwater County,  
 5 which is one of the districts I represent. And I  
 6 appreciate him coming in today. Thank you.  
 7 CHAIRPERSON MCKAMEY: And thank you for even  
 8 reminding me that I thank everyone. The committee  
 9 thanks everyone for participation of both proponents  
 10 and opponents, informational witnesses. It was a long  
 11 hearing, I realize, but it was very thorough, and I  
 12 appreciate folks understanding that we needed to allow  
 13 this kind of testimony to occur to have a thorough  
 14 understanding of this issue and have a thorough  
 15 vetting.  
 16 I also thank our staff, Ms. Coleen Street  
 17 (phonetic). Our substitute staff, Mr. Joel Coleman  
 18 (phonetic), and our able committee clerk and secretary,  
 19 John Bergoffen. And at this time, I also need to tell  
 20 you that Ms. Scurr is, unfortunately, out with -- due  
 21 to an illness right now or -- and I think that will  
 22 suffice right now.  
 23 But we are being well taken care of with our  
 24 substitute staff. And we certainly miss Ms. Scurr, and  
 25 we wish her all the best and a quick recovery. It is

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1 not COVID. I will say that. But I will say, also,  
 2 that in that regard, if there is anyone who is ill at  
 3 all, I want you to take the precautions of taking care  
 4 of yourself because safety is as important as anything.  
 5 And I have forgotten to let the -- you're  
 6 hiding behind there. I'm sorry, I didn't -- it's kind  
 7 of like the invisible vice-chairs today. I -- it just  
 8 is. Representative, would you like to close on your  
 9 bill?  
 10 REPRESENTATIVE GREEF: You owe me one. Yes,  
 11 Madam Chair, I would.  
 12 CHAIRPERSON MCKAMEY: Oh. I apologize.  
 13 REPRESENTATIVE GREEF: No.  
 14 CHAIRPERSON MCKAMEY: Let me apologize.  
 15 REPRESENTATIVE GREEF: That is just fine.  
 16 Senator Cuffe, I thank you for being the co-  
 17 sponsor of this bill, walking alongside me with this.  
 18 And I'm echoing what many of you feel. A  
 19 huge thank you to Director Corson for sharing his  
 20 election expertise.  
 21 I could not, I would not in good conscience,  
 22 stand here before you today and ask for support on this  
 23 bill if I believed that it would prevent one person  
 24 from voting. I couldn't do that. So we are here today  
 25 to do what we can do to assure fair elections. And if

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1 those of us who believe in fair elections and believe  
 2 we have a responsibility to keep them fair showed up to  
 3 testify today, we'd be here a whole lot longer.  
 4 I'd like to address just a few things that  
 5 came up in the testimony. And I, again, thank Doug  
 6 Ellis for sharing his experiences, all of his job  
 7 titles, treasurer, clerk and recorder, superintendent  
 8 of schools. My goodness.  
 9 But he shared the stress and the headaches,  
 10 and I think as our state grows and the population  
 11 increases, the passage of this bill is even more  
 12 important. I was thinking of one thing as I sat here.  
 13 And this seems like a hard thing for people to wrap  
 14 their head around to accept this change.  
 15 But what if I moved to England? How long  
 16 would it take me to accept the change that I'd better  
 17 pay attention and drive on the other side of the road?  
 18 This is a pretty simple thing. And I don't think it  
 19 will take long for people to get used to it.  
 20 I would not ever want to limit the ability to  
 21 vote for those in nursing homes or other facilities.  
 22 But I think it would, perhaps, relieve the stress to  
 23 register these people ahead of time. And so the day of  
 24 the election they could be handed -- or the day that  
 25 they are going to vote, handed a ballot. The

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1 registration would have been done ahead of time.  
 2 Mr. Forstag of the ACLU mentioned that he  
 3 thought that all elections should be free and open. I  
 4 absolutely agree. Voting for this bill will keep them  
 5 free and open. Lauren Caldwell gave statistics of late  
 6 registrations, but does that mean that those wouldn't  
 7 have voted if they couldn't wait until the last minute?  
 8 And that sort of goes along with what my  
 9 friend from Ravalli County, and the excellent clerk and  
 10 recorder Regina said, that 200 people would not have  
 11 been able to vote. But that is just this time because  
 12 we didn't have the -- what --  
 13 SENATOR CUFFE: The earlier deadline.  
 14 REPRESENTATIVE GREEF: -- the earlier  
 15 deadline.  
 16 Thank you, Mike.  
 17 And so, if these people knew that they had to  
 18 be registered the Friday before, we wouldn't have had  
 19 200 people that whose vote wouldn't have been counted.  
 20 That just would not have been acceptable. So I think  
 21 it's really a change of our mindset and it will produce  
 22 wonderful results.  
 23 So why are we registering to vote in the  
 24 first place? There's been so much talk about that. It  
 25 is to assure, like I said before, that legitimate

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1 voters cast legitimate votes. Let's make our election  
 2 system the safest, most fraud-free in the country. We  
 3 can do it.  
 4 Madam Chair, members of the committee, I ask  
 5 for a do pass on House Bill 176. And I thank you.  
 6 CHAIRPERSON MCKAMEY: Thank you,  
 7 Representative Greef.  
 8 This closes the hearing on House Bill 176.  
 9 Okay. Is there any further business that  
 10 needs to come before the committee other than what was  
 11 already spoken today? Any at all?  
 12 With that then, I will adjourn the committee  
 13 of House State Administration, January -- what are we?  
 14 UNIDENTIFIED: 21st.  
 15 CHAIRPERSON MCKAMEY: -- 21st, 2021.  
 16 (End of Recording)  
 17  
 18  
 19  
 20  
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 22  
 23  
 24  
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1 CERTIFICATION  
 2  
 3 I, Alicia Jarrett, court-approved  
 4 transcriber, hereby certify that the foregoing is a  
 5 correct transcript from the electronic sound recording  
 6 provided for transcription and prepared to the best of  
 7 my ability.  
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 25 ALICIA JARRETT, AAERT NO. 428 DATE: January 5, 2022

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# EXHIBIT J

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Page 1

Montana Senate Committee on State Administration  
Meeting  
February 15, 2021

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DIGITAL EVIDENCE GROUP  
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(202) 232-0646

Page 3

1 ahead of an election to register. Changing the statute  
2 is a best practices approach to mitigate against voter  
3 fraud and ensure voter integrity. The changes proposed  
4 will make the Montana voting system more robust and  
5 ensures that every legitimate vote by every legitimate  
6 voter is counted.

7 The intent of House Bill 176 is to provide a  
8 solution for citizens that are discouraged from  
9 registering to vote and casting a ballot due to long  
10 lines and extended wait times by making the process  
11 more efficient for the benefit of all Montanans, and it  
12 will reduce the opportunity for mistakes. Current law  
13 places election officials in between handling new voter  
14 registration, issuing replacement ballots, accepting  
15 deposited ballots, and even counting ballots all at the  
16 same time.

17 The focus of House Bill 176 is not to burden.  
18 It is not to disenfranchise, and it is not to provide a  
19 forum for a historical debate, but it is to administer  
20 an election with complete fairness to all voters.

21 Mr. Chair, and members of the Committee, I  
22 urge you to consider the importance of this bill as  
23 others are also here to testify on it. Mr. Chair.

24 CHAIRMAN KARY: Thank you, Representative  
25 Greef.

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1 (Recording begins)  
2 CHAIRMAN KARY: Okay. We will open on House  
3 Bill 176.  
4 Representative Greef?  
5 REPRESENTATIVE GREEF: Mr. Chair and members  
6 of the State Administration Committee, I'm Sharon  
7 Greef, and I represent House District 88 which is the  
8 north end of the beautiful Bitterroot Valley, the towns  
9 of Florence and Stevensville.  
10 Today, I'm bringing you House Bill 176. The  
11 purpose of this bill is to change the registration day  
12 to the day before the election. There is a provision  
13 that allows military and overseas voters to register on  
14 the same day as the election.  
15 We are blessed to have the right to vote, but  
16 we also must accept responsibility for this right.  
17 Elections don't just pop up out of the blue and  
18 surprise us. If we are a responsible voter, we study  
19 the ballot ahead of time, and we also know if we need  
20 to register to vote. House Bill 176 isn't telling that  
21 red -- excuse me, isn't telling voters they must  
22 register on just that one day before the election.  
23 They can register, they can cast their ballot a month  
24 ahead of time.  
25 Many states require an average of 15 days

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1 Are there proponents in the room?  
2 MR. CORSON: Good afternoon, Mr. Chair,  
3 members of the committee. I'm Dana Corson, D-A-N-A,  
4 C-O-R-S-O-N. I'm the director of Elections and Voter  
5 Services, Montana Secretary of State. And thank you,  
6 Representative Greef. Our office thanks you and Krista  
7 Jacobson thanks you for addressing your concerns about  
8 voter registration and the impact it has on operations  
9 of the election office in the closing days of the  
10 election.  
11 It's a huge challenge to address and attend  
12 all of the details and surprises that two days before  
13 the election can bring to the county election offices,  
14 and I think I can speak for everyone here that we  
15 appreciate all their good work and efforts. But  
16 despite all of those good effort and work, our office  
17 continues to hear about the confusion and frustration  
18 that voters have who are on line for considerable  
19 periods of time, waiting to get their business done,  
20 but actually ending up walking away from the right to  
21 vote.  
22 The stories aren't new. We hear about the  
23 same stories, time and time again, election after  
24 election. Some would want to put the blame on advocacy  
25 groups and political parties that compel voters to vote

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1 at the last minute. Others blame the local election  
 2 office for lack of resources. Others blame the  
 3 procrastination of the voter. But unless a change is  
 4 made, the problem will continue and the problem will  
 5 grow.  
 6 The bill provides for brand-new voter  
 7 registrations to be completed, as it came out of the  
 8 Committee or out of the floor of the House, by noon on  
 9 Monday prior to the election. And to help support this  
 10 change, our office will provide outreach to voters for  
 11 the change. As a note, it's very common for election  
 12 administrators to inform the public about voting in  
 13 their county during the election, and I'm sure that all  
 14 of us working together can be effective on relaying  
 15 election information to the voters.  
 16 In closing, Montanans deserve a better voting  
 17 experience, and this bill will reallocate and free up  
 18 the necessary resources of the county election office  
 19 to better address voters who are seeking to update  
 20 their registration, help voters that have moved either  
 21 precinct to precinct or county to county, help voters  
 22 who are requesting replacement ballots, and help voters  
 23 who are needing to drop their ballots off, and provide  
 24 help to voters with disabilities and that this bill  
 25 will be beneficial to the election offices, freeing up

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1 additional time and resources for other essential  
 2 activities like prepping ballots, answering email  
 3 answer the phone, and provide help to their election  
 4 judges. And I recommend that the Committee please pass  
 5 House Bill 176.  
 6 CHAIRMAN KARY: Thank you, Mr. Corson. I  
 7 failed to announce that we will hold -- that was your  
 8 time, two minutes. We will hold everyone to two  
 9 minutes due to the amount of individuals that want to  
 10 testify, both proponents and opponents.  
 11 ED HALLAND: Mr. Chairman and members of the  
 12 Committee. My name is Ed Halland, H-A-L-L-A-N-D. I am  
 13 here representing myself and my family, and I might be  
 14 able to say, a good number of people in Carbon County.  
 15 Election integrity is a big concern in our  
 16 area. We were 1, I think, of just 14 counties that had  
 17 in-person voting, and I would like to see the process  
 18 tightened up. I don't think it's unreasonable to say  
 19 that you are registered the day before Election Day.  
 20 And I know it would help our election  
 21 administrator quite a bit. I was an election judge,  
 22 and things can get kind of hectic down there. So help  
 23 us out, and more basically, being able to have trust in  
 24 our elections is kind of a foundation of our republic.  
 25 So I'm asking you to vote for HB 176. Thank you.

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1 CHAIRMAN KARY: Thank you, Mr. Halland.  
 2 Seeing no further opponent or proponents in  
 3 the hall, we'll go to online.  
 4 And Alex, if you could set for two minutes  
 5 and let them know approximately 30 seconds before,  
 6 we'll get started with online.  
 7 ALEX COLAFRANCESCO: All right, Mr. Chair.  
 8 CHAIRMAN KARY: Proponents.  
 9 ALEX COLAFRANCESCO: Mr. Chair, the only  
 10 registered proponent is Stefan Deocomitis (phonetic).  
 11 And he's not present.  
 12 CHAIRMAN KARY: Okay. We will then go to  
 13 opponents. Opponents in the room.  
 14 And Joel, we're allowing two minutes.  
 15 JOEL PEDEN: Two minutes?  
 16 CHAIRMAN KARY: For testimony.  
 17 JOEL PEDEN: All right. Thanks. Mr. Chair,  
 18 members of the committee, my name is Joel Peden. That's  
 19 P-E-D-E-N. And I'm the executive director of the  
 20 Montana Association of Centers for Independent Living.  
 21 Again, disability advocacy organizations that work  
 22 throughout the state of Montana on behalf of Montanans  
 23 with disabilities.  
 24 We are here to oppose this. People with  
 25 disabilities struggle with the ability to vote every

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1 election, whether it's transportation, whether it's to  
 2 make sure that there's accessible voting machines, to  
 3 make sure that when mail ballots happen that, you know,  
 4 people that don't have, let's say the use of their  
 5 hands or limited use of their arms, it -- just all the  
 6 things that people with disabilities deal with on a  
 7 daily basis. And we fight for our rights.  
 8 And our opposition is just the fact that  
 9 you're making it just a little bit harder for us.  
 10 We're making it just a little bit harder. And where it  
 11 gets frustrating is that when you look at other  
 12 legislation that has to do with voting, so many times  
 13 it makes it easier for people.  
 14 I would use the example of absentee ballots.  
 15 Right? If you go back to way back when, when we were  
 16 all a little bit younger, absentee ballots -- their  
 17 name said it all, right? On the day, if you couldn't  
 18 get to the -- to vote on that day because you were out  
 19 of town, you were able to do an absentee ballot. And  
 20 it's grown to be more convenient now where more people  
 21 vote absentee than they do -- is that my time? Okay.  
 22 I'll wrap up.  
 23 Again, we are here to oppose strictly on the  
 24 grounds that it makes it more difficult for people with  
 25 disabilities to vote, and we are definitely against

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1 that. And Mr. Chair, I have to run because my bus is  
 2 going to be here and it's not quite balmy enough for me  
 3 to roll home yet, so --  
 4 CHAIRMAN KARY: Okay. Are there any  
 5 questions for Mr. Peden before --  
 6 SENATOR CUFFE: Thank you. Mr. Chairman, if  
 7 I could just ask -- while you were just in the process  
 8 of talking about absentee ballots, and I think you were  
 9 saying it made it easier. Is that correct?  
 10 MR. PEDEN: Well, it does for the general  
 11 public, right? Not necessarily in the form that it's  
 12 in for people with disabilities. It takes away a  
 13 little bit of the independence at times because there's  
 14 not the accessible voting machines for somebody that  
 15 needs that. And there are many, many people who need  
 16 assistance filling out their absentee ballots, so it  
 17 takes away that privacy. So -- but we're working on  
 18 making it better. Thank you, sir  
 19 SENATOR CUFFE: Thank you.  
 20 CHAIRMAN KARY: Thank you, Mr. Peden.  
 21 Other opponents to House Bill 176?  
 22 AUDREY MCCUE: Good afternoon, Senator Kary,  
 23 members of the Committee. My name is Audrey McCue.  
 24 That's A-U-D-R-E-Y M-C-C-U-E. And I'm the election  
 25 supervisor in Lewis and Clark County. I'm speaking on

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1 behalf of myself today, and I had more than two minutes  
 2 prepared, so please bear with me as I try to traverse a  
 3 lot of ground very quickly to get everyone out of here.  
 4 I do participate in our association's  
 5 legislative committee, and I agreed with our  
 6 professional stance to be neutral. But I personally am  
 7 against this bill. And because a lot of the proponents  
 8 of the bill are talking about this as helping election  
 9 administrators and election officials, I wanted to be  
 10 on the record saying that this will not help me. I  
 11 also want it on the record that whatever this body  
 12 decides, I will, of course uphold those laws. I'm just  
 13 hoping you decide against this bill.  
 14 There are a lot of administrative, more, and  
 15 political arguments on House Bill 176. I know we're  
 16 all committed to the voters. And that's why I think  
 17 continuing this service to the voters is important, and  
 18 taking it away is a disservice to them. We know the  
 19 voters approved this bill on the ballot in 2014. We  
 20 know they use it, and we know it's grown in popularity  
 21 with 7,547 voters using Election Day registration in  
 22 2008 and 12,055 voters using it in 2016.  
 23 To jump into the administrative reasons,  
 24 because that's really my area of expertise, let me  
 25 acknowledge not all of us counties agree on this, but I

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1 would like to share the perspective of this not being  
 2 helpful administratively. To be clear on the context  
 3 of administering, Election Day registration is  
 4 certainly more work. There's no doubt about it. But  
 5 let's be realistic, any time someone registers and  
 6 vote, it's more work for us. That's the job.  
 7 A presidential election is more work than a  
 8 city election because it's a higher turnout. We don't  
 9 address that by limiting who may vote in the election.  
 10 We address it by scaling to meet the demand.  
 11 There have been some claims that this bill  
 12 will help with the integrity of the election because  
 13 Election Day's registration is a distraction. The  
 14 first thing to know is that we don't have problems with  
 15 the integrity of our elections and certainly none  
 16 caused by Election Day registration. The second thing  
 17 to keep in mind is it's not a novel service on Election  
 18 Day. It's a service we provide the month before the  
 19 election and continue to provide on Election Day. The  
 20 lines are long on Election Day because that's the last  
 21 day to do it.  
 22 That's my time already? Okay. Can I say  
 23 really quickly? Moving those deadlines to Friday or  
 24 Monday with the amendment doesn't help us. There's  
 25 reasons that it will actually make it more difficult

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1 that I don't have time, clearly, to get into. But if I  
 2 can submit that in writing later --  
 3 CHAIRMAN KARY: You surely can.  
 4 AUDREY MCCUE: Thank you.  
 5 CHAIRMAN KARY: Thank you, Ms. McCue.  
 6 Further opponents?  
 7 SAM FORSTAG: Chairman Kary, members of the  
 8 Committee, Sam Forstag, F-O-R-S-T-A-G, here on behalf  
 9 of the American Civil Liberties Union.  
 10 We oppose this bill, as we did on the House  
 11 side. And broadly speaking, I think most of the major  
 12 arguments have been made thus far. But our state  
 13 constitution guarantees access to free and fair  
 14 elections, and we should be striving towards better  
 15 fulfilling that constitutional goal that was set out in  
 16 1972. And this bill, cutting off access to a tool that  
 17 we know thousands of Montanans use every year to ensure  
 18 that they can cast a ballot if they haven't been able  
 19 to register under their new address, if they haven't  
 20 been able to get the time off work to register in  
 21 advance, is something that helps make sure that as many  
 22 Montanans as possible are exercising the franchise and  
 23 the right that is key to being an engaged member of  
 24 civil society. Our concerns most specifically are that  
 25 this bill has the potential to disproportionately

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1 impact Native American voters in Montana, to  
 2 disproportionately impact young voters in Montana, and  
 3 rural voters in Montana.  
 4 I -- I won't belabor the point too long  
 5 because I think that some subject matter experts have  
 6 already spoken on it. But I do appreciate all of your  
 7 time, and I would encourage you to vote no on House  
 8 Bill 176. Thank you.  
 9 CHAIRMAN KARY: Thank you, Mr. Forstag.  
 10 Further opponents?  
 11 KATJANA STUTZER: Good afternoon, Mr. Chair,  
 12 members of the committee. For the record, my name is  
 13 Katjana Stutzer. K-A-T-J-A-N-A S-T-U-T-Z-E-R. And I'm  
 14 here on behalf of the Montana Public Interest Research  
 15 Group, or MontPIRG. And we feel that certainly the  
 16 right to vote is a matter of interest for every member  
 17 of the public and that we should all be concerned about  
 18 any law that would make it harder for Montanans to  
 19 access the ballot. And this law would definitely do  
 20 just that.  
 21 It would make it harder for some eligible  
 22 voters to cast a ballot. And we know that from the  
 23 numbers we have from the 2020 general election, that  
 24 3,352 voters used this service in 2020, which I think  
 25 is clear evidence that this would indeed cause harm.

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1 And although there is no public data for how many  
 2 counties used this in 2020, we do know that 54 out of  
 3 56 counties had at least one Election Day registrant in  
 4 2018. And in 2016, every single county did. Montanans  
 5 across our state are using this service.  
 6 And further, we know that 40 percent of those  
 7 were not new registrations, of those who used that  
 8 same-day registration. Many of those showed up to the  
 9 polls, who were already Montana voters, to find out  
 10 that there was an error in their registration and that  
 11 they had to fix on that same day.  
 12 And to further that point, there are always  
 13 mistakes like miscommunications between transferring of  
 14 voter registration from the DMV to our election  
 15 offices, a simple error like not checking a box on our  
 16 registration form that the voter isn't aware of, maybe  
 17 it didn't get flagged, and then have to come in.  
 18 This same-day registration is a fail-safe for  
 19 our responsible Montana voters who have done their due  
 20 diligence to try and be registered before Election Day  
 21 and find out there's still a problem. I can't imagine  
 22 that any of us want to turn those folks away.  
 23 And I just want to finish by saying that LR-  
 24 126, I'm sure it's all on our minds. We've had  
 25 same-day voter registration for 15 years. It passed

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1 with bipartisan support. And after numerous reviews by  
 2 this body and the people, the people spoke by voting no  
 3 on LR-126 with 57 percent of voters and 80 out of 100  
 4 legislative districts.  
 5 Clearly, the people have spoken on this  
 6 issue, and I would urge you that we have the greatest  
 7 democracy in the world. It's our job to protect that  
 8 by making sure that every single person can vote, and I  
 9 would urge you to respect the will of Montanans by  
 10 voting no on House Bill 176.  
 11 CHAIRMAN KARY: Thank you, Katjana. Could  
 12 you spell your last name one more time?  
 13 KATJANA STUTZER: Yes, Mr. Chair. It's  
 14 S-T-U-T-Z-E-R.  
 15 CHAIRMAN KARY: Thank you, Ms. Stutzer.  
 16 KATJANA STUTZER: Thank you.  
 17 CHAIRMAN KARY: Further opponents?  
 18 RACHEL SCHMIDT: Good afternoon, Chairman  
 19 Kary, members of this Committee. My name is Rachel  
 20 Schmidt. That's spelled S-C-H-M-I-D-T. And I'm here  
 21 representing the interests of the Associated Students  
 22 of Montana State University. Today, I rise in  
 23 opposition of this bill because it puts an undue burden  
 24 on student voters.  
 25 Across the United States, we know that voter

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1 turnout for young people is incredibly low, and we want  
 2 to change that, especially here in Montana. At MSU,  
 3 classes are not held on Election Day, and all offices  
 4 are actually closed. Because students don't have  
 5 classes on campus or work on campus on Election Day,  
 6 they don't have obligations outside of their normal  
 7 obligations. And so they have this new free time to go  
 8 and register and cast their ballot in person. As much  
 9 as we try to make sure that students do register early,  
 10 the reality is students do use this new free time to  
 11 make sure that they are updating their voter  
 12 registration and casting their ballot in person because  
 13 they don't have those other obligations.  
 14 And while it's certainly troublesome that our  
 15 election officials are overworked, especially on --  
 16 during busy election seasons, I'm concerned that this  
 17 bill addresses a problem with the wrong solution. And  
 18 I hope that the Committee considers the unintended  
 19 consequences of this bill, and I do urge a no vote on  
 20 this today. Thank you.  
 21 CHAIRMAN KARY: Thank you, Ms. Schmidt.  
 22 Seeing no further opponents in house, we'll  
 23 go to Zoom. And again, two minutes.  
 24 ALEX COLAFRANCESCO: Chair, we've got Tor  
 25 Gudmundsson.

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1 CHAIRMAN KARY: Mr. Gunderson. Mr. Gunder?  
 2 Gudmundsson? You are muted.  
 3 If you're speaking, we cannot hear you.  
 4 We'll move to the next one, please.  
 5 ALEX COLAFRANCESCO: Mr. Chair, we have Nancy  
 6 Leifer.  
 7 NANCY LEIFER: Mr. Chair, members of the  
 8 Committee. My name is Nancy Leifer, spelled  
 9 L-E-I-F-E-R, and I'm here today on behalf of the League  
 10 of Women Voters of Montana.  
 11 For over 100 years, the League of Women  
 12 Voters has promoted citizens' right to vote as the  
 13 hallmark of a strong democracy. There are two  
 14 components for election integrity. One is an accurate  
 15 process and the other is access for all qualified  
 16 voters.  
 17 Montana already has a strong integrity in our  
 18 election process. This bill would weaken the integrity  
 19 of our elections by limiting access for citizens to  
 20 vote. I agree with the comments made by previous  
 21 opponents and ask you to please oppose House Bill 176.  
 22 Thank you for this opportunity to testify.  
 23 CHAIRMAN KARY: Thank you, Mrs. -- Ms.  
 24 Leifer.  
 25 Further opponents?

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1 ALEX COLAFRANCESCO: Mr. Chair, we have  
 2 Lauren Caldwell.  
 3 LAUREN CALDWELL: Hello, Chair Kary and  
 4 members of the Committee. It's a busy committee you  
 5 have today. So my name is Lauren Caldwell. That's  
 6 L-A-U-R-E-N C-A-L-D-W-E-L-L. I am here on behalf of  
 7 the Montana Federation of Public Employees and the  
 8 public educators and public employee members that we  
 9 represent across Montana. I did submit written  
 10 testimony, so I will make it more brief here.  
 11 So as you've heard, this is not a new debate.  
 12 In 2005, nearly unanimous bipartisan majorities voted  
 13 to pass same-day voter registration in Senate Bill 302.  
 14 They passed 42 to 8 in the Senate and 89 to 8 in the  
 15 House. Then in 2013, your predecessors wanted to  
 16 review the question again. They decided to put it to a  
 17 vote of the people through LR-126. And in 2014,  
 18 Montanans voiced their opinion, loud and clear,  
 19 rejecting LR-126 in 80 out of 100 legislative  
 20 districts.  
 21 So a couple of other statistics that I think  
 22 it's important for you to know as you consider who's  
 23 going to be impacted by this. Between -- someone  
 24 provided a few different yearly statistics but in  
 25 total, between 2006 and 2018, which is where the late

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1 registration figures are available at the Secretary of  
 2 State, 60,488 Montanans used same-day voter  
 3 registration. In 2018 alone, over 8,000 used same-day  
 4 voter registration in 56 out of -- in 54 of our 56  
 5 counties, they had at least one Election Day  
 6 registrant.  
 7 And one thing that I really want to drive  
 8 home is that it's not uncommon that errors happen in  
 9 the processing --  
 10 ALEX COLAFRANCESCO: Thirty seconds.  
 11 Did you say -- is my time up?  
 12 ALEX COLAFRANCESCO: No, 30 seconds.  
 13 LAUREN CALDWELL: It's not uncommon that  
 14 errors happen in the processing of voter registration  
 15 forms through the elections office, postal service, DMV  
 16 or other agencies that are involved with getting the  
 17 application from the voter to the office. The voter  
 18 would never know about those issues. So I want you to  
 19 consider the folks who do everything right, do it ahead  
 20 of time, and aren't able to cast their ballot because  
 21 of a clerical error.  
 22 This is a fail-safe for voters who have done  
 23 their part but suffered from that error, so. You're  
 24 all in a critical position. I appreciate you hearing  
 25 us. Thank you.

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1 CHAIRMAN KARY: Thank you, Ms. Caldwell.  
 2 Further opponents?  
 3 ALEX COLAFRANCESCO: Mr. Chair, we have  
 4 Lindsay Roosa.  
 5 LINDSEY ROOSA: Hello, Mr. Chair, members of  
 6 the committee. My name is Lindsey Roosa. That's  
 7 R-O-O-S-A. I'm a resident of Missoula, Montana and I  
 8 stand in opposition to House Bill 176.  
 9 As other opponents have already mentioned,  
 10 this bill disenfranchises thousands of Montana voters  
 11 for no legitimate reason. Let's uphold the right of  
 12 all Montanans to register and vote on Election Day as  
 13 you work to uphold all our constitutional rights.  
 14 Please vote no on House Bill 176. Thank you.  
 15 CHAIRMAN KARY: Thank you, Ms. Roosa.  
 16 Further opponents?  
 17 ALEX COLAFRANCESCO: Mr. Chair, we have  
 18 Jillian Richards. And I would like to ask everyone  
 19 who's registered to testify to raise their hands.  
 20 CHAIRMAN KARY: Ms. Richards.  
 21 MS. RICHARDS: Hi. (Audio interference) So  
 22 thank you, Senator Chair, members of the Committee. My  
 23 name is Jillian Richards, spelled R-I-C-H-A-R-D-S. I  
 24 am also here on behalf of the Montana Public Interest  
 25 Research Group, or MontPIRG.

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1 I'm in strong opposition to this bill. To  
 2 me, it punishes the people of the working class and  
 3 people who can't vote or, like it has been mentioned  
 4 before, people who have done everything right and then  
 5 something still happens.  
 6 A similar bill was introduced in 2014, and it  
 7 did not pass for the same reasons that this one should  
 8 not. It's not what we want. It's not what voters  
 9 want. And it's not what anyone wants. So like it has  
 10 been mentioned, thousands of people are using same-day  
 11 voter registration. And I think by voting yes on this  
 12 bill, it shows that there's a lack of care and there's  
 13 not a need for every vote, which is not true. Every  
 14 vote counts, and it deserves to be counted even if  
 15 they're registering on the same day. So I ask that you  
 16 vote no on HB 176.  
 17 CHAIRMAN KARY: Thank you, Ms. Richards.  
 18 Further opponents?  
 19 ALEX COLAFRANCESCO: Mr. Chair, we have  
 20 NevinGraves.  
 21 NEVIN GRAVES: Thank you, Mr. Chairman,  
 22 members of the Committee. My name is Nevin Graves,  
 23 spelled G-R-A-V-E-S. Speaking on my own behalf today.  
 24 I need to speak in strong opposition to this  
 25 bill. I've had to make use of same-day voter

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1 registration as a working adult, and my vote counts  
 2 just as much as anyone who registered three months in  
 3 advance. There's, you know, there's just no sense in  
 4 cutting off the registration period further and  
 5 implying that somehow that's going to increase voter  
 6 participation. This is a bad bill and I urge you to  
 7 vote no on House Bill 176. Thank you very much.  
 8 CHAIRMAN KARY: Thank you, Mr. Graves.  
 9 Further opponents?  
 10 ALEX COLAFRANCESCO: Mr. Chair, we have Dan  
 11 Eakin.  
 12 DANIEL EAKIN: Good afternoon, Mr. Chairman  
 13 and committee members. My name is Daniel Eakin.  
 14 D-A-N-I-E-L E-A-K-I-N, and I am testifying on my own  
 15 behalf in opposition of House Bill 176. House Bill 176  
 16 violates Article 2, Section 13, and Article 4, Section  
 17 3 of the Montana Constitution.  
 18 The Montana Supreme Court has held that  
 19 election statutes shall not prevent qualified voters  
 20 from voting. House Bill 176 would prevent otherwise  
 21 qualified voters from voting simply because they were  
 22 not registered by an arbitrary day and time.  
 23 Election Day registration of eligible voters  
 24 keeps Montana elections open and free under Article 2,  
 25 Section 13, by allowing all eligible voters to

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1 participate in elections and by not restraining voters  
 2 from registering on Election Day. The right of  
 3 suffrage guaranteed in Article 2, Section 13, is a  
 4 fundamental right of Montana citizens, and legislative  
 5 challenges to it are generally subject to strict  
 6 scrutiny. House Bill 176 cannot pass strict scrutiny  
 7 because it does not possess a compelling state  
 8 interest, such as preventing voter fraud, which is  
 9 narrowly tailored against the fundamental right of  
 10 suffrage in free and open elections.  
 11 The threat of voter fraud is almost  
 12 nonexistent, and House Bill 176 would negatively impact  
 13 voters --  
 14 ALEX COLAFRANCESCO: Thirty seconds  
 15 remaining.  
 16 MR. EAKIN: -- of major parties. Thus, it  
 17 would not be enough to justify prohibiting Election Day  
 18 registration and to pass strict scrutiny. Election Day  
 19 region for Montana voters is part of the fundamental  
 20 right of suffrage protected by Article 2, Section 13.  
 21 House Bill 176 will go against that right.  
 22 Election Day registration also supports  
 23 Article 4, Section 3, of the Montana constitution,  
 24 which is to ensure the purity of elections and guard  
 25 against abuses of the electoral process.

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1 CHAIRMAN KARY: Thank you, Mr. Eakin.  
 2 MR. EAKIN: Not all eligible voters have the  
 3 opportunity to register before Election Day.  
 4 CHAIRMAN KARY: Are there any other opponents  
 5 online?  
 6 MR. EAKIN: I urge you to please oppose this  
 7 bill.  
 8 ALEX COLAFRANCESCO: Mr. Chair, we have  
 9 Ruthie Barbour.  
 10 CHAIRMAN KARY: Ms. Barbour.  
 11 RUTHIE BARBOUR: Mr. Chair and members of the  
 12 Committee. My name is Ruthie Barbour, spelled  
 13 B-A-R-B-O-U-R, and I'm here on behalf of Forward  
 14 Montana.  
 15 I will keep it brief because I know it's been  
 16 a long evening. But I feel like it's prudent to  
 17 mention again that in the 2020 general election, 3,352  
 18 people used same-day election services. That is 3,352  
 19 eligible voters whose right to vote would have been  
 20 denied if this bill hadn't been in place.  
 21 This past election cycle, our organization  
 22 aided in staffing a nonpartisan voter hotline that  
 23 helped voters remedy issues with casting a ballot, like  
 24 updating their address or finding their polling  
 25 location. Many of the people we talked to in the days

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1 leading up to the election ultimately used same-day  
 2 registration services to make their voice heard.  
 3 Whether you're a single parent with limited access to  
 4 childcare, someone who works full time or is a  
 5 full-time student, someone who doesn't have reliable  
 6 access to transportation, or someone who lives an  
 7 extreme distance from their polling location, sometimes  
 8 the only opportunity to register to vote and cast a  
 9 ballot may be on the day of the election.  
 10 This bill, as we've heard, is directly  
 11 harmful to Montana seniors, folks who live in rural  
 12 areas, young people and indigenous people. I'm just  
 13 wondering why we would want to change a process that  
 14 has not only been working to serve every Montanan but  
 15 has shown no negative effects on the efficacy and the  
 16 efficiency of our elections. The majority of Montana  
 17 voters believe every resident of Montana should have  
 18 the right to register to vote on the day of the  
 19 election. I'm asking you to please honor the will of  
 20 your constituents who have already spoken on this  
 21 issue and vote no on House Bill 176.  
 22 CHAIRMAN KARY: Thank you, Ms. Barbour.  
 23 Further opponents?  
 24 AELX: Mr. Chair, we have Laurie Little Dog.  
 25 CHAIRMAN KARY: Ms. LittleDog.

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1 LAURIE LITTLE DOG: Thank you, Chair and  
 2 Committee. This is Laurie Little Dog.  
 3 And I really want to look at -- just a  
 4 challenge that if we have somebody who was having their  
 5 18th birthday on Election Day, that means that they  
 6 would have an illegal ban on their right to vote. So  
 7 that's something that, you know, I understand that it's  
 8 not a very common occurrence that someone is born on  
 9 Election Day that would be turning 18. But what do we  
 10 do with those people? It would -- you'd make them  
 11 wait? I mean, it doesn't make any kind of sense to me.  
 12 And I just want to reiterate that same-day  
 13 registration is critical for some of the most  
 14 disenfranchised members of Montana society: Native  
 15 American reservations, wards of the state that have  
 16 regained their right to participate in elections.  
 17 Those are some people that are going to be adversely  
 18 affected.  
 19 This past election cycle, we had a huge  
 20 uproar about the validity of all the votes being  
 21 counted properly. I think it was "Stop the Steal" was  
 22 the challenge that was made. And I think that we need  
 23 to count every vote that is cast. So I just ask you  
 24 to please vote no on HB 176. Thank you.  
 25 CHAIRMAN KARY: Thank you, Ms. Little Dog.

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1 Further opponents?  
 2 ALEX COLAFRANCESCO: Mr. Chair, we have Alexa  
 3 Runnion.  
 4 CHAIRMAN KARY: Ms. Runnion.  
 5 ALEXA RUNNION: Mr. Chair, members of the  
 6 committee, my name is Alexa Runnion. That is spelled  
 7 R-U-N-N-I-O-N. And I oppose this bill because it will  
 8 unnecessarily hinder Montanans' constitutional right to  
 9 vote.  
 10 I just wanted to reiterate that Montana's  
 11 Constitution clearly states that, quote, "all elections  
 12 shall be free, open and no power, civil or military,  
 13 shall at any time interfere to prevent the free  
 14 exercise of the right of suffrage," end quote.  
 15 An election that denies Montana voters the  
 16 right to vote before the polls close is neither free  
 17 nor open, and our rights as a voter should not end the  
 18 day before an election begins. I have submitted  
 19 written testimony, as well, and I urge you all to read  
 20 them. Vote no on House Bill 176, and I want to thank  
 21 you all for your time.  
 22 CHAIRMAN KARY: Thank you, Ms. Runnion.  
 23 Further opponents?  
 24 ALEX COLAFRANCESCO: Mr. Chair, we have Anna  
 25 Reely.

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1 CHAIRMAN KARY: Ms. Reely?  
 2 ANNA REELY: Thank you, Mr. Chair and members  
 3 of the committee. I appreciate you for your time.  
 4 My name is Anna Reely. Spelled A-N-N-A, R-E-  
 5 E-L-Y. And I am testifying on my own behalf and in  
 6 opposition to House Bill 176.  
 7 For the past three years, I volunteered for a  
 8 third-party organization that registers thousands of  
 9 voters per year. As a student, I often register young  
 10 people at the University of Montana and across the  
 11 state. I've seen firsthand the distress and confusion  
 12 that the voting process causes people. Oftentimes,  
 13 they're sheepish and ashamed of their lack of  
 14 knowledge, and they avoid seeking information until the  
 15 very last minute. Additionally, clerical issues do  
 16 arise in the registration process, and without same-day  
 17 registration, these errors would strip people of their  
 18 right to vote.  
 19 And then life happens. Students are  
 20 overwhelmed with duties, drowning in studies, or lack  
 21 transportation. For a multitude of reasons, they are  
 22 incapable of registering until Election Day. This is  
 23 the reality of many Montanans. People, especially  
 24 young individuals, are extremely transient and move  
 25 every 6 to 12 months. They're going to be one of the



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1 demographics most heavily affected by this proposed  
 2 legislation.  
 3 In the midst of a public health and economic  
 4 crisis, it is evident that we have an obligation to  
 5 represent and protect all Montana residents, including  
 6 those who lack the means to register before Election  
 7 Day. Same-day registrations benefit citizens from all  
 8 parties and backgrounds, though it often assists  
 9 geographically mobile, lower-income citizens, young  
 10 voters, rural voters, and voters of color.  
 11 As individuals whose livelihood are most  
 12 often affected by policy decisions, we deserve the  
 13 right to engage in the democratic process, as well.  
 14 Our involvement begins with the fundamental right to  
 15 vote. Policies that increase the opportunity and  
 16 accessibility of voter registration are vitally  
 17 important to a healthy democratic community.  
 18 Lastly, advocacy for this bill will be  
 19 directly going against the will of Montana voters. As  
 20 those who went before me spoke about, 80 percent of  
 21 legislative districts in Montana were in clear  
 22 opposition to LR-126. While some have claimed that  
 23 this bill is an effort to secure and better facilitate  
 24 our elections, they have been deemed as such. Voter  
 25 fraud allegations have been widely refuted across the

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1 state. And just as people have the ability to register  
 2 prior to Election Day, they are also able to vote prior  
 3 to it.  
 4 CHAIRMAN KARY: Thank you, Ms. Reely.  
 5 ANNA REELY: 176 --(indiscernible).  
 6 CHAIRMAN KARY: Are there any other opponents  
 7 online:?  
 8 ANNA REELY: -- for all, and I urge you to --  
 9 CHAIRMAN KARY: Any other opponents online?  
 10 ALEX COLAFRANCESCO: Mr. Chair, we have Tor  
 11 Gudmundsson? I will try to unmute him and see if his  
 12 technology issues are fixed. If not, we have none.  
 13 TOR GUDMUNDSSON: Mr. Chair, members of the  
 14 committee. Can you hear me now?  
 15 CHAIRMAN KARY: We got you.  
 16 TOR GUDMUNDSSON: Wonderful. I apologize for  
 17 my technological issues. My name is Tor Gudmundsson.  
 18 That's T-O-R G-U-D-M-U-N-D-S-S-O-N. I'm a voter from  
 19 Corvallis in the beautiful Bitterroot Valley, and I  
 20 wanted to share a story of my own experience with same-  
 21 day registration and underscore how removing it creates  
 22 unnecessary difficulty in our democratic system.  
 23 In 2016, I was much less invested in the  
 24 electoral process than I am today. I was 23, and many  
 25 of my friends were unmotivated to vote at all, citing

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1 their disappointment with both candidates at the  
 2 national level and all of the mudslinging in politics.  
 3 As all of us have experienced this past year, it's far  
 4 too easy to become exhausted and disheartened by the  
 5 news and the politics.  
 6 A buddy of mine felt this way and had never  
 7 voted before. I encouraged him to register, to look  
 8 into candidates, but it was hard to draw a through line  
 9 between our day-to-day lives and who sat in what seat.  
 10 It was hard to believe our votes would even really  
 11 matter.  
 12 And it wasn't until Election Day with  
 13 everything going on that my friend realized they wanted  
 14 to vote. Not for the presidency or even the national  
 15 level Senate races, but for the people who make the  
 16 decisions that affect us locally. And I pushed him to  
 17 follow up to it. I drove him to the polling place, and  
 18 we were probably the last people at Hamilton. But his  
 19 ballot got in. And in that moment, that sudden  
 20 realization that he wanted to be heard wasn't unique to  
 21 us for that year.  
 22 As others have pointed out, thousands of  
 23 Montanans registered on Election Day this year. They  
 24 realized, as the all too long political cycle came to  
 25 an end, the same thing that my buddy did. My voice

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1 matters and I want to be heard.  
 2 HB 176 creates barriers to registration and  
 3 amends our voting process, making it more difficult to  
 4 participate, let alone believe in. On the House floor,  
 5 the sponsor proudly proclaimed, "We just shortened the  
 6 lines at your polling places," as though it were  
 7 something to celebrate. The only way to see this bill  
 8 as a solution is to see our record voter turnout as a  
 9 problem. Changing an unbroken system against the will  
 10 of the electorate reinforces exactly why so many people  
 11 are disillusioned with our elections.  
 12 The supporters of this bill claim that it's  
 13 due to laziness or a lack of personal responsibility  
 14 and that deadlines are a perfectly normal part of our  
 15 lives, and that's so deeply cynical. Unlike tax  
 16 deadlines and vehicle registrations, the right to vote  
 17 is a constitutional guarantee. It should be  
 18 celebrated, enabled, opened up, and the people who  
 19 manage to get to the polling place on Election Day,  
 20 despite all of the barriers, all of the different forms  
 21 and all the struggle, the people who show up and say  
 22 I'm here, and my voice matters, that is patriotic to  
 23 me. And I pray and I urge you not to pass this bill.  
 24 Thank you.  
 25 CHAIRMAN KARY: Thank you, Mr. Gudmundsson.

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1 Further opponents?  
 2 ALEX COLAFRANCESCO: I'm seeing none, Mr.  
 3 Chair.  
 4 CHAIRMAN KARY: Seeing no further opponents,  
 5 questions from the Committee?  
 6 Oh, that's true.  
 7 ALEX COLAFRANCESCO: Mr. Chair, we have an  
 8 opponent that just raised their hand a little late.  
 9 CHAIRMAN KARY: Go ahead.  
 10 ALEX COLAFRANCESCO: Millie Robinson.  
 11 CHAIRMAN KARY: Ms. Robinson. Go ahead,  
 12 Ms. Robinson.  
 13 MILLIE ROBINSON: Yes. Can you hear me now?  
 14 CHAIRMAN KARY: Yes.  
 15 MILLIE ROBINSON: Thank you, Mr. Chairman.  
 16 I'm sorry about being a little bit later. My name is  
 17 Millie Robinson. Last name is spelled R-O-B-I-N-S-O-N.  
 18 And I live in Glendive. And I'm testifying on behalf  
 19 of the Northern Plains Resource Council. I'd like to  
 20 speak in opposition to House Bill 176.  
 21 Northern Plains is in opposition to this bill  
 22 because it contract -- contradicts our belief in a fair  
 23 and transparent democracy that's accessible to all. We  
 24 believe that citizens have the basic right to  
 25 participate in the decisions that affect their lives

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1 and that our right to vote should not be made more  
 2 difficult by our decisionmakers.  
 3 Other speakers here have given plenty of  
 4 legitimate and unforeseeable reasons why somebody might  
 5 need to register on that last day. So I won't  
 6 enumerate them. But none of them should be a barrier  
 7 to the right to vote. We need that ability to register  
 8 on Election Day. And luckily, it's something we  
 9 already have. Please don't try to fix something that  
 10 isn't broken and protect our right to same-day Election  
 11 Day registration by voting no on House Bill 176. Thank  
 12 you.  
 13 CHAIRMAN KARY: Thank you, Ms. Robinson.  
 14 Informational witnesses?  
 15 ALEX COLAFRANCESCO: Mr. Chair, informational  
 16 witnesses online?  
 17 CHAIRMAN KARY: Waiting for the informational  
 18 witness online.  
 19 ALEX COLAFRANCESCO: Sorry, Mr. Chair. I  
 20 thought you were waiting for them in the room. Our  
 21 informational witness, Regina Plettenberg, has left the  
 22 Zoom chat.  
 23 CHAIRMAN KARY: Okay. Questions from the  
 24 Committee?  
 25 Senator Ellis.

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1 \*\*\*  
 2 SENATOR ELLIS: Thank you, Mr. Chairman. I  
 3 had a question for Ms. McCue from Lewis and Clark  
 4 County.  
 5 CHAIRMAN KARY: Ms. McCue. If you could get  
 6 her from the hall.  
 7 SENATOR ELLIS: And then, Mr. Chairman,  
 8 before I asked my question, I did want to mention, for  
 9 some reason the first time today the testimony that was  
 10 sent out to those of us on Zoom, I couldn't access.  
 11 And I don't know if I'm going to be able to access it.  
 12 Because it says I don't have the right software, but  
 13 I've been using it every day for a while, and I have  
 14 been successfully seeing it. But a lot of people  
 15 referred to having us read testimony, and I for one  
 16 cannot access that information today.  
 17 CHAIRMAN KARY: I will refer that to Jacelyn.  
 18 JACELYN STERLING: Senator Ellis, you weren't  
 19 the only one who had that problem. I don't know what  
 20 happened, but I'm going to try and resubmit the  
 21 testimony to you so you will have it. I was unable to  
 22 resubmit it before the meeting.  
 23 I'm sorry. I don't know what happened and I  
 24 sent it the same as I always do. But I'm going to all  
 25 IT and we'll try and figure that out so that you will

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1 have it and it doesn't happen for future meetings.  
 2 SENATOR ELLIS: Thank you. Mr. Chairman.  
 3 Now I'm ready for my question.  
 4 CHAIRMAN KARY: Senator Ellis.  
 5 SENATOR ELLIS: So -- is Ms. McCue --  
 6 CHAIRMAN KARY: You can go up there.  
 7 SENATOR ELLIS: Okay, Mr. Chairman,  
 8 Ms. McCue. I am interested -- and I don't know if you  
 9 want to finish all your testimony, but I was  
 10 particularly interested in the problems you saw in  
 11 closing registration either the Friday or at noon the  
 12 day of, or day before elections. Because you said that  
 13 there were -- it was going to create more problems.  
 14 And I was particularly interested in that issue.  
 15 AUDREY MCCUE: Mr. Chair, Senator Ellis.  
 16 Without going through everything I was going to, I can  
 17 just stick to that section. The lines are long on  
 18 election day because that's the last day to do it. So  
 19 moving the deadline to Friday, as the bill originally  
 20 did, or Monday, as the bill stands after the amendment  
 21 in the House, doesn't get rid of the long lines. It  
 22 just moves them. So that's not especially helpful.  
 23 I think it will be more difficult to  
 24 accommodate the long lines on Monday or Friday because  
 25 in a federal general election day, the rest of our

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1 building is closed for that government holiday, and  
 2 that allows us to take over the building and we have  
 3 more space to accommodate the lines and to assist the  
 4 higher number of voters.  
 5 Before election day, we can't do that. We  
 6 don't have access to the entire building. There's a  
 7 lot of work we do in the days leading up to the  
 8 election. As you probably know, we have to print lists  
 9 over the weekend of the people who can vote at the  
 10 polling places. And those lists have to reflect who  
 11 already had a ballot because they're absentee or  
 12 because they late-registered.  
 13 So after absentee closes Monday at noon, we  
 14 print updates to those lists to reflect those  
 15 additional ballots issued and late registration  
 16 changes. So we moved the line to Friday. That doesn't  
 17 save us work on that front. We still have to print  
 18 those lists over the weekend. We still have to print  
 19 the updates on Monday.  
 20 Moving the line to Monday at noon I think  
 21 will make things worse. We have to wait until everyone  
 22 in line at noon is done being processed before we can  
 23 print the updates. And that's waiting for all counties  
 24 across the state to finish their lines, because one of  
 25 my Lewis and Clark County registered voters could be in

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1 line in Gallatin County or in Yellowstone County or in  
 2 any other county to register there, and I need to know  
 3 that before I print my updated lists.  
 4 Those long -- those bigger counties now  
 5 sometimes have four-hour-long lines. So if we're  
 6 waiting for those, we can finally finish -- print our  
 7 lists after that.  
 8 But it doesn't stop there. We then have to  
 9 get the list to the polls by 6 a.m. the next day. That  
 10 means delivering lists across the county. So in my  
 11 county we'd be talking about driving from Helena to  
 12 Augusta or Helena to Lincoln. You can imagine going  
 13 from Bozeman to West Yellowstone. And that's waiting  
 14 to do the line, printing the list, and then driving it  
 15 out there.  
 16 I don't think it helps because we'll still  
 17 see people show up on election day. Hopefully not as  
 18 many as now, but we'll have unregistered citizens or  
 19 registered people who forgot to update, and they'll be  
 20 at the polls or our office. When we tell them we can't  
 21 vote, some of them will leave and be done, but some of  
 22 them won't stop. They'll call their political party.  
 23 They'll call their U.S. Senator. They'll call their  
 24 attorney. And that is certainly going to take up staff  
 25 time on election day, probably management-level staff,

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1 the people in charge of overseeing the most important  
 2 things.  
 3 Also of concern to me are the people who fall  
 4 through the cracks and thought they registered ahead of  
 5 time but didn't, and them having no recourse. But I  
 6 caught some of what the other opponents said, and I  
 7 think that's been covered. So I won't address that  
 8 part. But I guess the issue just being that it takes  
 9 away that failsafe.  
 10 CHAIRMAN KARY: Further questions from the  
 11 Committee?  
 12 Senator Ellis. Oops, she just dropped her  
 13 hand.  
 14 Vice Chair Bennett.  
 15 VICE CHAIRMAN BENNETT: Thank you, Mr. Chair.  
 16 I've got a few for the sponsor.  
 17 CHAIRMAN KARY: Representative Greef, Senator  
 18 Bennett.  
 19 REPRESENTATIVE GREEF: Yes. Thank you,  
 20 Mr. Chair, Senator.  
 21 VICE CHAIRMAN BENNETT: Mr. Chair and  
 22 Representative Greef.  
 23 You talked about voter fraud in your opening,  
 24 and you said that somehow election day registration had  
 25 led to voter fraud. I would like to know, A, what

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1 proof you have of that, and B, how much there must be  
 2 to want to disenfranchise 60,000 people who've used the  
 3 service before?  
 4 REPRESENTATIVE GREEF: Thank you, Mr. Chair,  
 5 Senator.  
 6 First of all, we're not setting out to  
 7 disenfranchise anyone. When I talked about voter  
 8 fraud, I wasn't talking about Montana specifically. I  
 9 think that we all realize that there was a huge amount  
 10 of distrust in our national election. We are trying to  
 11 change this just a bit so that we in Montana have the  
 12 protections so that we aren't one of the states that is  
 13 under scrutiny that some of the states are now.  
 14 VICE CHAIRMAN BENNETT: Mr. Chair and  
 15 Representative Greef.  
 16 I do agree with you that there is not a  
 17 problem here in Montana right now. But I do want to  
 18 ask you about the voter suppression element to this. I  
 19 mean, I hear you saying that this is not about  
 20 disenfranchising voters.  
 21 REPRESENTATIVE GREEF: No.  
 22 VICE CHAIRMAN BENNETT: But the reality is,  
 23 is that if you take away opportunities for people to  
 24 register to vote, there will be fewer people to  
 25 register to vote. How does that add up?

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1 REPRESENTATIVE GREEF: Mr. Chair, Senator. I  
 2 think what we have here is an education problem. Or  
 3 perhaps you could even call it an advertising problem.  
 4 We aren't taking away the one day that someone can  
 5 register. They can register anytime. Anytime. And so  
 6 this is really a customer service bill, but we need to  
 7 advertise it as such, just to make it easier.

8 CHAIRMAN KARY: Senator Bennett.

9 VICE CHAIRMAN BENNETT: Mr. Chair and  
 10 Representative Greef.

11 I do want to talk a little bit about the  
 12 failsafe issues that people brought up before. And to  
 13 be clear, this is less of an education issue, and you  
 14 are actually taking away a day when people can register  
 15 to vote. But there is that issue of the people who go  
 16 to the DMV. They register to vote. They think that  
 17 they're taken care of. They do everything right. They  
 18 do everything that they're expected to do. But we've  
 19 heard story after story over the years that the clerk  
 20 at the DMV doesn't bring the voter registration form  
 21 in, or they don't get it in on time.

22 Why should that person who did everything  
 23 right, they're not irresponsible in the slightest, be  
 24 disenfranchised from being able to cast a ballot, their  
 25 constitutional right to vote, under this bill?

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1 REPRESENTATIVE GREEF: Mr. Chair and Senator.  
 2 Again, this is not to disenfranchise anyone.  
 3 And that can certainly happen with anybody that  
 4 registered on the last day. There could be some  
 5 mistake that for some reason their ballot wasn't  
 6 counted.

7 We are giving them all of this extra time.  
 8 They do not have to wait until the last day. And we're  
 9 not wanting to take anyone's vote away. We want to  
 10 make sure that everyone understands that. Mr. Chair.

11 CHAIRMAN KARY: Thank you, Representative  
 12 Greef.

13 Are there further questions?

14 VICE CHAIRMAN BENNETT: We have some more  
 15 questions, Mr. Chair.

16 CHAIRMAN KARY: One more. Then we'll move  
 17 on. Okay?

18 VICE CHAIRMAN BENNETT: Sure. So -- I'll  
 19 come back for the rest of mine, but I do want to follow  
 20 up on this failsafe piece. Because it's not just the  
 21 DMV. I mean, sometimes it is error within our election  
 22 administrator's office. I mean, we find ourselves in  
 23 situations where people go in, they register to vote,  
 24 they've done everything that you're saying somebody is  
 25 supposed to do. But because of some glitch in the

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1 system, that person is not going to show up on the list  
 2 when they're printed by our election administrator,  
 3 like Ms. McCue was just saying.

4 So I know that you're telling me over and  
 5 over this is not about disenfranchising people. But  
 6 why in the world would we not allow somebody to vote  
 7 and be able to figure out that issue, figure out and  
 8 register on election day, if they did everything right  
 9 and it's the election administrator that made the  
 10 mistake?

11 CHAIRMAN KARY: Would you like to refer?

12 REPRESENTATIVE GREEF: Mr. Chair. Yes, I  
 13 could refer, that Mr. Corson could probably give you  
 14 more satisfaction than I am right now, Senator. Would  
 15 that work for you?

16 VICE CHAIRMAN BENNETT: I mean, Mr. Chair, I  
 17 -- I would certainly love to hear the technical piece  
 18 from Mr. Corson, but I guess at the values piece, I  
 19 want to know why a bill would be brought forward that  
 20 does that.

21 I mean, this is what this bill does, and I  
 22 just want to hear you as the sponsor speak to why that  
 23 person, in your belief, shouldn't be able to cast their  
 24 ballot, be able to register to vote and cast a ballot.

25 REPRESENTATIVE GREEF: Mr. Chair, Senator.

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1 Most of the states in the country do not have same-day  
 2 registration, and it works very, very well. And so I  
 3 think that we can look to them. We're not the only  
 4 people that are trying to make this more efficient.  
 5 And that's exactly what we're trying to do.

6 Again, we're not trying to take away anyone's  
 7 vote. That would be -- I wouldn't carry this bill if I  
 8 thought that I was taking away the vote of one person.  
 9 I couldn't do it.

10 CHAIRMAN KARY: Thank you, Representative  
 11 Greef.

12 Senator Cuffe, did you have a question?

13 SENATOR CUFFE: Thank you, Mr. Chairman. And  
 14 Mr. Chairman, if I might ask questions of Dana Corson.

15 CHAIRMAN KARY: Mr. Corson, Senator Cuffe.

16 DANA CORSON: Mr. Chair, Senator Cuffe.

17 SENATOR CUFFE: Mr. Chair, Mr. Corson.

18 There was just reference to other states.  
 19 And do you have any idea how many other states have  
 20 same-day registration?

21 DANA CORSON: Mr. Chair, Senator Cuffe. I  
 22 believe it's 21. I looked at the NCSL data. So it's  
 23 states like California, Colorado, Connecticut, Hawaii,  
 24 Idaho, Illinois, ranking down to Wyoming. I'll be glad  
 25 to leave -- give you a copy of that.

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1 SENATOR CUFFE: So maybe let me ask  
 2 through -- Mr. Chairman, might I ask the reverse of the  
 3 question. How many do not have same-day registration?  
 4 DANA CORSON: Well, 50 minus 21, so --  
 5 SENATOR CUFFE: Sounds like 39.  
 6 DANA CORSON: 39.  
 7 SENATOR CUFFE: Or 29.  
 8 DANA CORSON: 29.  
 9 SENATOR CUFFE: Yeah, 29. So somehow 29  
 10 other states it is working, Mr. Chairman. And  
 11 Mr. Chairman, I seem to recall that when I  
 12 registered -- and for many, many, many years, when I  
 13 was covering courthouse beats for newspapers and  
 14 things, we did not have same-day registration,  
 15 Mr. Chairman.  
 16 So I'm just wondering do you -- how long have  
 17 we been doing this?  
 18 DANA CORSON: Mr. Chair and Senator Cuffe.  
 19 In Montana, you mean?  
 20 SENATOR CUFFE: Uh-huh.  
 21 DANA CORSON: Since about 2008, I think, was  
 22 the first election on that one. 2005. I just saw five  
 23 fingers go up over there.  
 24 SENATOR CUFFE: Mr. Chairman, there have been  
 25 references throughout various testimony regarding

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1 constitutionality. And Mr. Chairman, can you help me  
 2 on remembering? I believe the constitution was, what,  
 3 dated 1972? The point being that there were a lot of  
 4 years the constitution was in effect and we did not  
 5 have same-day registration.  
 6 Mr. Chairman, thank you. I might ask  
 7 Mr. Corson one more question.  
 8 CHAIRMAN KARY: Then do.  
 9 SENATOR CUFFE: And then I'll be done. Thank  
 10 you, Mr. Chairman.  
 11 There was mention of what if somebody has a  
 12 birthday on election day or in that critical time  
 13 period, and are there processes for that?  
 14 DANA CORSON: Mr. Chair, Senator Cuffe. So  
 15 lots of avenues for registration. They can go direct  
 16 to the election office. If they're doing their  
 17 driver's license stuff, it will show up there.  
 18 Typically, we don't see things that will appear on the  
 19 voter registration data, but their effective date,  
 20 their vote effective date is set to that birthday. If  
 21 that happens to be the election, that's the day they  
 22 can vote. They can register ahead of time and then  
 23 still show up and vote.  
 24 So the types of services that we're talking  
 25 about in this bill -- I heard some confusing things

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1 that are inconsistent with the bill, but the people who  
 2 are precinct to precinct, county to county, stuff like  
 3 that. "I've lost my ballot," all those things, are  
 4 still available on election day. It's the newly  
 5 registered, the brand new faces to the system.  
 6 SENATOR CUFFE: Thank you, Mr. Corson. Thank  
 7 you, Mr. Chairman.  
 8 CHAIRMAN KARY: Senator Sales.  
 9 SENATOR SALES: Thank you, Mr. Chair,  
 10 Mr. Corson.  
 11 Mr. Corson, I guess, could you just talk then  
 12 a little bit more, I think, on the fail-safes and some  
 13 of those issues that we heard. And it was interesting  
 14 to me -- I want to make sure that I understood the  
 15 birth date part, where it's effective on, so they could  
 16 still vote as long as they went in early and  
 17 registered, and that would then -- since their birthday  
 18 was happy birthday to you, now you get to vote, they're  
 19 going to be able to still exercise that right.  
 20 Correct?  
 21 DANA CORSON: Mr. Chair and Senator Sales,  
 22 yes. And you know, there's other outreach and  
 23 confirmation tools that are available, too. Typically,  
 24 when you vote, you're going to get a voter registration  
 25 card, things like that. There'll be communications

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1 from the office. So hopefully a voter or registrant  
 2 would be on the alert. You know, I've done something,  
 3 but I'm not seeing something come back.  
 4 You know, the other part is the MyVoter page  
 5 is updated daily with the previous day's data. They  
 6 can always check to make sure they can see themselves  
 7 out there, and the voter status, and if they're  
 8 absentee and things like that. If it's a federal  
 9 election year, they'll be able to see the ballot  
 10 they're actually going to vote on, as well, too. So --  
 11 SENATOR SALES: All right. Thank you.  
 12 CHAIRMAN KARY: I do have a question for  
 13 Mr. Corson. We've heard numbers from 60,000 to 3,352  
 14 utilized same-day registration. Is that 60,000 from  
 15 the date of inception when they first came out to  
 16 change the law? Or do we have years where we actually  
 17 have 60,000 individuals registered on election day in  
 18 Montana?  
 19 DANA CORSON: Yes. So, Mr. Chair, those are  
 20 cumulative numbers that you're hearing, from what I  
 21 heard today.  
 22 CHAIRMAN KARY: Cumulative. So that would be  
 23 roughly 15 years of data? So the 3,000 is not out of  
 24 line then?  
 25 DANA CORSON: Mr. Chair, no, that's not out

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1 of line.  
 2 CHAIRMAN KARY: Okay. Another question for  
 3 you, Mr. Corson. On the 3,352, we'll just say 3,000  
 4 for round numbers. Those individuals, if they  
 5 register, we'll just say the Friday or the Monday,  
 6 either one. When they vote, that's a provisional  
 7 ballot, isn't it, that they vote, when it's that close?  
 8 It's not accepted because there's no way to verify  
 9 everything right away?  
 10 DANA CORSON: Mr. Chair, not in all cases.  
 11 You know, you could end up being a provisional voter,  
 12 as well, too, let alone a provisional ballot. So if  
 13 the circumstances are correct on that Friday, and  
 14 everything is done, and all the information lines up,  
 15 there's nothing that -- piece of information that you  
 16 would owe the election administrator that would not  
 17 cause a provisional.  
 18 CHAIRMAN KARY: However, on the day of the  
 19 election, same-day registration, is that a provisional  
 20 ballot?  
 21 DANA CORSON: Those, on the same day, is my  
 22 understanding.  
 23 CHAIRMAN KARY: And I would defer -- she  
 24 agrees. Okay.  
 25 Any other questions?

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1 Senator Ellis.  
 2 SENATOR ELLIS: Thank you, Mr. Chairman. I  
 3 had -- maybe Jacelyn can answer this. I wanted to know  
 4 if Ms. McCue is one of the testifiers -- or people who  
 5 submitted written testimony that I'll eventually be  
 6 able to see.  
 7 CHAIRMAN KARY: Ms. McCue --  
 8 SENATOR ELLIS: And I can ask her if --  
 9 CHAIRMAN KARY: She's right here.  
 10 SENATOR ELLIS: Oh, okay.  
 11 AUDREY MCCUE: Senator Kary, I did not. I  
 12 signed up to testify online, but I was able to come in  
 13 person. But I can email that to Senators, if you like.  
 14 And Senator, may I clarify the provisional ballot  
 15 question you just had?  
 16 CHAIRMAN KARY: Yes.  
 17 AUDREY MCCUE: So the provisional ballots are  
 18 those lists that we print for the polling place. If  
 19 the lists are already done and printed, then if  
 20 somebody is somewhere on a list at a polling place, we  
 21 have to give them a provisional ballot when they late  
 22 register.  
 23 So it's really just on election day, not the  
 24 Friday or Monday. And it's actually tied in law and  
 25 rule to that list being printed. So the idea there, if

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1 you're a brand new late registrant on election day, you  
 2 don't need a provisional ballot, because you're not  
 3 going to be on a list anywhere. If you tried to go  
 4 into a polling place, you couldn't vote.  
 5 But if you were on a list in Precinct 1 and  
 6 you came to the office to late register, you'd get a  
 7 provisional ballot, and we won't count it unless we  
 8 check the list -- until we check the list in Precinct  
 9 1. And then the same concept from county to county.  
 10 CHAIRMAN KARY: So it's provisional until  
 11 it's verified.  
 12 AUDREY MCCUE: Right. It's provisional until  
 13 we check the lists and make sure you didn't vote twice.  
 14 CHAIRMAN KARY: Okay.  
 15 Further questions?  
 16 SENATOR ELLIS: Yes, Mr. Chairman, for  
 17 Ms. McCue.  
 18 CHAIRMAN KARY: Exercise, Mr. McCue.  
 19 Exercise.  
 20 AUDREY MCCUE: Senator Kary, Senator Ellis.  
 21 SENATOR ELLIS: Ms. McCue, first of all, I  
 22 would like you to send -- I would like to see a copy --  
 23 and I would guess the whole Committee would. I don't  
 24 know if you would send it to our secretary and she  
 25 could pass around your testimony if it's written.

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1 AUDREY MCCUE: Senator Kary, Senator Ellis.  
 2 I will do that. I'm assuming I can look your email up  
 3 online. Okay.  
 4 SENATOR ELLIS: Okay. And then the last  
 5 question I have for you is can you -- in your  
 6 experience, you've seen a lot of people register in  
 7 Lewis and Clark County using same-day registration.  
 8 And I wondered if you could give us like five reasons  
 9 why people do that, that you've seen fairly commonly,  
 10 just so we get a better feel.  
 11 AUDREY MCCUE: Senator Kary, Senator Ellis.  
 12 I think a lot of people -- for a lot of people,  
 13 election day is a day. So when they make their plan to  
 14 vote, they -- you know, we have a lot of people who get  
 15 their absentees and do it ahead of time, but a lot of  
 16 people turn them in on that day, or they want to vote  
 17 on that day.  
 18 So if it's past the close of regular  
 19 registration and they know they're going to go in  
 20 person and register and vote, I think some people want  
 21 to do it on that day. I think there are some people  
 22 who moved and thought that their address got updated  
 23 when they changed it at the post office or the DMV and  
 24 it didn't, so they went on election day. I think some  
 25 people just don't even think to look it up until

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1 election day or the night before, and so they just  
 2 figure out that that's their option.  
 3 We have some people who get routed from the  
 4 polls to our office because they weren't in the  
 5 register, and they're there to register and vote. I  
 6 could look up the data on like how many we've had that  
 7 are new versus county to county versus precinct to  
 8 precinct, but it's not usually just one of those  
 9 categories, if that answers the question.  
 10 SENATOR ELLIS: Yes, it does. Thank you,  
 11 Ms. McCue. Thank you, Mr. Chairman.  
 12 CHAIRMAN KARY: Ms. McCue, if you would stay  
 13 there for one minute. Educate me. If I came in and I  
 14 have voted, and it was in a different -- and we just  
 15 moved within the last six months. And I showed up.  
 16 Would that be a late registration? That would just be  
 17 a change of information, would it not, because I'm  
 18 already registered?  
 19 AUDREY MCCUE: Senator Kary, we do consider  
 20 any changes to key voter registration information after  
 21 the close are considered late registration. So it's  
 22 new or it's changing your residence address or changing  
 23 your name.  
 24 CHAIRMAN KARY: So anything after 30 days  
 25 before is considered that, correct?

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1 AUDREY MCCUE: Yes. Usually the 30th day is  
 2 Sunday, so the 20 -- the close ends up being the 29th  
 3 day, and it's 28 days until election day. But any --  
 4 CHAIRMAN KARY: So we really don't get 3,000  
 5 people showing up to do it on election day. It's  
 6 between the 29th day and election day. Is that  
 7 correct?  
 8 AUDREY MCCUE: Senator Kary, the 3,000 number  
 9 I think is specific to election day. The data that's  
 10 on the state's website, you can see how many total and  
 11 how many for just election day versus the days before  
 12 election day.  
 13 CHAIRMAN KARY: Oh, okay.  
 14 AUDREY MCCUE: So those numbers, I think,  
 15 have been reported on just election day.  
 16 CHAIRMAN KARY: Just election day. Thank  
 17 you.  
 18 SENATOR CUFFE: Mr. Chairman.  
 19 CHAIRMAN KARY: Senator Cuffe.  
 20 SENATOR CUFFE: Could I ask a question of --  
 21 is it Audrey McCue, McCue --  
 22 AUDREY MCCUE: Senator Cuffe, yes.  
 23 CHAIRMAN KARY: Ms. McCue.  
 24 SENATOR CUFFE: Yes. Anyway, if someone  
 25 registers to vote early, does that prevent them to

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1 voting on election day?  
 2 AUDREY MCCUE: Senator Kary, Senator Cuffe.  
 3 No. So the way kind of I explain late registration to  
 4 voters and close of registration is if you want to vote  
 5 at your polling place, you need to register before the  
 6 close. In order to vote at your polling place.  
 7 Otherwise, you go into the elections office to register  
 8 and vote there. So what this would change is you'd  
 9 have to do that before election day.  
 10 SENATOR CUFFE: So they can vote -- you can  
 11 register as early as you want. And if you vote, you  
 12 continue to be registered.  
 13 AUDREY MCCUE: Senator Kary, Senator Cuffe.  
 14 That's correct. There's different ways you get  
 15 inactivated and then cancelled based on usually not  
 16 responding to notices or having address changes. But  
 17 if you're registered and you're voting, you won't  
 18 get --  
 19 SENATOR CUFFE: Yeah. So the vast majority  
 20 are there.  
 21 AUDREY MCCUE: Correct.  
 22 SENATOR CUFFE: Mr. Chairman, might I ask the  
 23 sponsor a question? And then I'm done, Mr. Chairman.  
 24 CHAIRMAN KARY: Okay. Senator Cuffe.  
 25 Representative Greef.

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1 REPRESENTATIVE GREEF: Mr. Chair, Senator.  
 2 SENATOR CUFFE: Representative Greef, why did  
 3 you decide to bring this bill? Can you -- I mean  
 4 that's really -- right now you're probably thinking  
 5 "Why did I?"  
 6 REPRESENTATIVE GREEF: No. Mr. Chair,  
 7 Senator. It's something that I had been thinking about  
 8 for a long time before we came to session. And then,  
 9 as we went through the national elections, my  
 10 conviction to bring this became much stronger. We  
 11 elected a new Secretary of State. And Christi Jacobsen  
 12 has worked for years in that office. This is a bill  
 13 that she really, really feels strongly about passing.  
 14 And so that convinced me, again, that this is the right  
 15 time to bring this bill.  
 16 SENATOR CUFFE: Thank you, Mr. Chairman.  
 17 CHAIRMAN KARY: Vice Chair Bennett.  
 18 VICE CHAIRMAN BENNETT: Thank you, Mr. Chair.  
 19 Just one last question for the sponsor.  
 20 CHAIRMAN KARY: And then you will close, so  
 21 you can stay up there. Okay.  
 22 VICE CHAIRMAN BENNETT: Mr. Chair and  
 23 Representative Greef. The elephant in the room that we  
 24 haven't had a chance to talk about yet is about six  
 25 years ago the people of Montana had this question in

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1 front of them. And they pretty resoundingly said we  
 2 want to keep election day registration. We think it's  
 3 a good idea. Why, in the face of that, should we  
 4 overturn or undermine the will of the voters that were  
 5 so recently heard?

6 REPRESENTATIVE GREEF: Mr. Chair and Senator.  
 7 A lot of things have changed in the six and a half  
 8 years since the voters decided that. Our population  
 9 has changed. The morals of the country have changed.  
 10 Just generally, the elections of the country have  
 11 changed. I want Montana's integrity to stay absolutely  
 12 as high as it is now. And that's why I think that this  
 13 bill is what we need, Senator.

14 CHAIRMAN KARY: Thank you. Representative  
 15 Greef, if you would care to close.

16 REPRESENTATIVE GREEF: I would love to,  
 17 Mr. Chair. People are using, I feel, same-day  
 18 registration because that's their habit. And I thought  
 19 it was interesting when Senator Ellis asked the reasons  
 20 why people are using this. Well, we're  
 21 procrastinators. I'm a procrastinator. People have  
 22 known that they could do this, so they do it. They  
 23 wait until their driver's license expires and they run  
 24 in the last day. They wait until mom's birthday is  
 25 tomorrow, and so they run in and get a birthday

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1 present. They wait to register because they can.  
 2 Like I said before, we've witnessed serious  
 3 threats to our election nationally. And again, we want  
 4 to ensure the integrity of Montana's elections.

5 I'd like to just briefly address the  
 6 handicapped voters. And I can understand that there's  
 7 a struggle. It's hard to get out to vote if they have  
 8 to go and change their registration or they want to  
 9 vote in person. But you know what? This is making it  
 10 so much easier just to let them know that they don't  
 11 have to go on one day. They can go on just about any  
 12 day they want.

13 Their caregivers or whoever helps them does  
 14 not have to rush to go for that one day. It's -- I  
 15 think it's going to be easier. We realize the effort  
 16 and we appreciate the effort that it takes for a  
 17 handicapped person to vote. Please don't make this  
 18 bill about taking that right away. It absolutely is  
 19 not.

20 The change that will happen when this bill  
 21 passes will be heavily advertised. You know how  
 22 elections are advertised on television, through the  
 23 mail. I guarantee you this will be heavily advertised.

24 And again, I'd like to address Little Dog's  
 25 concern about the 18-year-olds. They will -- their

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1 vote will be held until the day of the election, if  
 2 that's the birthday. They will be able to vote.

3 Mr. Chairman, members of the Committee, I ask  
 4 for a do pass on House Bill 176. Thank you.

5 CHAIRMAN KARY: Thank you, Representative  
 6 Greef. And with that, we'll close the hearing on House  
 7 Bill 176.

8 And members of the Committee that are left  
 9 here, thank you for your patience, for extending the  
 10 additional time. We have a full docket on Wednesday  
 11 again, and another full docket on Friday, and we are  
 12 scheduled all through next week already.

13 So prepare to spend a little bit more time  
 14 than we have. Thank you, members. With that, we will  
 15 close the meeting.

16 (Recording ends)  
 17 \* \* \* \* \*

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1 CERTIFICATION

2

3 I, Alicia Jarrett, court-approved  
 4 transcriber, hereby certify that the foregoing is a  
 5 correct transcript from the electronic sound recording  
 6 provided for transcription and prepared to the best of  
 7 my ability.

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24 \_\_\_\_\_  
 ALICIA JARRETT, AAERT NO. 428 DATE: March 29, 2021

25



# EXHIBIT K

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**MONTANA THIRTEENTH JUDICIAL DISTRICT COURT  
YELLOWSTONE COUNTY**

WESTERN NATIVE VOICE, Montana Native  
Vote, Assiniboine and Sioux Tribes of Fort  
Peck, Blackfeet Nation, Confederated Salish  
and Kootenai Tribes, Crow Tribe, Fort Belknap  
Indian Community,

Plaintiff,

v.

COREY STAPLETON, in his official capacity  
as Montana Secretary of State, TIM FOX, in his  
official capacity as Montana Attorney General,  
JEFF MANGAN, in his official capacity as  
Montana Commissioner of Political Practices,

Defendants.

Cause No. DV-56-2020-377-DK

**DECLARATION OF M.V. HOOD III**

I, M.V. Hood III, affirm the conclusions I express in this report are provided to a reasonable degree of professional certainty. In addition, I do hereby declare the following:

## **I. INTRODUCTION AND BACKGROUND**

My name is M.V. (Trey) Hood III, and I am a tenured professor at the University of Georgia with an appointment in the Department of Political Science. I have been a faculty member at the University of Georgia since 1999. I also serve as the Director of the School of Public and International Affairs Survey Research Center. I am an expert in American politics, specifically in the areas of electoral politics, racial politics, election administration, and Southern politics. I teach courses on American politics, Southern politics, and research methods and have taught graduate seminars on the topics of election administration and Southern politics.

I have received research grants from the National Science Foundation, the Pew Charitable Trust, and the Center for Election Innovation and Research. I have also published peer-reviewed journal articles specifically in the area of election administration. My academic publications are detailed in a copy of my curriculum vitae that is attached to the end of this document. Currently, I serve on the editorial boards for *Social Science Quarterly* and *Election Law Journal*. The latter is a peer-reviewed academic journal focused on the area of election administration.

During the preceding four years, I have offered expert testimony (through deposition or at trial) in eleven cases around the United States: *Bethune-Hill v. Virginia State Board of Elections*, 3:14-cv-00852 (E.D. Va.), *Common Cause v. Rucho*, 1:16-cv-1026 (M.D. N.C.), *Greater Birmingham Ministries v. Merrill*, 2:15-cv-02193 (N.D. Ala), *Anne Harding v. County of Dallas, Texas*, 3:15-cv-00131 (N.D. Tex.), *Feldman v. Arizona Secretary of State's Office*, 2:16-cv-16-01065 (Ariz.), *League of Women Voters v. Gardner*, 226-2017-cv-00433 (Hillsborough Superior Court), *Ohio A. Philip Randolph Institute v. Ryan Smith*, 1:18-cv-357 (S.D. Ohio), *Libertarian Party of Arkansas v. Thurston*, 4:19-cv-00214 (E.D. Ark.); *Chestnut v. Merrill*, 2:18-cv-907 (N.D. Ala.), *Common Cause v. Lewis*, 18-CVS-014001 (Wake County Superior Court); and *Nielsen v. DeSantis*, 4:20-cv-236 (N.D. Fla.).

I am receiving \$400 an hour for assisting the Defendants in analyzing Montana's absentee ballot collection statute, and \$400 an hour for any testimony associated with this work. In reaching my conclusions, I have drawn on my training, experience, and knowledge as a social scientist who has specifically conducted research in the area of election administration. My compensation in this case is not dependent upon the outcome of the litigation or the substance of my opinions.

## **II. SCOPE AND OVERVIEW**

I have been asked by counsel for the Defendants to provide a brief overview of Montana's voting system (Section III), including changes brought about by the Ballot Interference Prevention Act (BIPA). Section IV provides a state-by-state comparison of regulations associated with the collection and return of absentee mail ballots. I was also asked by counsel for the Defendants to respond to expert reports in this matter submitted by Professor Alexander Street (Section V) and Professor Daniel McCool (Section VI), especially those parts of their reports relating to BIPA. A synopsis of my overall conclusions in this matter is contained in Section VII.

Note: States use different terminology to refer to absentee ballots that can be cast through the mail. The State of Montana uses the term absentee voting to refer to this method of voting. I, therefore, will use absentee voting throughout this report to refer to a ballot sent to the voter through the mail which can also be returned by the voter through the mail.

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### **III. VOTING IN MONTANA**<sup>1</sup>

Montanans are able to cast a ballot in-person at their polling place on election-day or absentee (by mail or in-person<sup>2</sup>). Outside of a robust absentee balloting system which will be discussed in detail below, Montana's voting regime also contains other helpful provisions for voters. Along these lines, Montana is among a decided minority of states that allows election-day registration.<sup>3</sup>

Montana allows citizens the ability to *late register* and vote at their respective county election office through the close of election-day polling.<sup>4</sup> Citizens exercising this option are required to complete a voter registration application in which they are to record their residential address.<sup>5</sup> Documentary proof of residency is not required, nor is documentary proof of identity. Applicants are asked, however, to record their Montana driver's license or state ID number on the form. In lieu of this information, the last four digits of one's Social Security number may also be used. If neither a driver's license nor Social Security number is available, other identifying documents may be used to register.<sup>6</sup> As long as the information/documentation presented is sufficient to verify a registrant's identity, they will be allowed to cast a regular ballot at the county election office.<sup>7</sup>

#### **A. In-Person Voting on Election-Day**

Montana's election code calls for in-person voting on election-day from 7:00 am to 8:00 pm.<sup>8</sup> Electors must appear at their assigned polling place,<sup>9</sup> identify themselves, and present requisite photo or non-photo identification. Once precinct officials have located the voter's name in the Polling Place Book, the voter will sign their name in said book and receive a ballot.<sup>10</sup> Upon completion of the voting process, the voter will deposit their ballot with an election judge before leaving the polling place.

#### **B. Absentee Voting**

In addition to in-person polling place voting on election-day, Montana voters also have the option to vote absentee (by mail or in-person). In Montana, voters do not have to provide an

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<sup>1</sup> My understanding of Montana's election scheme was heavily informed by interviews with state and local election officials and documentation found at the Montana Secretary of State's website (<https://sosmt.gov/elections/>).

<sup>2</sup> Montana does not have a formalized early in-person voting method as in some states where vote centers are open specified days and times during a period prior to election-day. A Montana voter, however, may vote by absentee ballot in-person at their county elections office beginning 30 days prior to the election (Mont. Code Ann. § 13-13-222; 13-13-205(a)(i)).

<sup>3</sup> Other helpful provisions for voters in Montana's election code include the ability to vote provisionally (Mont. Code Ann. §§ 13-13-114 and -601; 13-15-107(5)); voting for military and overseas (UOCAVA) electors (Mont. Code Ann. §§ 13-21-102-228); and accommodations for disabled and elderly voters (Mont. Code Ann. §§ 13-3-213; 13-13-118, -119, and -246).

<sup>4</sup> See Mont. Code Ann. § 13-2-304. For general information on voter registration in Montana see <https://sos.mt.gov/elections/vote/index#370474451-how-to-register-to-vote>.

<sup>5</sup> See Mont. Code Ann. § 13-2-208.

<sup>6</sup> See Mont. Code Ann. § 13-2-110(3).

<sup>7</sup> This scenario would apply to new registrants. If a voter is using the late registration period to transfer their registration, they would vote a provisional ballot which would be counted if it is determined they had not already cast a ballot. For more information, see Admin. R. Mont. § 44.3.2015(5).

<sup>8</sup> See Mont. Code Ann. § 13-1-106.

<sup>9</sup> Some polling place locations in Montana contain multiple precincts.

<sup>10</sup> See Mont. Code Ann. § 13-13-114.

excuse to vote absentee, nor provide identification, nor have their absentee ballot notarized or witnessed. This section will detail the five components of the absentee voting process in Montana.

*i. Requesting an Absentee Ballot*

Voters can request an absentee ballot using the standard form, a copy of which is appended to the end of this report. The form must be signed manually by the voter (contain a wet signature). On this same request form, a voter may indicate their preference to continue to receive absentee ballots by mail on a permanent basis (conditioned on residing at the address listed on the application).<sup>11</sup> For voters who choose this option, Steps *i* and *ii* in the absentee voting process are no longer necessary.

*ii. Returning the Absentee Ballot Request*

The request form can be transmitted to county election officials by mail, e-mail (as an attachment), fax, or in-person. An individual could also have their absentee ballot request form delivered by another individual.

*iii. Receiving an Absentee Ballot*

A voter may have their absentee ballot delivered through the mail. Absentee ballots are statutorily required to be mailed to voters twenty-five days prior to an election. Voters can also pick up their ballot at the county election office in-person beginning thirty days before an election or have an individual designated in writing<sup>12</sup> pick up their ballot on their behalf.

*iv. Returning a Voted Absentee Ballot*

In order to be counted, an absentee ballot must reach election officials by the close of polls on election-day (8:00 pm).<sup>13</sup> Voters in Montana may return their absentee ballot through the mail or another common carrier (e.g. FedEx). Voters may also return their ballot in-person to a number of locations, including their county election office or satellite office, prior to or on election-day.<sup>14</sup> On election-day, voters may deposit their absentee ballot at any polling place location within their county.<sup>15</sup> Absentee voters may also return their ballots, if available, to a designated place of deposit.<sup>16</sup> In Montana, a designated *place of deposit* must be actively staffed by two election judges.<sup>17</sup> A voter may also designate a caregiver, family or household member, or acquaintance to return their absentee ballot on their behalf.<sup>18</sup> Voters requiring additional assistance with absentee voting due to a health emergency may request that an absentee ballot be delivered and returned by the “absentee ballot election board or an authorized election official.” These election officials can also assist the elector in marking their ballot if necessary.<sup>19</sup>

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<sup>11</sup> Mont. Code Ann. § 13-13-212(3).

<sup>12</sup> Mont. Code Ann. § 13-13-214.

<sup>13</sup> Mont. Code Ann. § 13-13-201(3).

<sup>14</sup> There are currently 12 satellite elections offices in 11 counties (Big Horn, Blaine, Choteau, Glacier, Hill, Lake, Missoula, Pondera, Roosevelt, Rosebud, and Valley).

<sup>15</sup> For the 2018 general election there were 333 election-day polling place locations across the state.

<sup>16</sup> Mont. Code Ann. § 13-13-201(2)(e).

<sup>17</sup> Mont. Code Ann. § 13-19-307(b)(5).

<sup>18</sup> Mont. Code Ann. § 13-35-703.

<sup>19</sup> See Mont. Code Ann. §§ 13-13-212(2)(a) and 13-13-229.

*v. Tracking an Absentee Ballot and Correcting Issues*

A Montana voter can track the status of their absentee ballot using the *My Voter Page* on the Secretary of State's website.<sup>20</sup>

Absentee ballots in Montana are verified by matching the signature on the voter affirmation<sup>21</sup> that accompanies the ballot with the signature on file for the voter.<sup>22</sup> If an absentee ballot is received that contains a signature mismatch, the wrong signature, or no signature, the voter will be notified and will be allowed to cure their ballot.<sup>23</sup> County election officials will notify voters whose absentee ballot has been rejected by mail and other contact methods when available (e.g. phone, e-mail). Voters can resolve absentee signature issues by completing the *Ballot Rejection Notice* form and returning it by mail, fax, e-mail, or in-person to the county election office by the close of polls on election-day.<sup>24</sup>

A rejected absentee ballot not cured by the close of polls on election-day will be treated as a provisional ballot. It is important to note, however, that a voter in this situation can still have their ballot cured and converted to a regular ballot that will be counted even after election-day. Absentee voters can submit a cure affidavit up to 5:00 pm of the day following the election. If the cure affidavit is postmarked by 5:00 pm the day following the election and it is received by county election officials by 3:00 pm the Monday following election-day, the ballot will be converted to a regular ballot and counted.<sup>25</sup>

**C. The Ballot Interference Prevention Act**<sup>26</sup>

So, what exactly about voting in Montana did BIPA alter?<sup>27</sup> The act regulates the manner in which absentee ballots may be returned in-person, both in terms of who may return an absentee ballot and in what quantity. Return is limited to a caregiver, household or family member, or acquaintance. An individual may only return up to six ballots (not counting their own) per election. Such action must be documented with election officials using an official form (a copy of which is appended to this report).<sup>28</sup> Prior to the approval of BIPA, Montana did not regulate the return of voted absentee ballots, neither the quantity nor who might return such ballots.

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<sup>20</sup> My Voter Page found at: <https://app.mt.gov/voterinfo/>. Voters can also access other helpful functions on this portal as well (e.g. registration information).

<sup>21</sup> Ballot Signature Envelope with Affirmation can be accessed here: <https://sosmt.gov/Portals/142/Elections/Documents/Officials/Ballot-Signature-Envelope-with-Affirmation.pdf?dt=1523478958506>.

<sup>22</sup> See Mont. Code Ann. § 13-13-241.

<sup>23</sup> The cure process is outlined in Mont. Code Ann. § 13-13-245.

<sup>24</sup> The Ballot Rejection Notice can be accessed here:

<https://sosmt.gov/Portals/142/Elections/Documents/Officials/Ballot-Rejection-Notice.pdf>.

<sup>25</sup> See Mont. Code Ann. § 13-15-107.

<sup>26</sup> See Mont. Code Ann. § 13-35-701, 702, 703, 704, and 705.

<sup>27</sup> BIPA was passed as a ballot referendum in the 2018 general election with 63% of the vote. See <https://electionresults.mt.gov/resultsSW.aspx?type=BQ&map=CTY&eid=17>.

<sup>28</sup> Those in violation of BIPA can be fined \$500 (Mont. Code Ann. § 13-35-705).

BIPA is designed to increase security for absentee ballots, which comprise a significant share of the vote cast in Montana. Unlike voting at the polling place, absentee voting can raise concerns related to chain-of-custody for the ballot. On the absentee ballot's return trip, BIPA strengthens the chain-of-custody between the voter and the county elections office. Only the voter, a family or household member, caregiver, or an acquaintance can return the voted absentee ballot in-person. Limiting the method of transmittal to the voter or a trusted individual acts to strengthen chain-of-custody, thereby ensuring that a voter's absentee ballot makes it to election authorities in the same state as it left the voter's hand.

One important point to note is that BIPA only applies to the return of absentee ballots in-person. It does not, therefore, apply to absentee ballots transmitted through the U.S. Postal Service (USPS).<sup>29</sup> As such, BIPA does not prohibit the bulk collection (in any number) of absentee ballots, or require a defined relationship with the voter, as long as such ballots are returned through the mail. As well, individuals are still free to return their absentee ballot in-person to a designated place of deposit, the county election office or satellite office,<sup>30</sup> or any polling place within their county on election-day. BIPA also does not affect whether a returned ballot will be counted. Absentee ballots received in violation of BIPA (e.g. more than six ballots are submitted by the depositor) will still be accepted and processed.<sup>31</sup>

#### **IV. ABSENTEE BALLOT RETURN**

The attached table (Table A) contains detailed information for all fifty states relating to state laws governing the collection of absentee ballots. Within the context of this study, it is important to note the various components of the absentee-by-mail process. These include making an absentee ballot request, returning the absentee ballot request, obtaining an absentee ballot, returning a voted absentee ballot, and tracking and correcting (if necessary) an absentee ballot. These are five distinct processes, or steps, and states may regulate the entire process or only specific components thereof.

The comparative state analysis presented concentrates solely on the return of voted absentee ballots.<sup>32</sup> States are categorized in a binary fashion based on the presence or absence of

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<sup>29</sup> See "Montana Ballot Interference Act," Montana Commissioner of Political Practices (<http://politicalpractices.mt.gov/BIPA>), and Mont. Code Ann. § 13-35-704.

<sup>30</sup> BIPA did not affect the location or number of satellite polling places available for people living on Montana Indian reservations. See *Wandering Medicine v. McCulloch*, 906 F. Supp. 2d, 1083 (D. Mont. 2012), and Montana Secretary of State Election Directive #01-2015 (<https://sosmt.gov/Portals/142/Elections/Documents/Officials/DIR-1-15.pdf>).

<sup>31</sup> *Montana Election Judge Handbook 2020*, p. 58 (<https://sosmt.gov/Portals/142/Elections/Documents/Officials/Election-Judge-Handbook.pdf>).

<sup>32</sup> Here, I rely on a simple, straightforward, and accepted social science technique known as comparative analysis (in fact, an entire subfield in the political science discipline is devoted to the study of making comparisons between various quantities such as nation-states). In this case, I am using U.S. states as the unit of analysis. In some scenarios, comparative research relies on the selection of a specific set of cases for analysis, known as case study analysis. Here, I am utilizing the entire population of U.S. states. Doing so allows me to compare Montana to the remaining forty-nine states on a number of metrics associated with absentee ballot collection and return. To carry out this analysis, I systematically record observations on measures of interest for each state. Next, I group states into various categories based on specific characteristics of interest. It is the ability to classify, in turn, that allows one to make explicit comparisons between states.



regulation regarding this component of the absentee process. More specifically, states that do not place limitations on who can return an absentee ballot and in what quantity fall into the *No Regulation* category. Conversely, states that regulate who may return an absentee ballot and/or the quantities that may be collected fall into the *Regulation* category. In addition, I also classify states based on whether absentee by mail balloting requires an excuse (*Excuse* versus *No Excuse*). This is in recognition of the fact that absentee ballot usage in states that require an excuse is more limited compared to states where an excuse is not necessary.

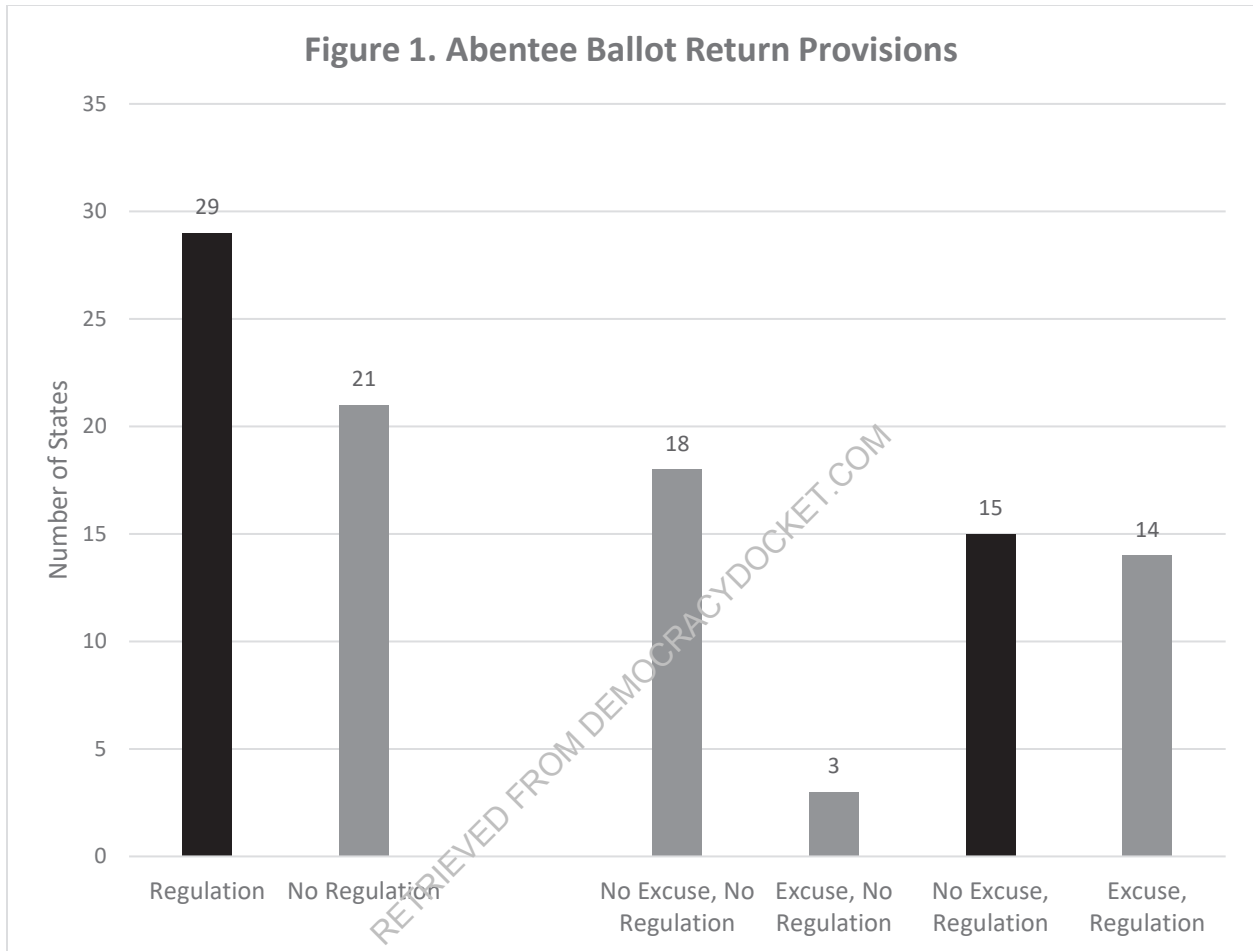
In order to conduct this analysis, I relied on information posted by state agencies charged with the conduct of elections (e.g. the Secretary of State's Office or the State Election Board). Many state websites contained detailed documentation concerning the absentee balloting process, with some including a step-by-step instruction guide for voters. After an initial sweep of documentation posted on such sites, I then located and read statutes applicable to the vote by mail or absentee ballot return process in state election codes. If any ambiguity remained after accessing these information sources, I contacted election officials so that I could correctly classify the state on this question. Out of an abundance of caution, if a state's election code was silent on the manner in which an absentee ballot could be returned, the state in question was coded as having no specific regulations regarding absentee ballot return.

Table A contains the detailed results of my analysis, including a categorization based on the requirement for an excuse to vote absentee by mail and the presence of regulations concerning the return of an absentee ballot. The table also includes a short description of the process by which an absentee ballot may be returned, including any applicable regulations. Finally, specific state election webpages accessed and applicable provisions in state election code are also documented in this table.

Figure 1 categorizes states based on the presence of regulations concerning absentee-by-mail ballot collection (*Regulation* versus *No Regulation*). Montana falls into the *Regulation* category. Twenty-nine states (including Montana) have some restrictions in place relating to the manner in which absentee ballots may be returned. Almost three-fifths (58%) of the states then regulate this component of absentee balloting. Conversely, a minority of states (42%) do not limit the manner in which a voter may return their absentee ballot to election officials. The panel to the right in Figure 1 further classifies states based on absentee return regulations and whether an excuse is required to vote absentee. Only 18 states (36%) have both readily accessible (*No Excuse*) absentee balloting and do not regulate the collection of such ballots. The remaining states have limited access to absentee voting (excuse required) with no regulation (3); easy access with the return process regulated (15); or both limited access and regulations on the return of absentee ballots (14).

Montana and fourteen other states comprise the *No Excuse, Regulation* category. More specifically, in the case of Montana, an individual is limited in the number of absentee ballots they may return in-person to a designated drop-off location (e.g. a polling place). The ballot collector must also have a specific relationship to the voter (e.g. family member). Montana readily provides voters with access to absentee by mail ballots without the necessity for an excuse. Within this environment, the state legislature has crafted some common-sense regulations to safeguard the return of such ballots. The provisions surrounding the collection and

delivery of absentee ballots in Montana are in line with a majority of states that also choose to regulate this activity. Indeed, of those states that do regulate absentee ballot collection, many are actually more restrictive than Montana.<sup>33</sup>



<sup>33</sup> See descriptions found in Table A.

## **V. RESPONSE TO PROFESSOR STREET**

Professor Kenneth Street submitted an expert report on behalf of the plaintiffs in this matter in which he opines on the effects of BIPA. In his report, Professor Street concludes that BIPA will produce negative effects on Montana's election system in general, and Montana voters in particular. Professor Street, however, provides no direct evidence to support his opinion. Below, I respond to a number of specific claims made by Professor Street.

### **A. BIPA Outlaws Bulk Collection of Absentee Ballots**

In his report, Professor Street makes the following claim: "BIPA 'prohibits a person from collecting another voter's ballot.'"<sup>34</sup> This statement is a fundamental mischaracterization of the law. As outlined in Section III.C of this report, BIPA only applies to the in-person return of absentee ballots. It does not apply to absentee ballots returned through the USPS. As such, the bulk collection of absentee ballots by groups such as Western Native Voice and Forward Montana can continue unabated as long as such ballots are deposited at the post office. Anyone in Montana can collect an unlimited number of absentee ballots from any voter<sup>35</sup> and return these ballots through the USPS.

As well, the six-person limit on absentee ballots returned in-person does not appear to be much of a hindrance for most Montana voters. Although the law is currently enjoined, there has been some data collected on BIPA forms submitted for various elections in 2019 and 2020. Using data from the Montana Commissioner of Political Practices one can estimate the ratio of ballots cast by the number of BIPA forms submitted. On average, the number of absentee ballots returned per form is 1.2.<sup>36</sup> What this tells us is that, more often than not, a person submitting a BIPA form is returning an absentee ballot for only a single voter. This figure is far below the six-ballot maximum allowed under the law. The available BIPA data also reveals that 90% of absentee ballots returned in-person on behalf of another voter are returned by a family member.

### **B. BIPA and the Cost of Voting**

In his report, Professor Street claims, "By prohibiting ballot collection, BIPA raises the cost of voting and, on the basis of existing research, can be expected to reduce turnout."<sup>37</sup> Professor Street's ultimate conclusions are necessarily based on the premise that BIPA will serve as a major impediment for a sizable number of Montanans to return their voted absentee ballot, especially Native Americans. BIPA only affects the in-person, bulk delivery of absentee ballots. Voters can still return their absentee ballots through the mail or in-person to the county election office or satellite office; a designated place of deposit; or a polling place within their county of residence on election-day. Under BIPA, a family or household member, caregiver, or acquaintance can also return up to six ballots (not counting their own) in-person to election officials. Bulk collection of absentee ballots by any individual, regardless of relationship to the voter, can still be undertaken as long as such ballots are mailed. Even under BIPA, there are still many return options available to absentee voters.

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<sup>34</sup> Street Decl., p. 2, *Western Native Voice v. Stapleton*, DV 56-2020-377 (July 6, 2020).

<sup>35</sup> The absentee voter need not have any relationship to the collector if mailed.

<sup>36</sup> Calculated as Ballots Cast per BIPA Form/Number of BIPA Forms: 29,462/24,683=1.19.

<sup>37</sup> Street Decl., p. 3, *Western Native Voice v. Stapleton*, DV 56-2020-377 (July 6, 2020).

The only subset of voters that would be potentially affected by BIPA, therefore, would be those who had previously relied on third-party ballot collectors who deposited such ballots with election officials in-person. No one, however, knows anything about the size of this group.<sup>38</sup> Not only is there no information on the size of this group, one must also make the assumption that a voter in this group would be unable to return their voted absentee ballot by any of the other mechanisms available to voters. The count of the number of voters who would fall into this category is also unknown, although it is logically smaller than those who may have simply used ballot collectors in the past for in-person return. Not having any knowledge of these groups of voters makes inferences concerning this particular subset of electors problematic. In the absence of such knowledge, one cannot simply infer that a whole class of voters will be adversely affected by BIPA.

**C. Residents of Reservations versus Native Americans**

Throughout his report Professor Street continuously conflates residents of Indian Reservations with Montana’s Native American population. While there is a heavy overlap between these two populations, they are not equivalent. In order to demonstrate a disparate racial impact, one needs to concentrate on the analysis of the racial group in question, not a geographic location.<sup>39</sup>

The racial voting age population breakdown for Montana’s Indian Reservations is provided in Table 1 below. As one can see, not everyone living on a reservation is Native American. Four of seven reservations contain more than a fifth of residents who are non-Native American. The Flathead Reservation is less than a quarter Native American. These data raise real concerns about drawing incorrect inferences about Montana’s Native American population based on the population of residents living on Indian Reservations.

Table 1. Racial Voting Age Composition of Montana Indian Reservations

<b>Indian Reservation</b>	<b>% Native American VAP</b>	<b>% Other Race VAP</b>
Chippewa Cree Tribe of the Rocky Boy’s Reservation	93.9%	6.1%
Northern Cheyenne Tribe of the Northern Cheyenne Reservation	90.3%	9.7%
Fort Belknap Tribes of the Fort Belknap Reservation	89.3%	10.7%
Blackfeet Tribe of the Blackfeet Reservation	77.6%	22.4%
Crow Tribe of the Crow Reservation	75.5%	24.5%
Fort Peck Tribes of the Fort Peck Reservation	61.5%	38.5%
Confederated Salish & Kootenai Tribes of the Flathead Reservation	24.1%	75.9%

Source: 2018 American Community Survey; U.S. Census Bureau

**D. The BIPA Injunction**

The most glaring issue with Professor Street’s analysis of BIPA and the 2020 primary concerns the fact that BIPA was enjoined by a Montana court on May 20, 2020.<sup>40</sup> It was, therefore, not in

<sup>38</sup> The BIPA data that is available again shows that, on average, most collectors are returning the absentee ballot of a single voter, even though it is possible to return the ballots of up to six voters.

<sup>39</sup> Unless these are essentially synonymous, which, in this case, they are not.

<sup>40</sup> See <http://politicalpractices.mt.gov/BIPA>.

effect for the majority of the 2020 primary. It is difficult, if not impossible, to study the effects of a law prior to implementation. BIPA has never been fully in effect for a statewide election in Montana. For this reason, it is impossible to infer that an increase in the absentee ballot rejection rate for the 2020 statewide primary is a consequence of BIPA. Nor is it possible to infer that any differential in turnout was caused by BIPA. Professor Street attempts to link BIPA throughout his report to any potential detrimental effect related to the 2020 primary. For the reason documented, this assumption is untenable.

### **E. The 2020 Statewide Primary**

The 2020 statewide primary is problematic to compare to previous elections, including previous primary elections, for other reasons also. A directive from Governor Bullock allowed counties to conduct the June 2020 primary election completely by mail.<sup>41</sup> As all fifty-six counties choose this option, the 2020 primary was effectively an unprecedented statewide election conducted by absentee ballot.<sup>42</sup> This also meant that an absentee ballot was sent to all active registrants in the state, which is a departure from how statewide elections are typically conducted. The directive also mandated that any county opting in to hold an all-mail election would provide postage for the return of absentee ballots through the mail.

Some voters who previously had preferred to vote in-person at their polling place on election-day did not have that option in the 2020 statewide primary.<sup>43</sup> As well, some subset of these voters may have had little or no experience with absentee voting. This is one possible explanation that could account for an increase in the overall absentee ballot rejection rate in 2020—BIPA is not. Again, BIPA was enjoined during the 2020 primary.

### **F. Absentee Ballot Rejection Rates**

Professor Street also examines absentee ballot rejection rates for the 2016, 2018, and 2020 primaries. He concludes, “that, under BIPA, the ballots of Native American voters are more likely to be rejected for reasons that ballot collectors could help to prevent.”<sup>44</sup> There are a number of reasons that the absentee ballot rejection rate increased in the 2020 primary, but BIPA is not among these. Again, BIPA was not in effect during the 2020 primary. And, as referenced previously, the 2020 primary was a unique, all-mail statewide election. Based on past elections, some subset of voters prefers to vote in-person. Montanans did not have the choice to appear in-person and vote at their polling place on election-day. As such, there was a group of 2020 primary voters who were not experienced absentee voters. The 2020 primary election was also unique in that all active registrants were automatically mailed a ballot where postage-paid return was provided. Given this, it is quite possible that some registrants not typically predisposed to vote in a primary and who might be less experienced in voting absentee, nevertheless decided to cast a ballot.

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<sup>41</sup> “Directive Implementing Executive Orders 2-2020 and 3-2020 and Providing for Measures to Implement the 2020 June Primary Election Safely” (March 25, 2020), available at: <http://governor.mt.gov/Portals/16/Directive%20on%20Elections.pdf?ver=2020-03-26-102626-610>.

<sup>42</sup> Voters in the 2020 statewide primary could vote absentee early in-person, but voters could not choose to vote at their polling place on election-day. Mail ballot elections are not typically permitted under Montana’s election code for “a regularly scheduled federal, state, or county election.” See Mont. Code Ann. § 13-19-104(3)(a).

<sup>43</sup> To the extent voters did vote in-person during the 2020 statewide primary, it was absentee in-person. See Mont. Code Ann. § 13-13-205(1)(a)(i).

<sup>44</sup> Street Decl., p. 18, *Western Native Voice v. Stapleton*, DV 56-2020-377 (July 6, 2020).

Professor Street also makes a number of other unsubstantiated assumptions related to BIPA and the absentee ballot rejection rate in the 2020 primary. He again equates those living on reservations with being Native Americans. As previously discussed, such is not always the case. Second, Professor Street assumes ballot collectors could reduce the number of absentee ballots rejected. Not only do we not know anything about the number of absentee ballots collected in bulk, we certainly cannot assume that such a ballot collector would be able to necessarily help voters to reduce errors. Besides being late, the two other common reasons for absentee ballot rejection are unsigned certificates and certificates with signature mismatches. Assuming a ballot collector will return ballots on time, the only type of potential error that a ballot collector could alert a voter to would be the absence of a signature, as opposed to a signature mismatch.<sup>45</sup> In fact, the most prevalent reason for rejection for absentee ballots on reservations is a signature mismatch—precisely the type of issue a ballot collector cannot alleviate.

### **G. Turnout and the 2020 Primary**

Professor Street provides a number of turnout comparisons in his expert report, arguing that BIPA suppressed turnout among Native Americans. In one analysis he demonstrates that four counties with sizable Indian Reservations saw less increase in turnout from the 2016 primary to the 2020 primary, as compared to the other fifty-two counties. There are a number of issues, however, with these comparisons. First is the fact that BIPA was enjoined. As such, any effect on turnout across these comparison groups is not a consequence of BIPA.

Turnout itself is linked to a myriad of factors. For primary elections, these include the contests on the ballot and whether these offices are intra-party contested in addition to the actual candidates, their campaigns, and associated advertising. Voters may also be compelled to participate, or not, in primary elections based on local offices which they view as particularly salient. These local contests may garner even more attention when the outcome of the race is determined at the primary stage (i.e. there is no inter-party competition). For example, a county sheriff's race where the winner of the Republican primary will be the *de facto* winner because there is no Democratic candidate. Across election-cycles, then, turnout will vary for a whole host of reasons, as will turnout geographically within a state. Professor Street's analysis fails to control for any of these other known factors linked to voter turnout.

Second, the 2016 and 2020 primaries were completely different from an administrative standpoint. The 2020 primary was an all-mail election where a ballot was automatically sent to all active registrants. Postage for the return ballot was also prepaid, which is not the case in a regular statewide election. In-person polling place voting was also not available to electors during the 2020 primary.

Third, while these four counties may contain sizable Indian reservations, they are not racially homogenous. Table 2, below, details racial voting age population data for Big Horn, Blaine, Glacier, and Roosevelt Counties. A large proportion of the population in these counties is non-Native American, ranging from 40% to 55%. As discussed previously, making inferences concerning a particular racial group in these circumstances is not tenable.

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<sup>45</sup> A signature match is based upon a determination of county election officials who compare the signature on the absentee ballot envelope to the signature on the voter's absentee ballot application or registration form (Mont. Code Ann. § 13-13-241(1)(a)).

Table 2. Racial Voting Age Population of Select Counties

County	% Native American VAP	% Other Race VAP
Big Horn	60.1%	39.9%
Blaine	45.1%	54.9%
Glacier	62.0%	38.0%
Roosevelt	51.5%	48.5%

Source: 2018 American Community Survey; U.S. Census Bureau

Professor Street also undertakes an individual-level analysis of turnout, comparing the 2016 and 2020 primaries. In order to carry out this analysis, he creates a panel by taking registrants on the permanent absentee list in 2016 who were also on the voter registration roll in 2020. He then compares the turnout behavior of this group from 2016 to 2020. Professor Street reports that turnout across these two election-cycles for those living on reservations fell by 3.5%, as compared to a drop of 0.2% for those not living on reservations. From this he concludes, “BIPA and the conditions of the 2020 primary election did indeed have a disparate impact on those living on reservations in Montana.”<sup>46</sup>

This analysis, again, tells us little about the potential effects of BIPA. BIPA was enjoined for the 2020 primary. Even if BIPA had been in effect, demonstrating a turnout differential among habitual absentee voters living on and off reservations falls short of proving that BIPA caused a drop in turnout. Again, BIPA would only affect the bulk, in-person return of absentee ballots. One would need to provide evidence that some subset of Montana absentee voters is reliant upon the type of bulk collection prohibited by BIPA, and that this subset of voters is unable to use one of the many other return methods available. Further, one must also be able to substantiate the claim that BIPA is more likely to affect Native Americans than other racial groups in Montana. None of the aforementioned assumptions have been demonstrated by the plaintiffs to my knowledge. In fact, no one knows the extent of bulk collection that existed prior to BIPA or the number of voters who were totally reliant on such bulk collection. For these reasons, it is quite tenuous to conclude that BIPA dampened turnout in the 2020 primary.

## **VI. RESPONSE TO PROFESSOR MCCOOL**

Professor Daniel McCool also submitted two expert reports on behalf of the plaintiffs in this matter in which he opines on the effects of BIPA. In his reports, Professor McCool concludes that BIPA will have a disparate impact, particularly on Montana’s Native American population. Professor McCool fails to provide any direct evidence of disparate racial impact. Below, I respond to a number of specific claims made by Professor McCool in his reports.

### **A. Voter Fraud in Montana**

Professor McCool reports that there is a “complete absence of any evidence of voter fraud” in Montana.<sup>47</sup> Fraud prevention measures do not have to be justified solely on the grounds that fraud is present and has been proven. Anti-fraud measures can also be forward looking. Whether past election fraud related to absentee ballot collection in Montana can be proven thus does not

<sup>46</sup> Street Decl., p. 18, *Western Native Voice v. Stapleton*, DV 56-2020-377 (July 6, 2020). Professor Street did not report the results of any of his statistical models on which his results are based, nor did he disclose any of the data he relied upon for his analyses.

<sup>47</sup> McCool Decl., p. 46, *Western Native Voice v. Stapleton*, DV 56-2020-377 (March 7, 2020) (filed as Doc. 17).

prevent the state from implementing changes in the election code designed to prevent future instances of fraud.<sup>48</sup> Even in the absence of evidence of election fraud, the U.S. Supreme Court has concluded in *Crawford et al. v. Marion County Election Board* that the states should be able to implement reasonable requirements to safeguard against future occurrences of voter fraud.<sup>49</sup> Article IV, Section 3 of the Montana Constitution charges the Legislature with legislating “the requirements for residence, registration, absentee voting, and administration of elections.”<sup>50</sup> With an affirmative duty to regulate conduct in this area, BIPA helps the Montana Legislature meet the goal of ensuring that elections in the state are fair and free of fraud.

## **B. The Mechanics of BIPA**

In his reports, Professor McCool also makes a number of claims concerning BIPA that are false. More than once, Professor McCool indicates that BIPA prohibits the bulk collection of absentee ballots in Montana. For example, “[t]he negative impact of the legislation [BIPA] was that it eliminated the freedom of individuals to assist other voters by collecting and delivering their ballots.”<sup>51</sup> This statement is a fundamental misunderstanding of the statute. BIPA only applies to the in-person return of absentee ballots. It does not apply to absentee ballots returned through the USPS. As such, the bulk collection of absentee ballots can continue as long as such ballots are deposited in the mail. In addition, bulk collection under this scenario can be undertaken by anyone, regardless of their relationship to the voter.

In fact, at another point in his report, Professor McCool describes this very situation:

One of the advantages of using the voluntary services of a ballot collector is that, first, they understand the deadline regarding when ballots must be delivered, and second, they can make sure the ballots are delivered to a post office in time to ensure that they will arrive on-time and be counted.<sup>52</sup>

As discussed, bulk collection of absentee ballots under this scenario may proceed unabated, on or off Indian reservations in Montana, if “the ballots are delivered to a post office.” Again, the confusion appears to be the product of a misunderstanding concerning the actual implementation of the law.

Along this line of reasoning, Professor McCool contends that, without “the service of a ballot collector, every voter must be able to pay for the following: a car, preferably with snow tires to

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<sup>48</sup> Absentee ballot fraud has been documented in other states. For example, very recently the New Jersey Attorney General announced voting fraud charges against a city councilman and several others based on the allegation they tampered with absentee ballots which they collected from voters (“AG Grewal Announces Voting Fraud Charges Against Paterson Councilman Michael Jackson, Councilman-Elect Alex Mendez, and Two Other Men,” State of New Jersey, Office of the Attorney General, (June 25, 2020) <https://www.nj.gov/oag/newsreleases20/pr20200625a.html>). In North Carolina, the election for the 9th Congressional district was nullified in 2018 over allegations relating to absentee ballot fraud. In 2019, formal indictments were handed down in this matter (“NC Political Operative Indicted in Connection with Alleged Ballot-Tampering Scheme,” *The Hill* (February 27, 2019) <https://thehill.com/homenews/campaign/431827-nc-political-operative-indicted-in-connection-with-alleged-ballot-tampering>).

<sup>49</sup> In *Crawford*, the Court upheld the constitutionality of Indiana’s voter ID law, in part, based on this logic. 553 U.S. 181, 128 S. Ct. 1610 (2008).

<sup>50</sup> Montana Constitution ([https://leg.mt.gov/bills/mca/title\\_0000/chapters\\_index.html](https://leg.mt.gov/bills/mca/title_0000/chapters_index.html)).

<sup>51</sup> McCool Decl., p. 40, *Western Native Voice v. Stapleton*, DV 56-2020-377 (March 7, 2020).

<sup>52</sup> McCool Decl., p. 7, *Western Native Voice v. Stapleton*, DV 56-2020-377 (July 3, 2020).



deal with remote reservation roads in November; auto insurance; gas money; in some cases child care while the parent drives to and from an election office; and a substantial amount of time away from work.”<sup>53</sup> This statement ignores the fact that voting in Montana does not need to take place in-person—one can also vote absentee by mail without an excuse. Even under BIPA, there are multiple methods a voter can use to return their ballot, as well as multiple return locations. A voter can return their ballot in-person to any polling place within their county on election-day, to the county election office (or a satellite office), or to a designated place of deposit. A voter can also deposit their ballot in the mail for return to county election authorities. A voter may also have a family or household member, caregiver, or acquaintance deliver their ballot. Finally, absentee voters may still use the services of a ballot collector as long as the ballots collected are returned through the mail. Contrary to Professor McCool’s claim, BIPA does not force a voter to transport themselves to a location to cast their absentee ballot.

Professor McCool also undertakes a discussion concerning the exact meaning of who qualifies as a “caregiver,” a “family member,” or an “acquaintance” under BIPA. Professor McCool posits two hypotheticals on this topic, and subsequently concludes that Native American voters “would have to decide a fine point of law, on the spot, to ensure they were not violating BIPA.”<sup>54</sup> BIPA, however, does not require an election official to question a depositor about their relationship to the voter. Further, absentee ballots received in violation of BIPA will still be accepted and processed.<sup>55</sup> Also germane to this discussion, bulk collection of absentee ballots for return through the mail can be undertaken by anyone, regardless of the relationship to the voter.

Finally, Professor McCool’s conclusion that “it is a serious crime to help someone deliver their ballot,”<sup>56</sup> is not supported by the statutory language of BIPA. BIPA only imposes a fine.<sup>57</sup> This penalty is more lenient than in many other states that regulate ballot collection, as it is not uncommon for criminal penalties to be associated with the violation of such provisions, with some states classifying these violations as felony matters.<sup>58</sup>

### **C. Postal Services**

In his report Professor McCool conflates distances to county seats or tribal agencies with access to postal services for those voters residing on Indian reservations. For example, Professor McCool states:

The significant point is that tribal voters are dispersed over a large area, requiring significant driving distances to get to a post office, tribal offices, and election offices. To gain a better understanding of the distances across reservations, Table 3 presents a sample of distances that a hypothetical voter on a reservation would have to drive to

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<sup>53</sup> McCool Decl., p. 33, *Western Native Voice v. Stapleton*, DV 56-2020-377 (March 7, 2020).

<sup>54</sup> McCool Decl., p. 17, *Western Native Voice v. Stapleton*, DV 56-2020-377 (March 7, 2020).

<sup>55</sup> *Montana Election Judge Handbook 2020*, p. 58

(<https://sosmt.gov/Portals/142/Elections/Documents/Officials/Election-Judge-Handbook.pdf>).

<sup>56</sup> McCool Decl., p. 2, *Western Native Voice v. Stapleton*, DV 56-2020-377 (July 3, 2020).

<sup>57</sup> Mont. Code Ann. § 13-35-705.

<sup>58</sup> For example, Texas (Tex. Elec. Code Ann. § 86.006(f),(g)), Georgia (Ga. Code Ann. § 21-2-574); North Carolina (N.C. Gen. Stat. § 163-226.3); and Ohio (Ohio Rev. Code § 3599.21) among others.

get to *either the tribal agency or the county courthouse*. This is not a comprehensive listing of all possible driving distances—that would be nearly as numerous as there are tribal members. And it does not include distances from all seventeen counties that include reservation lands. However, it does illustrate how far some voters may drive to vote or **access a mailbox or post office**.

(Emphasis added.) However, hypothetical distances to a tribal agency or county courthouse does not illustrate how far voters must drive to access a mailbox or post office to vote by mail. Taking just the first example in Table 3 of his report, the town of Babb on the Blackfeet Reservation, Professor McCool reports a distance of 70 roundtrip miles from Babb to Browning (the reservation agency) and 139 miles to Cut Bank (the county seat). The mileage chart, however, only applies to the distance a voter would need to travel to return an absentee ballot in-person. In fact, there is a U.S. Post Office in Babb where a voter could deposit their absentee ballot.<sup>59</sup>

In Table 3 of his report, Professor McCool lists a total of 25 towns on Indian reservations and associated distances. There is a U.S. Post Office located in nine of these towns. The average distance to a post office across these 25 towns is 8.3 miles one-way (16.6 miles roundtrip). The previous discussion centered only on distances to post office locations. If a voter simply needed to deposit their absentee ballot in the mail, then the required distance for some subset of voters would certainly be less than the distance they would need to travel to a post office.<sup>60</sup> Again, voters need not travel to their respective county seat or reservation agency to return their absentee ballot. This task can be accomplished by using the USPS as the means of conveyance for return.

Professor McCool also incorrectly links delivery of absentee ballots on Indian reservations to BIPA. On this topic he states, “it is difficult to deliver, via the mail, a mail-in ballot to someone who does not have a domicile.”<sup>61</sup> While that may be true, the statement has nothing to do with BIPA, as the statute does not affect how Montana voters receive their absentee ballot. BIPA only regulates the bulk collection of absentee ballots returned in-person. This law did not alter any aspect of the process related to receiving an absentee ballot in Montana.

#### **D. Non-Germane Issues**

A not insignificant portion of Professor McCool’s reports are devoted to discussion of issues that are not germane to the matter at hand. Professor McCool attempts to draw conclusions about BIPA’s disparate impacts among Native Americans living on reservations by pointing to poor

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<sup>59</sup> Located at 4016 US Highway 89. According to the USPS website, the post office in Babb is open six days a week from 8–11 a.m. and 12:30–4:15 p.m. Monday through Friday, and from 11 a.m. to 12 p.m. on Saturday. See <https://tools.usps.com/find-location.htm?location=1353832>.

<sup>60</sup> Here I am referring to the fact that most voters live in closer proximity to a mailbox or USPS drop box than a U.S. Post Office location.

<sup>61</sup> McCool Decl., p. 17, *Western Native Voice v. Stapleton*, DV 56-2020-377 (March 7, 2020).

broadband connectivity<sup>62</sup> and theoretical voter ID issues.<sup>63</sup> First, the lack of broadband service is irrelevant to Plaintiff's challenges to BIPA, and while voter ID requirements are certainly relevant to electoral participation, Montana does not require a photo ID to vote in-person. Montana voters can use a wide variety of both photo and non-photo identification to vote in-person.

### **E. BIPA and Political Participation**

Professor McCool also makes the claim that BIPA will disenfranchise some voters by prohibiting the bulk collection of absentee ballots.<sup>64</sup> This claim is not supported by any empirical evidence and also mischaracterizes the law under challenge in this matter. BIPA does not apply to absentee ballots transmitted through the mail. As such, BIPA does not prohibit the bulk collection (in any number) of absentee ballots, or require a defined relationship with the voter, as long as such ballots are returned through the mail. Professor McCool's claim also assumes that a voter who may have relied on a bulk collector for in-person return in the past is unable to utilize any of the other return options available.

### **F. The Coronavirus and the 2020 General Election**

Professor McCool's supplemental report also raises the issue of voting during a pandemic. At this date, no one knows what the future might hold as it relates to the Coronavirus pandemic and the 2020 presidential election. In my opinion, Montana is much better positioned to administer an election in this context than other states. The state already has a robust absentee voting system which has been in place for many years. The just-conducted 2020 primary also serves as an indicator that Montana is capable of holding an all-mail statewide election. Turnout for the 2020 primary was 55%, which is comparable to recent general election midterms.<sup>65</sup> Turnout for the 2020 general will undoubtedly be higher, but Montana has demonstrated the state has the administrative capacity to conduct an all-mail election if circumstances dictate. One advantage of an all-mail election is that a voter may cast their ballot without any human-to-human contact by simply depositing their ballot in the mail. In-person drop-off, requiring minimal contact, would also be an available option. As well, a voter could rely on a family or household member, caregiver, or acquaintance to return their absentee ballot in-person. Even under BIPA, a voter could rely on the assistance of any individual, including bulk ballot collectors, as long as absentee ballots were being deposited in the mail.

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<sup>62</sup> “[T]o participate equally in the electoral process in Montana, it is very helpful if not a necessity to live in an area that has broadband service, the ability to pay the monthly bill for service, and have access to a computer and a printer. This leaves out a substantial portion of the Native American community.” McCool Decl., p. 15, *Western Native Voice v. Stapleton*, DV 56-2020-377 (March 7, 2020).

<sup>63</sup> “If a current photo ID with current mailing address would be required for voting, this would present a significant challenge to an aspiring voter.” McCool Decl., p. 15, *Western Native Voice v. Stapleton*, DV 56-2020-377 (March 7, 2020).

<sup>64</sup> McCool Decl., p. 21, *Western Native Voice v. Stapleton*, DV 56-2020-377 (March 7, 2020).

<sup>65</sup> Montana Secretary of State: <https://sosmt.gov/elections/voter-turnout>.

## **VII. SUMMARY AND CONCLUSIONS**

Montana's election scheme offers voters a versatile set of options to cast a ballot. Included within the state's election framework is a robust system of no-excuse absentee balloting and late (election-day) registration. Voters can cast an absentee ballot, by mail or in-person, or vote in-person at their polling place on election-day. For those electors who choose to vote absentee, a range of return options is available, including delivery through the mail or in-person to the county election office or satellite office, any polling location within the voter's county of residence, or other designated place of deposit.

In 2019, BIPA was put in place in Montana. BIPA limits the in-person return of absentee ballots to the voter or a voter's family member, household member, caregiver, or acquaintance. Voters returning absentee ballots for others are limited to a total of six ballots, not counting their own. BIPA does not limit the bulk collection of absentee ballots returned through the mail. As well, it should be noted that BIPA did not alter any other component of the procedures that govern absentee voting or in-person election-day voting in Montana.

In comparison to other state election regimes, Montana is well within the mainstream in regulating the return of absentee ballots. Nearly three-fifths of states regulate who and/or in what number absentee ballots may be returned. Many states, in fact, have even stricter regulations on the return of absentee ballots than Montana.

I do not agree with Professor Street's conclusions in this matter—that BIPA increased absentee ballot rejection rates and decreased overall voter participation in the 2020 primary among Montana's Native American population. Having examined Professor Street's report in detail, it is my opinion that he provides no direct evidence to buttress these two claims. I also do not agree with Professor McCool's opinions in this matter. Professor McCool fails to demonstrate that BIPA will produce any disparate impact among Montana voters in general, or among Native American voters in particular.

In conclusion, I have no reason to believe the election changes brought about by BIPA will have a detrimental impact on the ability of Montana voters to cast a ballot, including Native American voters. Instead, it is my opinion that BIPA can act as a prophylactic against fraud, while increasing voter confidence in the integrity of Montana's election system.

## VIII. DECLARATION

I declare under penalty of perjury under the laws of the State of Montana that the foregoing is true and correct to the best of my knowledge.

Executed on August 3, 2020.



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## Appendix

### **Data Sources:**

2016 General Absentee Voter File. Montana Secretary of State.

2018 General Absentee Voter File. Montana Secretary of State.

2020 Primary Absentee Voter File. Montana Secretary of State.

2016 Polling Places and Satellite Locations. Montana Secretary of State.

2018 Polling Places and Satellite Locations. Montana Secretary of State.

2020 Polling Places and Satellite Locations. Montana Secretary of State.

BIPA Summary Statistics, 2019-2020. Montana Commissioner of Political Practices.

### **Interviews with State and Local Election Officials:**

Mr. Dana Corson. Elections Director, Montana Secretary of State. July 1, 2020.

Mr. Stuart Fuller. Elections and Voter Services Manager, Montana Secretary of State. July 1, 2020.

Mr. Stuart Fuller. Elections and Voter Services Manager, Montana Secretary of State. July 14, 2020.

Ms. Bonnie Ramey. Clerk and Recorder, Jefferson County. July 2, 2020.

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## Documents Attached

Table A. State Comparison of Absentee Ballot Return Provisions

Montana Absentee Ballot Application

BIPA Ballot Collection Registry Form

Curriculum Vitae of M.V. Hood III

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**Table A. State Comparison of Absentee Ballot Return Provisions**

State	Excuse Required	Collection Regulated	How Can an Absentee Ballot be Returned?	Applicable Statutes
Alabama <sup>1</sup>	Yes	Yes	Returned by voter in-person or via mail. A designee can be used only in case of medical emergency.	Ala. Code § 17-11-9 and § 17-11-18
Alaska <sup>2</sup>	No	No	Can be returned by mail or electronically. Return by someone other than the voter is not specifically prohibited.	Alaska Stat. § 15.20.081
Arizona <sup>3</sup>	No	Yes	Returned by voter in-person or via mail. Can also be returned by election official; U.S. postal worker; family member; household member; or caregiver. The cited statute is currently the subject of litigation.	A.R.S. § 16-1005
Arkansas <sup>4</sup>	Yes	Yes	Returned by voter in-person or via mail. A designated bearer can be used for medical reasons. A designated bearer is limited to returning two ballots. Bulk returns prohibited except from residential care facilities.	Ark. Code § 7-5-403 and § 7-5-411
California <sup>5</sup>	No	No	Returned by voter in-person or via mail. Can also be returned by an individual designated by the voter. Bulk collection is not specifically prohibited.	Cal. Elec. Code § 3017, § 3021, and § 18403

<sup>1</sup>“Absentee Voting Information.” Alabama Secretary of State: (<https://www.alabamavotes.gov/AbsenteeVotingInfo.aspx?m=voters> and <http://18jc.alacourt.gov/absenteerules.aspx>).

<sup>2</sup>“Absentee Voting.” State of Alaska, Division of Elections: (<http://www.elections.alaska.gov/Core/votingbymail.php>).

<sup>3</sup>“Voting in this Election.” Arizona Secretary of State: (<http://www.azsos.gov/elections/voting-election>).

<sup>4</sup>“Absentee Voting.” Arkansas Secretary of State: (<https://www.sos.arkansas.gov/elections/voter-information/voter-registration-information/voting-in-arkansas>).

<sup>5</sup>“Voting by Mail.” California Secretary of State: (<http://www.sos.ca.gov/elections/voter-registration/vote-mail/#vote-by-mail>).



Colorado <sup>6</sup>	No	Yes	Colorado is a vote-by-mail state. Returned by voter in-person or via mail. A voter may authorize another individual to return their ballot. Outside of authorized election officials, no individual can collect more than 10 ballots per election.	C.R.S.A. § 1-7.5-107
Connecticut <sup>7</sup>	Yes	Yes	Returned by voter in-person or via mail. A designee can also be used for medical reasons. Ballots can also be returned by immediate family members.	Conn. Gen. Stat. Ch. 145 Sec. 9-140b
Delaware <sup>8</sup>	Yes	No	Returned by voter in-person or via mail. Return by someone other than the voter is not specifically prohibited, nor is bulk collection.	Del. Code tit. 15 § 5507
Florida <sup>9</sup>	No	No	Returned by voter in-person or via mail. Return by someone other than the voter is not specifically prohibited, nor is bulk collection.	Fla. Stat. § 101.65
Georgia <sup>10</sup>	No	Yes	Returned by voter in-person or via mail. Voters with a physical disability may have ballot returned by immediate family or a person residing in the same household.	Ga. Code § 21-2-385
Hawaii <sup>11</sup>	No	No	Hawaii is a vote-by-mail state. Returned by voter in-person or via mail. Return by someone other than the voter is not specifically prohibited, nor is bulk collection.	Haw. Rev. Stat. § 15-9

<sup>6</sup>“Voting by Mail FAQs.” Colorado Secretary of State: (<https://www.sos.state.co.us/pubs/elections/FAQs/mailBallotsFAQ.html>).

<sup>7</sup>“Absentee Voting.” Connecticut Secretary of State: (<https://portal.ct.gov/SOTS/Common-Elements/V5-Template--Redesign/Elections--Voting--Home-Page>).

<sup>8</sup>“Absentee Voting.” Delaware State Election Commissioner: (<http://elections.delaware.gov/services/voter/absentee/citizen.shtml>).

<sup>9</sup>“Vote-by-Mail.” Florida Department of State: (<http://dos.myflorida.com/elections/for-voters/voting/vote-by-mail/>).

<sup>10</sup>“Absentee Voting in Georgia.” Georgia Secretary of State: ([http://sos.ga.gov/index.php/Elections/absentee\\_voting\\_in\\_georgia](http://sos.ga.gov/index.php/Elections/absentee_voting_in_georgia)).

<sup>11</sup>“Voting by Mail.” Hawaii Office of Elections: (<http://elections.hawaii.gov/frequently-asked-questions/voting-by-mail/>).

Idaho <sup>12</sup>	No	No	Returned by voter in-person or via mail. Return by someone other than the voter is not specifically prohibited, nor is bulk collection.	Idaho Code § 34-1005
Illinois <sup>13</sup>	No	No	Returned by voter in-person or via mail. A voter may authorize another individual to return their ballot.	10 ILCS 5/19-6
Indiana <sup>14</sup>	Yes	Yes	Returned by voter in-person or via mail. Ballots can also be returned by immediate family members. Return by other individuals is prohibited.	Ind. Code § 3-11-10-1
Iowa <sup>15</sup>	No	No	Returned by voter in-person or via mail. A voter may authorize another individual to return their ballot.	Iowa Code § 53.17
Kansas <sup>16</sup>	No	No	Returned by voter in-person or via mail. A voter may authorize, in writing, another individual to return their ballot.	Kan. Stat. § 25-1124 and 25-1128
Kentucky <sup>17</sup>	Yes	No	Returned by voter through mail. Return by someone other than the voter is not specifically prohibited.	Ky. Rev. Stat. § 117.086
Louisiana <sup>18</sup>	Yes	Yes	Returned by voter in-person or via mail. A voter may authorize another individual to return their ballot. Outside of immediate family, no one is authorized to deliver more than one ballot.	La. Stat. § 18:1308

<sup>12</sup>“Absentee Registration and Voting.” Idaho Secretary of State: (<https://idahovotes.gov/absentee-voter-information/>).

<sup>13</sup>“Voting by Mail in Illinois.” Illinois State Board of Elections: (<https://www.elections.il.gov/Downloads/ElectionInformation/PDF/votebymail.pdf>).

<sup>14</sup>“Absentee Voting.” Indiana Secretary of State:

(<https://www.elections.il.gov/ElectionOperations/VotingByMail.aspx?MID=ELGeUv9wLSI%3d&T=637272097572156104>).

<sup>15</sup>“Absentee Voting by Mail.” Iowa Secretary of State: (<https://sos.iowa.gov/elections/electioninfo/absentemail.html>).

<sup>16</sup>“Advance Voting.” Kansas Secretary of State: (<https://sos.kansas.gov/elections/registration-voting/>).

<sup>17</sup>“Absentee Voter Information.” Kentucky State Board of Elections: (<https://elect.ky.gov/Voters/Pages/Absentee-Voting.aspx>).

<sup>18</sup>“Vote by Mail.” Louisiana Secretary of State: (<http://www.sos.la.gov/electionsandvoting/vote/votebymail/pages/default.aspx>).

Maine <sup>19</sup>	No	Yes	Returned by voter in-person or via mail. A voter may authorize another individual (outside of immediate family) to return their ballot. This individual must be the same individual who was designated in writing to pick up the ballot on behalf of the voter. An individual designated as an agent can only return up to five absentee ballots.	Me. Rev. Stat. 21A § 753-A, § 753-B, and § 754-A
Maryland <sup>20</sup>	No	Yes	Returned by voter in-person or via mail. A voter may also authorize an agent to return their ballot. Both the voter and the agent must complete and sign the Designation of Agent form.	Md. Code, Elec. Law, § 9-307
Massachusetts <sup>21</sup>	Yes	Yes	Returned by voter in-person or via mail. Ballots can also be returned by immediate family members.	Mass. Gen. Laws ch. 54 § 92
Michigan <sup>22</sup>	No	Yes	Returned by voter in-person or via mail. Ballots can also be returned family members, someone residing in same household, or election officials. Return by other individuals is prohibited.	Mich. Comp. Laws § 168.764a
Minnesota <sup>23</sup>	No	Yes	Returned by voter in-person or via mail. Voters may allow an agent to return their ballot. Agents can only act on behalf of three other voters per election cycle. Voters in specific categories (nursing homes) may authorize an agent to pick up and return their ballot. This service requires completion of a form.	Minn. Stat. § 203B.08 and § 203B.11

<sup>19</sup>“Absentee Voting Guide.” Maine Department of the Secretary of State: (<http://www.maine.gov/sos/cec/elec/voter-info/absenteeguide.html>).

<sup>20</sup>“Absentee Voting.” Maryland State Board of Elections: (<http://www.elections.state.md.us/voting/absentee.html>).

<sup>21</sup>“Absentee Ballot Information.” Secretary of the Commonwealth of Massachusetts: (<https://www.sec.state.ma.us/ele/eleabsentee/absidx.htm>).

<sup>22</sup>“What You Need to Know about Absentee Voting.” Michigan Department of State: (<http://www.michigan.gov/sos/0,8611,7-127-1633-21037--,00.html>).

<sup>23</sup>“Vote Early by Mail.” Minnesota Secretary of State: (<http://www.sos.state.mn.us/elections-voting/other-ways-to-vote/vote-early-by-mail/>).

Mississippi <sup>24</sup>	Yes	Yes	Returned by voter by mail. Absentee ballots cannot be returned in-person.	Miss. Code Ann. § 23-15-719
Missouri <sup>25</sup>	Yes	Yes	Returned by voter in-person or via mail. Ballots can also be returned by immediate family members. Return by other individuals is not allowed.	M. Stat. §115.291
Montana <sup>26</sup>	No	Yes	Returned by voter in-person or via mail. A voter may authorize another individual to return their ballot, but no person may collect more than six ballots for in-person return. A designee returning more than their own ballot in-person must document such action with a specific form.	Mont. Code § 13-35-703
Nebraska <sup>27</sup>	No	No	Returned by voter in-person or via mail. Return by someone other than the voter is not specifically prohibited, nor is bulk collection.	Neb. Rev. Stat. § 32-949
Nevada <sup>28</sup>	No	Yes	Returned by voter in-person or via mail. Ballots can also be returned by immediate family members. Return by anyone except voter or immediate family is specifically prohibited. The only exception involves the use of a designee for an emergency (hospitalization).	Nev. Rev. Stat. § 293.330 and § 293.316

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<sup>24</sup>“2016 County Election Handbook.” Mississippi Secretary of State: (<http://www.sos.ms.gov/Elections-Voting/Documents/2016%20County%20Election%20Handbook%20REV.pdf>).

<sup>25</sup>“How to Vote.” Missouri Secretary of State: (<http://www.sos.mo.gov/elections/goVoteMissouri/howtovote#absentee>).

<sup>26</sup>“How to Vote by Absentee Ballot.” Montana Secretary of State: (<https://sosmt.gov/elections/absentee/>).

<sup>27</sup>“Absentee Voting.” Nebraska Secretary of State. (<https://sos.nebraska.gov/elections/early-voting-0>)

<sup>28</sup>“Absentee Voting.” Nevada Secretary of State. (<https://www.nvsos.gov/sos/elections/voters/absentee-voting>).

New Hampshire <sup>29</sup>	Yes	Yes	Returned by voter in-person or via mail. Ballots can also be returned by immediate family members, nursing home/residential care administrator, or an agent assisting a blind or disabled voter. An agent assisting a blind or disabled voter may not deliver more than four absentee ballots in a given election.	N.H. Rev. Stat. § 657:17
New Jersey <sup>30</sup>	No	Yes	Returned by voter in-person or via mail. Ballots can also be returned by immediate family members. A voter may authorize a bearer to return their ballot, but an individual may not act as a bearer for more than three voters in an election-cycle.	N.J. Stat. § 19:63-27 and § 19:63-16
New Mexico <sup>31</sup>	No	Yes	Returned by voter in-person or via mail. Ballots can also be returned by immediate family or a caregiver.	N.M. Stat. § 1-6-9, § 1-6-10.1, and § 1-20-7
New York <sup>32</sup>	Yes	No	Returned by voter in-person or via mail. Return by someone other than the voter is not specifically prohibited, nor is bulk collection.	N.Y. Elec. Law § 8-410 and § 8-412
North Carolina <sup>33</sup>	No	Yes	Returned by voter in-person or via mail. Ballots can also be returned by immediate family.	N.C. Gen. Stat. § 163-231(b)(1)
North Dakota <sup>34</sup>	No	No	Returned by voter in-person or via mail. Return by someone other than the voter is not specifically prohibited, nor is bulk collection.	N.D. Cent. Code § 16.1-07-09

<sup>29</sup>“How to Register to Vote in New Hampshire.” New Hampshire Secretary of State: (<https://sos.nh.gov/VoteNH.aspx>).

<sup>30</sup>“Vote by Mail Ballot.” New Jersey Department of State: (<http://www.state.nj.us/state/elections/voting-information-vote-by-mail.html>).

<sup>31</sup>“Absentee and Early Voting.” New Mexico Secretary of State: ([http://www.sos.state.nm.us/Voter\\_Information/Absentee\\_and\\_Early\\_Voting.aspx](http://www.sos.state.nm.us/Voter_Information/Absentee_and_Early_Voting.aspx)).

<sup>32</sup>“Absentee Voting.” New York Board of Elections: (<http://www.elections.ny.gov/VotingAbsentee.html>).

<sup>33</sup>“Absentee Voting by Mail.” North Carolina State Board of Elections: (<https://www.ncsbe.gov/Voting-Options/Absentee-Voting>).

<sup>34</sup>“Absentee Voting.” North Dakota Secretary of State: (<https://vip.sos.nd.gov/pdfs/Portals/Voting-MailBallotAbsentee.pdf>).

Ohio <sup>35</sup>	No	Yes	Returned by voter in-person or via mail. Ballots can also be returned by immediate family. Return by other individuals is not allowed.	Ohio Rev. Code § 3509.05
Oklahoma <sup>36</sup>	No	Yes	Ballot must be returned by voter through mail. No provision located for in-person return except in the case of a physically incapacitated individual or an emergency absentee request where a voter may designate an agent to return their ballot.	Okla. Stat. tit. 26 § 14-108, § 14-110.1, and § 14-115.1
Oregon <sup>37</sup>	No	No	Oregon is a vote-by-mail state. Returned by voter in-person or via mail. Return by someone other than the voter is not prohibited, nor is bulk collection.	Or. Rev. Stat. § 254.470
Pennsylvania <sup>38</sup>	No	Yes	Returned by voter in-person or via mail. Only the voter can return their absentee ballot. In the case of an emergency absentee ballot only, a voter may designate, by completing a form, an individual to return their ballot.	25 Pa. Stat. § 3146.6 and 3146.2a
Rhode Island <sup>39</sup>	No	No	Returned by voter in-person or via mail. Return by someone other than the voter is not prohibited, nor is bulk collection.	R.I. Gen. Laws § 17-20-1
South Carolina <sup>40</sup>	Yes	Yes	Returned by voter in-person or via mail. A voter can designate a representative to return their ballot. In such cases ballot must be accompanied by an authorization form. There is no limit on the number of ballots that can be returned as long as the authorization form for each ballot is present.	S.C. Code § 7-15-310 and § 7-15-385

<sup>35</sup>“Voting Absentee by Mail.” Ohio Secretary of State: (<https://www.ohiosos.gov/elections/voters/absentee-voting/>).

<sup>36</sup>“Absentee Voting in Oklahoma.” Oklahoma State Election Board: ([https://www.ok.gov/elections/Voter\\_Info/Absentee\\_Voting/](https://www.ok.gov/elections/Voter_Info/Absentee_Voting/)).

<sup>37</sup>“Voting in Oregon.” Oregon Secretary of State: (<http://sos.oregon.gov/voting/Pages/voteinor.aspx>).

<sup>38</sup>“Voting by Absentee or Mail-In Ballot.” Pennsylvania Department of State: (<http://www.votespa.com/en-us/voting-and-elections/types-of-voting/Pages/Absentee-Ballot.aspx>).

<sup>39</sup>“Vote by Mail.” Rhode Department of State: (<http://www.sos.ri.gov/divisions/elections/Voters/vote-by-mail>).

<sup>40</sup>“Absentee Voting.” South Carolina State Election Commission: (<https://www.scvotes.org/absentee-voting>).

South Dakota <sup>41</sup>	No	No	Returned by voter in-person or via mail. Return by someone other than the voter is not prohibited, nor is bulk collection. In the case of illness or disability a voter can designate an authorized messenger to pick up and return their ballot. Authorization must be in writing. If an individual is an authorized messenger for more than one voter, they must notify election officials.	S.D. Codified Laws § 12-19-7, § 12-19-2.1, and § 12-19-2.2
Tennessee <sup>42</sup>	Yes	Yes	Ballot must be returned by voter through mail. No provision located for in-person return.	Tenn. Code § 2-6-202
Texas <sup>43</sup>	Yes	Yes	Returned by voter in-person or via mail. Only the voter can return their ballot in-person. Another individual may collect and place the voter's absentee ballot in the mail. In this case, certain information must be recorded to this effect on the absentee ballot carrier envelope.	Tex. Elec. Code § 86.006 and § 86.0051
Utah <sup>44</sup>	No	No	Returned by voter in-person or via mail. Return by someone other than the voter is not specifically prohibited, nor is bulk collection.	Utah Code § 20A-3a-204(1)
Vermont <sup>45</sup>	No	No	Returned by voter in-person or via mail. Return by someone other than the voter is not prohibited, nor is bulk collection. If an emergency absentee ballot is issued due to illness or disability then the ballot must be delivered and returned via justice of the peace.	Vt. Stat. tit. 17 § 2543

<sup>41</sup>“Absentee Voting.” South Dakota Secretary of State: (<https://sdsos.gov/elections-voting/voting/absentee-voting.aspx>).

<sup>42</sup>“Absentee Voting.” Tennessee Secretary of State: (<http://sos.tn.gov/products/elections/absentee-voting>).

<sup>43</sup>“Helpful Hints on Voting Early by Mail.” Texas Secretary of State: (<https://www.sos.texas.gov/elections/voter/reqabbm.shtml>).

<sup>44</sup>“Absentee Voting Information.” Utah Lieutenant Governor: (<https://voteinfo.utah.gov/learn-about-voting-by-mail-and-absentee-voting/>).

<sup>45</sup>“Absentee Voting.” Vermont Secretary of State: (<https://sos.vermont.gov/elections/voters/early-absentee-voting/>).

Virginia <sup>46</sup>	Yes	Yes	Returned by voter in-person or via mail. A voter cannot designate another individual to return their ballot. Only in the case of an emergency absentee application can a voter designate a representative to receive and deliver the ballot. An authorization form to use a representative is required.	Va. Code Ann. § 24.2-707 and § 24.2-705
Washington <sup>47</sup>	No	No	Washington is a vote-by-mail state. Ballots can be returned by voter in-person or via mail. Return by someone other than the voter is not specifically prohibited, nor is bulk collection.	Wash. Rev. Code § 29A.40.091
West Virginia <sup>48</sup>	Yes	Yes	Returned by voter in-person or via mail. For a given election, no individual may deliver more than two absentee ballots in-person.	W.Va. Code § 3-3-5
Wisconsin <sup>49</sup>	No	No	Returned by voter in-person or via mail. Return by someone other than the voter is not specifically prohibited, nor is bulk collection.	Wis. Stat. § 6.87
Wyoming <sup>50</sup>	No	No	Returned by voter in-person or via mail. Return by someone other than the voter is not specifically prohibited, nor is bulk collection.	Wy. Stat. § 22-9-113

<sup>46</sup>“Absentee Voting.” Virginia Department of Elections: (<http://elections.virginia.gov/casting-a-ballot/absentee-voting/>).

<sup>47</sup>“Frequently Asked Questions on Voting by Mail.” Washington Secretary of State: ([https://www.sos.wa.gov/elections/faq\\_vote\\_by\\_mail.aspx](https://www.sos.wa.gov/elections/faq_vote_by_mail.aspx)).

<sup>48</sup>“Regular Absentee by Mail.” West Virginia Secretary of State: (<https://sos.wv.gov/elections/Pages/AbsenteeVotingInformation.aspx>).

<sup>49</sup>“I Want to Vote Absentee.” Wisconsin Elections Commission: (<https://elections.wi.gov/voters/absentee>).

<sup>50</sup>“Absentee Voting.” Wyoming Secretary of State: (<http://soswy.state.wy.us/Elections/AbsenteeVoting.aspx>).





# Application for Absentee Ballot

Including Absentee List Request, Election Specific Absentee Ballot Request, Request for Absentee Ballot Due to Illness or Health Emergency or to be removed from receiving an Absentee Ballot.

Fields marked with an asterisk (\*) are required fields.

Please type or use black or blue pen only and print clearly. **COMPLETE FORM AND SUBMIT TO COUNTY ELECTION OFFICE BY NOON THE DAY BEFORE ELECTION DAY**

### APPLICANT IDENTIFYING AND CONTACT INFORMATION

Last Name\*  First Name\*  Middle Name (Optional)

Birthdate\* (MM/DD/YYYY)  Phone Number (Optional)  Email Address (Optional)

County where you reside and are registered to vote\*  Montana Residence Address\*  City\*  Zip Code\*

Mailing Address (required if differs from residence address\*)  City and State  Zip Code

Check if the mailing address listed above is for part of the year only and if so, complete the information below (for absentee ballot list only).  
Clearly print the complete mailing address(es) and specify the applicable time periods for address (add more addresses as necessary).

Seasonal Mailing Address (Optional)  City and State  Zip Code  Period (mm/dd/yyyy-mm/dd/yyyy)

### BALLOT REQUEST OPTIONS AND VOTER AFFIRMATION

**Yes**, I request an absentee ballot to be mailed to me for ALL elections in which I am eligible to vote as long as I reside at the address listed on this application. I understand that if I file a change of address with the U.S. postal service, I must complete, sign, and return a confirmation notice mailed to me by the county election office;

**OR**

I hereby request an absentee ballot for the upcoming election (check only one):  
 Primary  General  Municipal  Other \_\_\_\_\_ election to be held on \_\_\_\_\_

**By signing below, I understand that I am officially requesting an absentee ballot and affirm that I will have met the 30-day Montana residency requirement before voting my absentee ballot. (Also sign affidavit at bottom of page if requesting due to illness or health emergency.)**

\_\_\_\_\_  
**\*Signature of Elector**

\_\_\_\_\_  
**\*Date Signed**

### Optional – Voter Information Pamphlet Request (An electronic version of this pamphlet can be found at [sosmt.gov/elections](http://sosmt.gov/elections).)

Please send current Voter Information Pamphlet, if applicable to this election

### Optional – Designate another person to pick up your absentee ballot

I, the elector who signed below, hereby designate \_\_\_\_\_ to pick up my absentee ballot.

**Receipt of absentee ballot by designee: I received the absentee ballot for the applicant on \_\_\_\_\_.**  
Date ballot received

\_\_\_\_\_  
Signature of Designee

\_\_\_\_\_  
Signature of Elector

\_\_\_\_\_  
Date Signed

### Optional – Revert to Non-Absentee Voter (This would revert you to only voting at your local polling place.)

Please check this box to affirm that you do **NOT** want to receive an absentee ballot and instead want to vote at your local polling place on election day.

### Optional – Affidavit of elector (due to illness or health emergency)

**Optional:** I hereby declare that I am prevented from voting at the polls due to illness or health emergency occurring between 5:00 p.m. on the Friday preceding the election and 8 p.m. on election day.

\_\_\_\_\_  
Signature of Elector

\_\_\_\_\_  
Date Signed



**Ballot Collection Registry** Enforcement of the Ballot Interference Protection Act is currently enjoined. This form is used by someone delivering a ballot for another elector pursuant to the Montana Ballot Interference Prevention Act (Mont. Code Ann. 13-35-701 et al). Only a caregiver, family member, household member, or an acquaintance is authorized to collect a voter's ballot and **may not collect and convey more than six ballots per election**. A violation of a provision of 13-35 part 7 is punishable by a fine of \$500 for each ballot unlawfully collected.

Complete this form if you are delivering another person's ballot.

**\* Note: You do not need to complete this form to return your own ballot.**

Your Last Name: \_\_\_\_\_ Your First Name: \_\_\_\_\_

Your Phone Number: \_\_\_\_\_

Your Address: \_\_\_\_\_  
 (Street or PO Box) (City) (Zip)

X Your Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 I declare under penalty of perjury that the information provided on this form is true and correct

Please list below the name, address, and how you are related to each person whose ballot you are delivering. Please **do not list yourself**.

	Name of person(s) whose ballot I am returning, not including my own	Address of person whose ballot I am returning	Relationship <i>(Definitions are provided below)</i>
1		<i>If their address is the same as yours, you may leave this section blank.</i>	<input type="checkbox"/> Family Including Spouse <input type="checkbox"/> Household <input type="checkbox"/> Acquaintance <input type="checkbox"/> Caregiver
2		<i>If their address is the same as yours, you may leave this section blank.</i>	<input type="checkbox"/> Family Including Spouse <input type="checkbox"/> Household <input type="checkbox"/> Acquaintance <input type="checkbox"/> Caregiver
3		<i>If their address is the same as yours, you may leave this section blank.</i>	<input type="checkbox"/> Family Including Spouse <input type="checkbox"/> Household <input type="checkbox"/> Acquaintance <input type="checkbox"/> Caregiver
4		<i>If their address is the same as yours, you may leave this section blank.</i>	<input type="checkbox"/> Family Including Spouse <input type="checkbox"/> Household <input type="checkbox"/> Acquaintance <input type="checkbox"/> Caregiver
5		<i>If their address is the same as yours, you may leave this section blank.</i>	<input type="checkbox"/> Family Including Spouse <input type="checkbox"/> Household <input type="checkbox"/> Acquaintance <input type="checkbox"/> Caregiver
6		<i>If their address is the same as yours, you may leave this section blank.</i>	<input type="checkbox"/> Family Including Spouse <input type="checkbox"/> Household <input type="checkbox"/> Acquaintance <input type="checkbox"/> Caregiver

Pursuant to 13-35-702, MCA the following definitions apply:

**Family member** means an individual who is related to the voter by blood, marriage, adoption, or legal guardianship.

**Household member** means an individual who resides at the same residence as the voter.

**Acquaintance** means an individual known by the voter.

**Caregiver** means an individual who provides medical or health care assistance to the voter in a residence, nursing care institution, hospice facility, assisted living center, assisted living home, residential care institution, adult day health care facility, or adult foster care home.

For Election Office Use Only  
 County: \_\_\_\_\_

Election: \_\_\_\_\_

Date of Receipt: \_\_\_\_\_

**Curriculum Vitae**  
(July 2020)

M.V. (Trey) Hood III

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**Academic Positions:**

University of Georgia

Professor, 2013-present

Director, SPIA Survey Research Center, 2016-present

Director of Graduate Studies, 2011-2016

Associate Professor, 2005-2013

Assistant Professor, 1999-2005

Texas Tech University

Visiting Assistant Professor, 1997-1999

**Education:**

Ph.D.	Political Science	Texas Tech University	1997
M.A.	Political Science	Baylor University	1993
B.S.	Political Science	Texas A&M University	1991

**Peer-Reviewed Books:**

*The Rational Southerner: Black Mobilization, Republican Growth, and the Partisan Transformation of the American South*. 2012. New York: Oxford University Press.  
(Quentin Kidd and Irwin L. Morris, co-authors).  
[Softcover version in 2014 with new Epilogue]

**Peer-Reviewed Publications:**

“Switching Sides but Still Fighting the Civil War in Southern Politics.” Forthcoming 2020.  
*Politics, Groups, and Identities*. (Christopher Cooper, Scott H. Huffmon, Quentin Kidd, Gibbs Knotts, Seth C. McKee, co-authors).

“The Election of African American State Legislators in the Modern South.” Forthcoming 2020.  
*Legislative Studies Quarterly*. (Charles S. Bullock, III, Williams Hicks, Seth C. McKee, Adam S. Myers, and Daniel A. Smith, co-authors).

- “What’s in a Name? Gauging the Effect of Labels on Third Party Vote Shares.” 2020. *Journal of Elections, Public Opinion & Parties*. (Seth C. McKee, co-author).
- “Tracking Hispanic Political Emergence in Georgia: An Update.” Forthcoming 2019. *Social Science Quarterly*. (Charles S. Bullock, III, co-author).
- “Why Georgia, Why? Peach State Residents’ Perceptions of Voting-Related Improprieties and their Impact on the 2018 Gubernatorial Election.” 2019. *Social Science Quarterly* 100(5): 1828-1847. (Seth C. McKee, co-author).
- “Palmetto Postmortem: Examining the Effects of the South Carolina Voter Identification Statute.” 2019. *Political Research Quarterly* (Scott E. Buchanan, co-author).
- “Contagious Republicanism in Louisiana, 1966-2008.” 2018. *Political Geography* 66(Sept): 1-13. (Jamie Monogan, co-author).
- “The Comeback Kid: Donald Trump on Election Day in 2016.” 2019. *PS: Political Science and Politics* 52(2): 239-242. (Seth C. McKee and Daniel A. Smith, co-authors).
- “Election Daze: Mode of Voting and Voter Preferences in the 2016 Presidential Election.” 2017-2018. *Florida Political Chronicle* 25(2): 123-141. (Seth C. McKee and Daniel A. Smith, co-authors).
- “Out of Step and Out of Touch: The Matter with Kansas in the 2014 Midterm.” 2017. *The Forum* 15(2): 291-312. (Seth C. McKee and Ian Ostrander, co-authors).
- “From Legal Theory to Practical Application: A How-To for Performing Vote Dilution Analyses.” 2018. *Social Science Quarterly* 99(2): 536-552. (Peter A. Morrison and Thomas M. Bryan, co-authors).
- “Race, Class, Religion and the Southern Party System: A Field Report from Dixie.” 2016. *The Forum* 14(1): 83-96.
- “Black Votes Count: The 2014 Republican Senate Nomination in Mississippi.” 2017. *Social Science Quarterly* 98(1): 89-106. (Seth C. McKee, coauthor).
- “Sunshine State Dilemma: Voting for the 2014 Governor of Florida.” 2015. *Electoral Studies* 40: 293-299. (Seth C. McKee, co-author).
- “Tea Leaves and Southern Politics: Explaining Tea Party Support Among Southern Republicans.” 2015. *Social Science Quarterly* 96(4): 923-940. (Quentin Kidd and Irwin L. Morris, co-authors).
- “True Colors: White Conservative Support for Minority Republican Candidates.” 2015. *Public Opinion Quarterly* 79(1): 28-52. (Seth C. McKee, co-author).

- “Race and the Tea Party in the Old Dominion: Split-Ticket Voting in the 2013 Virginia Elections.” 2015. *PS: Political Science and Politics* 48(1):107-114. (Quentin Kidd and Irwin L. Morris, co-authors).
- “The Damnedest Mess: An Empirical Evaluation of the 1966 Georgia Gubernatorial Election.” 2014. *Social Science Quarterly* 96(1):104-118. (Charles S. Bullock, III, co-author).
- “Candidates, Competition, and the Partisan Press: Congressional Elections in the Early Antebellum Era.” 2014. *American Politics Research* 42(5):670-783. (Jamie L. Carson, co-author).  
[Winner of the 2014 Hahn-Sigelman Prize]
- “Strategic Voting in a U.S. Senate Election.” 2013. *Political Behavior* 35(4):729-751. (Seth C. McKee, co-author).
- “Unwelcome Constituents: Redistricting and Countervailing Partisan Tides.” 2013. *State Politics and Policy Quarterly* 13(2):203-224. (Seth C. McKee, co-author).
- “The Tea Party, Sarah Palin, and the 2010 Congressional Elections: The Aftermath of the Election of Barack Obama.” 2012. *Social Science Quarterly* 93(5):1424-1435. (Charles S. Bullock, III, co-author).
- “Much Ado About Nothing?: An Empirical Assessment of the Georgia Voter Identification Statute.” 2012. *State Politics and Policy Quarterly* 12(4):394-314. (Charles S. Bullock, III, co-author).
- “Achieving Validation: Barack Obama and Black Turnout in 2008.” 2012. *State Politics and Policy Quarterly* 12:3-22. (Seth C. McKee and David Hill, co-authors).
- “They Just Don’t Vote Like They Used To: A Methodology to Empirically Assess Election Fraud.” 2012. *Social Science Quarterly* 93:76-94. (William Gillespie, co-author).
- “An Examination of Efforts to Encourage the Incidence of Early In-Person Voting in Georgia, 2008.” 2011. *Election Law Journal* 10:103-113. (Charles S. Bullock, III, co-author).
- “What Made Carolina Blue? In-migration and the 2008 North Carolina Presidential Vote.” 2010. *American Politics Research* 38:266-302. (Seth C. McKee, co-author).
- “Stranger Danger: Redistricting, Incumbent Recognition, and Vote Choice.” 2010. *Social Science Quarterly* 91:344-358. (Seth C. McKee, co-author).
- “Trying to Thread the Needle: The Effects of Redistricting in a Georgia Congressional District.” 2009. *PS: Political Science and Politics* 42:679-687. (Seth C. McKee, co-author).

- “Citizen, Defend Thyself: An Individual-Level Analysis of Concealed-Weapon Permit Holders.” 2009. *Criminal Justice Studies* 22:73-89. (Grant W. Neeley, co-author).
- “Two Sides of the Same Coin?: Employing Granger Causality Tests in a Time Series Cross-Section Framework.” 2008. *Political Analysis* 16:324-344. (Quentin Kidd and Irwin L. Morris, co-authors).
- “Worth a Thousand Words? : An Analysis of Georgia’s Voter Identification Statute.” 2008. *American Politics Research* 36:555-579. (Charles S. Bullock, III, co-author).
- “Gerrymandering on Georgia’s Mind: The Effects of Redistricting on Vote Choice in the 2006 Midterm Election.” 2008. *Social Science Quarterly* 89:60-77 (Seth C. McKee, co-author).
- “Examining Methods for Identifying Latino Voters.” 2007. *Election Law Journal* 6:202-208. (Charles S. Bullock, III, co-author).
- “A Mile-Wide Gap: The Evolution of Hispanic Political Emergence in the Deep South.” 2006. *Social Science Quarterly* 87:1117-1135. (Charles S. Bullock, III, co-author).
- “Punch Cards, Jim Crow, and Al Gore: Explaining Voter Trust in the Electoral System in Georgia, 2000.” 2005. *State Politics and Policy Quarterly* 5:283-294. (Charles S. Bullock, III and Richard Clark, co-authors).
- “When Southern Symbolism Meets the Pork Barrel: Opportunity for Executive Leadership.” 2005. *Social Science Quarterly* 86:69-86. (Charles S. Bullock, III, co-author).
- “The Reintroduction of the *Elephas maximus* to the Southern United States: The Rise of Republican State Parties, 1960-2000.” 2004. *American Politics Research* 31:68-101. (Quentin Kidd and Irwin Morris, co-authors).
- “One Person, [No Vote; One Vote; Two Votes...]: Voting Methods, Ballot Types, and Undervote Frequency in the 2000 Presidential Election.” 2002. *Social Science Quarterly* 83:981-993. (Charles S. Bullock, III, co-author).
- “On the Prospect of Linking Religious Right Identification with Political Behavior: Panacea or Snipe Hunt?” 2002. *Journal for the Scientific Study of Religion* 41:697-710. (Mark C. Smith, co-author).
- “The Key Issue: Constituency Effects and Southern Senators’ Roll-Call Voting on Civil Rights.” 2001. *Legislative Studies Quarterly* 26: 599-621. (Quentin Kidd and Irwin Morris, co-authors).
- “Packin’ in the Hood?: Examining Assumptions Underlying Concealed-Handgun Research.” 2000. *Social Science Quarterly* 81:523-537. (Grant Neeley, co-author).

- “Brother, Can You Spare a Dime? Racial/Ethnic Context and the Anglo Vote on Proposition 187.” 2000. *Social Science Quarterly* 81:194-206. (Irwin Morris, co-author).
- “Penny Pinching or Politics? The Line-Item Veto and Military Construction Appropriations.” 1999. *Political Research Quarterly* 52:753-766. (Irwin Morris and Grant Neeley, co-authors).
- “Of Byrds[s] and Bumpers: Using Democratic Senators to Analyze Political Change in the South, 1960-1995.” 1999. *American Journal of Political Science* 43:465-487. (Quentin Kidd and Irwin Morris, co-authors).
- “Bugs in the NRC’s Doctoral Program Evaluation Data: From Mites to Hissing Cockroaches.” 1998. *PS* 31:829-835. (Nelson Dometrius, Quentin Kidd, and Kurt Shirkey, co-authors).
- “Boll Weevils and Roll-Call Voting: A Study in Time and Space.” 1998. *Legislative Studies Quarterly* 23:245-269. (Irwin Morris, co-author).
- “Give Us Your Tired, Your Poor,...But Make Sure They Have a Green Card: The Effects of Documented and Undocumented Migrant Context on Anglo Opinion Towards Immigration.” 1998. *Political Behavior* 20:1-16. (Irwin Morris, co-author).
- “¡Quedate o Vente!: Uncovering the Determinants of Hispanic Public Opinion Towards Immigration.” 1997. *Political Research Quarterly* 50:627-647. (Irwin Morris and Kurt Shirkey, co-authors).
- “¿Amigo o Enemigo?: Context, Attitudes, and Anglo Public Opinion toward Immigration.” 1997. *Social Science Quarterly* 78: 309-323. (Irwin Morris, co-author).

#### **Invited Publications:**

- “Race and the Ideological Transformation of the Democratic Party: Evidence from the Bayou State.” 2005. *American Review of Politics* 25:67-78.

#### **Book Chapters:**

- “Texas: Big Red Rides On.” 2018. In *The New Politics of the Old South, 6<sup>th</sup> ed.*, Charles S. Bullock, III and Mark J. Rozell, editors. New York: Rowman and Littlefield Publishers, Inc. (Seth C. McKee, co-author).
- “The Participatory Consequences of Florida Redistricting.” 2015. In *Jigsaw Puzzle Politics in the Sunshine State*, Seth C. McKee, editor. Gainesville, FL: University of Florida Press. (Danny Hayes and Seth C. McKee, co-authors).
- “Texas: Political Change by the Numbers.” 2014. In *The New Politics of the Old South, 5<sup>th</sup> ed.*, Charles S. Bullock, III and Mark J. Rozell, editors. New York: Rowman and Littlefield Publishers, Inc. (Seth C. McKee, co-author).

“The Republican Party in the South.” 2012. In *Oxford Handbook of Southern Politics*, Charles S. Bullock, III and Mark J. Rozell, editors. New York: Oxford University Press. (Quentin Kidd and Irwin Morris, co-authors).

“The Reintroduction of the *Elephas maximus* to the Southern United States: The Rise of Republican State Parties, 1960-2000.” 2010. In *Controversies in Voting Behavior*, 5<sup>th</sup> ed., David Kimball, Richard G. Niemi, and Herbert F. Weisberg, editors. Washington, DC: CQ Press. (Quentin Kidd and Irwin Morris, co-authors).  
[Reprint of 2004 *APR* article with Epilogue containing updated analysis and other original material.]

“The Texas Governors.” 1997. In *Texas Policy and Politics*, Mark Somma, editor. Needham Heights, MA: Simon & Schuster.

### **Book Reviews:**

*The Resilience of Southern Identity: Why the South Still Matters in the Minds of Its People*. 2018.  
Reviewed for *The Journal of Southern History*.

### **Other Publications:**

“Provisionally Admitted College Students: Do They Belong in a Research University?” 1998. In *Developmental Education: Preparing Successful College Students*, Jeanne Higbee and Patricia L. Dwinell, editors. Columbia, SC: National Resource Center for the First-Year Experience & Students in Transition (Don Garnett, co-author).

NES Technical Report No. 52. 1994. “The Reliability, Validity, and Scalability of the Indicators of Gender Role Beliefs and Feminism in the 1992 American National Election Study: A Report to the ANES Board of Overseers.” (Sue Tolleson-Rinehart, Douglas R. Davenport, Terry L. Gilmour, William R. Moore, Kurt Shirkey, co-authors).

### **Grant-funded Research (UGA):**

Co-Principal Investigator. “Georgia Voter Verification Study.” Budget: \$52,060. 2020. (with Audrey Haynes). Funded by Center for Election Innovation and Research.

Co-Principal Investigator. “An Examination of Non-Precinct Voting in the State of Georgia.” Budget: \$47,000. October 2008-July 2009. (with Charles S. Bullock, III). Funded by the Pew Charitable Trust.

Co-Principal Investigator. “The Best Judges Money Can Buy?: Campaign Contributions and the Texas Supreme Court.” (SES-0615838) Total Budget: \$166,576; UGA Share: \$69,974. September 2006-August 2008. (with Craig F. Emmert). Funded by the National Science Foundation. REU Supplemental Award (2008-2009): \$6,300.



Principal Investigator. “Payola Justice or Just Plain ‘Ole Politics Texas-Style?: Campaign Finance and the Texas Supreme Court.” \$5,175. January 2000-Januray 2001. Funded by the University of Georgia Research Foundation, Inc.

**Curriculum Grants (UGA):**

Learning Technology Grant: “Converting Ideas Into Effective Action: An Interactive Computer and Classroom Simulation for the Teaching of American Politics.” \$40,000. January-December 2004. (with Loch Johnson). Funded by the Office of Instructional Support and Technology, University of Georgia.

**Dissertation:**

“Capturing Bubba's Heart and Mind: Group Consciousness and the Political Identification of Southern White Males, 1972-1994.”

Chair: Professor Sue Tolleson-Rinehart

**Papers and Activities at Professional Meetings:**

“Mail It In: An Analysis of the Peach State’s Response to the Coronavirus Pandemic.” 2020. (with Audrey Haynes). Presented at the Election Science, Reform, and Administrative Conference. Gainesville, FL. [Virtually Presented]

“Why Georgia, Why? Peach State Residents’ Perceptions of Voting-Related Improprieties and their Impact on the 2018 Gubernatorial Election.” 2019. (with Seth C. McKee). Presented at the Election Science, Reform, and Administrative Conference. Philadelphia, PA.

“The Demise of White Class Polarization and the Newest American Politics.” 2019. (with Seth C. McKee). Presented at the Annual Meeting of the Southern Political Science Association. Austin, TX.

“The Geography of Latino Growth in the American South.” 2018. (with Seth C. McKee). State Politics and Policy Conference. State College, PA.

“A History and Analysis of Black Representation in Southern State Legislatures.” 2018. (with Charles S. Bullock, III, William D. Hicks, Seth C. McKee, Adam S. Myers, and Daniel A. Smith). Presented at the Citadel Symposium on Southern Politics. Charleston, SC.

Discussant. Panel titled “Southern Distinctiveness?” 2018. The Citadel Symposium on Southern Politics. Charleston, SC.

Roundtable Participant. Panel titled “The 2018 Elections.” 2018. The Citadel Symposium on Southern Politics. Charleston, SC.

- “Still Fighting the Civil War?: Southern Opinions on the Confederate Legacy.” 2018. (with Christopher A. Cooper, Scott H. Huffmon, Quentin Kidd, H. Gibbs Knotts, and Seth C. McKee). The Citadel Symposium on Southern Politics. Charleston, SC.
- “Tracking Hispanic Growth in the American South.” 2018. (with Seth C. McKee). Presented at the Annual Meeting of the Southern Political Science Association. New Orleans, LA.
- “An Assessment of Online Voter Registration in Georgia.” 2017. (with Greg Hawrelak and Colin Phillips). Presented at the Annual Meeting of Election Sciences, Reform, and Administration. Portland, Oregon.
- Moderator. Panel titled “What Happens Next.” 2017. The Annual Meeting of Election Sciences, Reform, and Administration. Portland, Oregon.
- “Election Daze: Time of Vote, Mode of Voting, and Voter Preferences in the 2016 Presidential Election.” 2017. (with Seth C. McKee and Dan Smith). Presented at the Annual Meeting of the State Politics and Policy Conference. St. Louis, MO.
- “Palmetto Postmortem: Examining the Effects of the South Carolina Voter Identification Statute.” 2017. (with Scott E. Buchanan). Presented at the Annual Meeting of the Southern Political Science Association. New Orleans, LA.
- Panel Chair and Presenter. Panel titled “Assessing the 2016 Presidential Election.” 2017. UGA Elections Conference. Athens, GA.
- Roundtable Discussant. Panel titled “Author Meets Critics: Robert Mickey's Paths Out of Dixie.” 2017. The Annual Meeting of the Southern Political Science Association. New Orleans, LA.
- “Out of Step and Out of Touch: The Matter with Kansas in the 2014 Midterm Election.” (with Seth C. McKee and Ian Ostrander). 2016. Presented at the Annual Meeting of the Southern Political Science Association. San Juan, Puerto Rico.
- “Contagious Republicanism in North Carolina and Louisiana, 1966-2008.” (with Jamie Monogan). 2016. Presented at the Citadel Symposium on Southern Politics. Charleston, SC.
- “The Behavioral Implications of Racial Resentment in the South: The Intervening Influence of Party.” (with Quentin Kidd and Irwin L. Morris). 2016. Presented at the Citadel Symposium on Southern Politics. Charleston, SC.
- Discussant. Panel titled “Partisan Realignment in the South.” 2016. The Citadel Symposium on Southern Politics. Charleston, SC.

- “Electoral Implications of Racial Resentment in the South: The Influence of Party.” (with Quentin Kidd and Irwin L. Morris). 2016. Presented at the Annual Meeting of the American Political Science Association. Philadelphia, PA.
- “Racial Resentment and the Tea Party: Taking Regional Differences Seriously.” (with Quentin Kidd and Irwin L. Morris). 2015. Poster presented at the Annual Meeting of the American Political Science Association. San Francisco, CA.
- “Race and the Tea Party in the Palmetto State: Tim Scott, Nikki Haley, Bakari Sellers and the 2014 Elections in South Carolina.” (with Quentin Kidd and Irwin L. Morris). 2015. Presented at the Annual Meeting of the Southern Political Science Association. New Orleans, LA.
- Participant. Roundtable on the 2014 Midterm Elections in the Deep South. Annual Meeting of the Southern Political Science Association. New Orleans, LA.
- “Race and the Tea Party in the Old Dominion: Split-Ticket Voting in the 2013 Virginia Elections.” (with Irwin L. Morris and Quentin Kidd). 2014. Paper presented at the Citadel Symposium on Southern Politics. Charleston, SC.
- “Race and the Tea Party in the Old Dominion: Down-Ticket Voting and Roll-Off in the 2013 Virginia Elections.” (with Irwin L. Morris and Quentin Kidd). 2014. Paper presented at the Annual Meeting of the Southern Political Science Association. New Orleans, LA.
- “Tea Leaves and Southern Politics: Explaining Tea Party Support Among Southern Republicans.” (with Irwin L. Morris and Quentin Kidd). 2013. Paper presented at the Annual Meeting of the Southern Political Science Association. Orlando, FL.
- “The Tea Party and the Southern GOP.” (with Irwin L. Morris and Quentin Kidd). 2012. Research presented at the Effects of the 2012 Elections Conference. Athens, GA.
- “Black Mobilization in the Modern South: When Does Empowerment Matter?” (with Irwin L. Morris and Quentin Kidd). 2012. Paper presented at the Citadel Symposium on Southern Politics. Charleston, SC.
- “The Legislature Chooses a Governor: Georgia’s 1966 Gubernatorial Election.” (with Charles S. Bullock, III). 2012. Paper presented at the Citadel Symposium on Southern Politics. Charleston, SC.
- “One-Stop to Victory? North Carolina, Obama, and the 2008 General Election.” (with Justin Bullock, Paul Carlsen, Perry Joiner, and Mark Owens). 2011. Paper presented at the Annual Meeting of the Southern Political Science Association. New Orleans.
- “Redistricting and Turnout in Black and White.” (with Seth C. McKee and Danny Hayes). 2011. Paper presented at the Annual Meeting of the Midwest Political Science Association. Chicago, IL.

- “One-Stop to Victory? North Carolina, Obama, and the 2008 General Election.” (with Justin Bullock, Paul Carlsen, Perry Joiner, Jeni McDermott, and Mark Owens). 2011. Paper presented at the Annual Meeting of the Midwest Political Science Association Meeting. Chicago, IL.
- “Strategic Voting in the 2010 Florida Senate Election.” (with Seth C. McKee). 2011. Paper Presented at the Annual Meeting of the Florida Political Science Association. Jupiter, FL.
- “The Republican Bottleneck: Congressional Emergence Patterns in a Changing South.” (with Christian R. Grose and Seth C. McKee). Paper presented at the Annual Meeting of the Southern Political Science Association. New Orleans, LA.
- “Capturing the Obama Effect: Black Turnout in Presidential Elections.” (with David Hill and Seth C. McKee) 2010. Paper presented at the Annual Meeting of the Florida Political Science Association. Jacksonville, FL.
- “The Republican Bottleneck: Congressional Emergence Patterns in a Changing South.” (with Seth C. McKee and Christian R. Grose). 2010. Paper presented at the Citadel Symposium on Southern Politics. Charleston, SC.
- “Black Mobilization and Republican Growth in the American South: The More Things Change the More They Stay the Same?” (with Quentin Kidd and Irwin L. Morris). 2010. Paper presented at the Citadel Symposium on Southern Politics. Charleston, SC.
- “Unwelcome Constituents: Redistricting and Incumbent Vote Shares.” (with Seth C. McKee). 2010. Paper presented at the Annual Meeting of the Southern Political Science Association. Atlanta, GA.
- “Black Mobilization and Republican Growth in the American South: The More Things Change the More They Stay the Same?” (with Quentin Kidd and Irwin L. Morris). 2010. Paper presented at the Annual Meeting of the Southern Political Science Association. Atlanta, GA.
- “The Impact of Efforts to Increase Early Voting in Georgia, 2008.” (With Charles S. Bullock, III). 2009. Presentation made at the Annual Meeting of the Georgia Political Science Association. Callaway Gardens, GA.
- “Encouraging Non-Precinct Voting in Georgia, 2008.” (With Charles S. Bullock, III). 2009. Presentation made at the Time-Shifting The Vote Conference. Reed College, Portland, OR.
- “What Made Carolina Blue? In-migration and the 2008 North Carolina Presidential Vote.” (with Seth C. McKee). 2009. Paper presented at the Annual Meeting of the Florida Political Science Association. Orlando, FL.

- “Swimming with the Tide: Redistricting and Voter Choice in the 2006 Midterm.” (with Seth C. McKee). 2009. Paper presented at the Annual Meeting of the Midwest Political Science Association. Chicago.
- “The Effect of the Partisan Press on U.S. House Elections, 1800-1820.” (with Jamie Carson). 2008. Paper presented at the Annual Meeting of the History of Congress Conference. Washington, D.C.
- “Backward Mapping: Exploring Questions of Representation via Spatial Analysis of Historical Congressional Districts.” (Michael Crespin). 2008. Paper presented at the Annual Meeting of the History of Congress Conference. Washington, D.C.
- “The Effect of the Partisan Press on U.S. House Elections, 1800-1820.” (with Jamie Carson). 2008. Paper presented at the Annual Meeting of the Midwest Political Science Association. Chicago.
- “The Rational Southerner: The Local Logic of Partisan Transformation in the South.” (with Quentin Kidd and Irwin L. Morris). 2008. Paper presented at the Citadel Symposium on Southern Politics. Charleston, SC.
- “Stranger Danger: The Influence of Redistricting on Candidate Recognition and Vote Choice.” (with Seth C. McKee). 2008. Paper presented at the Annual Meeting of the Southern Political Science Association. New Orleans.
- “Backward Mapping: Exploring Questions of Representation via Spatial Analysis of Historical Congressional Districts.” (with Michael Crespin). 2007. Paper presented at the Annual Meeting of the American Political Science Association. Chicago.
- “Worth a Thousand Words? : An Analysis of Georgia’s Voter Identification Statute.” (with Charles S. Bullock, III). 2007. Paper presented at the Annual Meeting of the Southwestern Political Science Association. Albuquerque.
- “Gerrymandering on Georgia’s Mind: The Effects of Redistricting on Vote Choice in the 2006 Midterm Election.” (with Seth C. McKee). 2007. Paper presented at the Annual Meeting of The Southern Political Science Association. New Orleans.
- “Personalismo Politics: Partisanship, Presidential Popularity and 21st Century Southern Politics.” (with Quentin Kidd and Irwin L. Morris). 2006. Paper presented at the Annual Meeting of the American Political Science Association. Philadelphia.
- “Explaining Soft Money Transfers in State Gubernatorial Elections.” (with William Gillespie and Troy Gibson). 2006. Paper presented at the Annual Meeting of the Midwest Political Science Association. Chicago.

- “Two Sides of the Same Coin?: A Panel Granger Analysis of Black Electoral Mobilization and GOP Growth in the South, 1960-2004.” (with Quentin Kidd and Irwin L. Morris). 2006. Paper presented at the Citadel Symposium on Southern Politics. Charleston, SC.
- “Hispanic Political Emergence in the Deep South, 2000-2004.” (With Charles S. Bullock, III). 2006. Paper presented at the Citadel Symposium on Southern Politics. Charleston.
- “Black Mobilization and the Growth of Southern Republicanism: Two Sides of the Same Coin?” (with Quentin Kidd and Irwin L. Morris). 2006. Paper presented at the Annual Meeting of the Southern Political Science Association. Atlanta.
- “Exploring the Linkage Between Black Turnout and Down-Ticket Challenges to Black Incumbents.” (With Troy M. Gibson). 2006. Paper presented at the Annual Meeting of the Southern Political Science Association. Atlanta.
- “Race and the Ideological Transformation of the Democratic Party: Evidence from the Bayou State.” 2004. Paper presented at the Biennial Meeting of the Citadel Southern Politics Symposium. Charleston.
- “Tracing the Evolution of Hispanic Political Emergence in the Deep South.” 2004. (Charles S. Bullock, III). Paper presented at the Biennial Meeting of the Citadel Southern Politics Symposium. Charleston.
- “Much Ado about Something? Religious Right Status in American Politics.” 2003. (With Mark C. Smith). Paper presented at the Annual Meeting of the Midwest Political Science Association. Chicago.
- “Tracking the Flow of Non-Federal Dollars in U. S. Senate Campaigns, 1992-2000.” 2003. (With Janna Deitz and William Gillespie). Paper presented at the Annual Meeting of the Midwest Political Science Association. Chicago.
- “PAC Cash and Votes: Can Money Rent a Vote?” 2002. (With William Gillespie). Paper presented at the Annual Meeting of the Southern Political Science Association. Savannah.
- “What Can Gubernatorial Elections Teach Us About American Politics?: Exploiting and Underutilized Resource.” 2002. (With Quentin Kidd and Irwin L. Morris). Paper presented at the Annual Meeting of the American Political Science Association. Boston.
- “I Know I Voted, But I’m Not Sure It Got Counted.” 2002. (With Charles S. Bullock, III and Richard Clark). Paper presented at the Annual Meeting of the Southwestern Social Science Association. New Orleans.

- “Race and Southern Gubernatorial Elections: A 50-Year Assessment.” 2002. (With Quentin Kidd and Irwin Morris). Paper presented at the Biennial Southern Politics Symposium. Charleston, SC.
- “Top-Down or Bottom-Up?: An Integrated Explanation of Two-Party Development in the South, 1960-2000.” 2001. Paper presented at the Annual Meeting of the Southern Political Science Association. Atlanta.
- “Cash, Congress, and Trade: Did Campaign Contributions Influence Congressional Support for Most Favored Nation Status in China?” 2001. (With William Gillespie). Paper presented at the Annual Meeting of the Southwestern Social Science Association. Fort Worth.
- “Key 50 Years Later: Understanding the Racial Dynamics of 21<sup>st</sup> Century Southern Politics” 2001. (With Quentin Kidd and Irwin Morris). Paper presented at the Annual Meeting of the Southern Political Science Association. Atlanta.
- “The VRA and Beyond: The Political Mobilization of African Americans in the Modern South.” 2001. (With Quentin Kidd and Irwin Morris). Paper presented at the Annual Meeting of the American Political Science Association. San Francisco.
- “Payola Justice or Just Plain ‘Ole Politics Texas Style?: Campaign Finance and the Texas Supreme Court.” 2001. (With Craig Emmert). Paper presented at the Annual Meeting of the Midwest Political Science Association. Chicago.
- “The VRA and Beyond: The Political Mobilization of African Americans in the Modern South.” 2000. (With Irwin Morris and Quentin Kidd). Paper presented at the Annual Meeting of the Southern Political Science Association. Atlanta.
- “Where Have All the Republicans Gone? A State-Level Study of Southern Republicanism.” 1999. (With Irwin Morris and Quentin Kidd). Paper presented at the Annual Meeting of the Southern Political Science Association. Savannah.
- “Elephants in Dixie: A State-Level Analysis of the Rise of the Republican Party in the Modern South.” 1999. (With Irwin Morris and Quentin Kidd). Paper presented at the Annual Meeting of the American Political Science Association. Atlanta.
- “Stimulant to Turnout or Merely a Convenience?: Developing an Early Voter Profile.” 1998. (With Quentin Kidd and Grant Neeley). Paper presented at the Annual Meeting of the Southern Political Science Association. Atlanta.
- “The Impact of the Texas Concealed Weapons Law on Crime Rates: A Policy Analysis for the City of Dallas, 1992-1997.” 1998. (With Grant W. Neeley). Paper presented to the Annual Meeting of the Midwest Political Science Association. Chicago.

- “Analyzing Anglo Voting on Proposition 187: Does Racial/Ethnic Context Really Matter?” 1997. (With Irwin Morris). Paper presented to the Annual Meeting of the Southern Political Science Association. Norfolk.
- “Capturing Bubba's Heart and Mind: Group Consciousness and the Political Identification of Southern White Males, 1972-1994.” 1997. Paper presented at the Annual Meeting of the Midwest Political Science Association. Chicago.
- “Of Byrds[s] and Bumpers: A Pooled Cross-Sectional Study of the Roll-Call Voting Behavior of Democratic Senators from the South, 1960-1995.” 1996. (With Quentin Kidd and Irwin Morris). Paper presented to the Annual Meeting of the Southern Political Science Association. Atlanta.
- “Pest Control: Southern Politics and the Eradication of the Boll Weevil.” 1996. (With Irwin Morris). Paper presented to the Annual Meeting of the American Political Science Association. San Francisco.
- “Fit for the Greater Functions of Politics: Gender, Participation, and Political Knowledge.” 1996. (With Terry Gilmour, Kurt Shirkey, and Sue Tolleson-Rinehart). Paper presented to the Annual Meeting of the Midwest Political Science Association. Chicago.
- “¿Amigo o Enemigo?: Racial Context, Attitudes, and White Public Opinion on Immigration.” 1996. (With Irwin Morris). Paper presented to the Annual Meeting of the Midwest Political Science Association. Chicago.
- “¿Quedate o Vente!: Uncovering the Determinants of Hispanic Public Opinion Towards Immigration.” 1996. (With Irwin Morris and Kurt Shirkey). Paper presented to the Annual Meeting of the Southwestern Political Science Association. Houston.
- “Downs Meets the Boll Weevil: When Southern Democrats Turn Left.” 1995. (With Irwin Morris). Paper presented to the Annual Meeting of the Southern Political Science Association. Tampa.
- “¿Amigo o Enemigo?: Ideological Dispositions of Whites Residing in Heavily Hispanic Areas.” 1995. (With Irwin Morris). Paper presented to the Annual Meeting of the Southern Political Science Association. Tampa.
- Chair. Panel titled “Congress and Interest Groups in Institutional Settings.” 1995. Annual Meeting of the Southwestern Political Science Association. Dallas.
- “Death of the Boll Weevil?: The Decline of Conservative Democrats in the House.” 1995. (With Kurt Shirkey). Paper presented to the Annual Meeting of the Southwestern Political Science Association. Dallas.



“Capturing Bubba’s Heart and Mind: The Political Identification of Southern White Males.”  
1994. (With Sue Tolleson-Rinehart). Paper presented to the Annual Meeting of the Southern  
Political Science Association. Atlanta.

**Areas of Teaching Competence:**

American Politics: Behavior and Institutions  
Public Policy  
Scope, Methods, Techniques

**Teaching Experience:**

University of Georgia, 1999-present.  
Graduate Faculty, 2003-present.  
Provisional Graduate Faculty, 2000-2003.  
Distance Education Faculty, 2000-present.

Texas Tech University, 1993-1999.  
Visiting Faculty, 1997-1999.  
Graduate Faculty, 1998-1999.  
Extended Studies Faculty, 1997-1999.  
Teaching Assistant, 1993-1997.

**Courses Taught:**

**Undergraduate:**

American Government and Politics, American Government and Politics (Honors), Legislative  
Process, Introduction to Political Analysis, American Public Policy, Political Psychology,  
Advanced Simulations in American Politics (Honors), Southern Politics, Southern Politics  
(Honors), Survey Research Internship

**Graduate:**

Election Administration and Related Issues (Election Sciences), Political Parties and Interest  
Groups, Legislative Process, Seminar in American Politics, Southern Politics; Publishing for  
Political Science

**Editorial Boards:**

*Social Science Quarterly*. Member. 2011-present.

*Election Law Journal*. Member. 2013-present.

**Professional Service:**

Listed expert. MIT Election Data and Science Lab.

Keynote Address. 2020 Symposium on Southern Politics. The Citadel. Charleston, SC.

**Institutional Service (University-Level):**

University Promotion and Tenure Committee, 2019-2021.

University Program Review Committee, 2009-2011.

Chair, 2010-2011

Vice-Chair, 2009-2010.

Graduate Council, 2005-2008.

Program Committee, 2005-2008.

Chair, Program Committee, 2007-2008.

University Libraries Committee, 2004-2014.

Search Committee for University Librarian and Associate Provost, 2014.

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# EXHIBIT L

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COUNSEL FOR DEFENDANTS

**MONTANA THIRTEENTH JUDICIAL DISTRICT COURT  
YELLOWSTONE COUNTY**

WESTERN NATIVE VOICE, Montana Native  
Vote, Assiniboine and Sioux Tribes of Fort  
Peck, Blackfeet Nation, Confederated Salish  
and Kootenai Tribes, Crow Tribe, Fort Belknap  
Indian Community,

Plaintiff,

v.

COREY STAPLETON, in his official capacity  
as Montana Secretary of State, TIM FOX, in his  
official capacity as Montana Attorney General,  
JEFF MANGAN, in his official capacity as  
Montana Commissioner of Political Practices,

Defendants.

Cause No. DV-56-2020-377-DK

**DECLARATION OF M.V. HOOD III**

M.V. Hood III declares as follows:

1. I am a tenured Professor of Political Science at the University of Georgia and the  
Director of the School of Public and International Affairs Survey Research Center. My research

areas include American politics, specifically in the areas of electoral politics, racial politics, election administration, and Southern politics.

2. I have been asked by counsel for Defendants to provide a brief overview of Montana's voting system, including the changes brought about by the challenged Ballot Interference Prevention Act [BIPA] (Mont. Code Ann. § 13-35-701–705), as well as to provide state-by-state comparisons of regulations associated with the collection and return of vote by mail ballots. Further, I have been asked to respond to the expert reports of Professor Daniel McCool and Professor Alexander Street and, specifically, to their opinions regarding BIPA, which counsel for Plaintiffs produced on March 25 and July 6, 2020.

3. In my opinion, the State of Montana provides a highly convenient election scheme for voters. Electors can vote using one of three methods: no-excuse absentee by-mail, no-excuse absentee in-person, or in-person at a local election precinct or satellite office on election day (Mont. Code Ann. § 13-13-117, -201, 222). Additional statutory guarantees protect the right to vote for all Montanans, including those in special circumstances. For example, the Montana election code contains specific provisions allowing for election-day [late] registration (Mont. Code Ann. § 13-2-304); permanent absentee voting (Mont. Code Ann. § 13-13-212(3)); provisional voting (Mont. Code Ann. §§ 13-13-114 and -601; 13-15-107(5)); emergency voting (Mont. Code Ann. § 13-13-212(2)); voting by military and overseas electors (Mont. Code Ann. §§ 13-21-102–228); ballot collection by members of the election board or an authorized election official (Mont. Code Ann. § 13-13-229); and accommodations for disabled and elderly electors (Mont. Code Ann. §§ 13-3-213; 13-13-118, -119, and -246).

4. At issue in this case is BIPA, a voter-approved referendum that placed limits on who may return a voted absentee ballot in-person and in what numbers. Prior to the passage of

BIPA, any individual could collect and return anyone else's absentee ballot. There was also no limit on the number of absentee ballots that could be returned. Following implementation of BIPA, voters may still return their own ballots in-person or by mail or may have a family or household member, acquaintance, or caregiver return their ballots in-person. (Mont. Code Ann. § 13-35-703 (2) and (3).)<sup>1</sup> There are no limitations, either in terms of who may collect or in what number, for absentee ballots returned via the postal service.<sup>2</sup> It should also be noted that BIPA did not alter any other component of the procedures that govern absentee voting or in-person election-day voting in Montana.

### **Montana's Voting System**

5. Montana has the right and duty to regulate elections (Mont. Const. art. IV, § 3).

6. Montana's election framework offers electors a versatile set of options to exercise the franchise. Voters have great flexibility to complete the balloting process before election-day. Those who prefer to vote in-person can vote at the county election office or a designated satellite election office up to 30 days prior to the election (Mont. Code Ann. § 13-13-205(a)(i)). Those who would prefer more time to vote can pick up their ballot at their election office up to 30 days before an election, take it home, and return it by mail or other method,<sup>3</sup> as long as the ballot is received by close of polls (8 p.m.) on election-day.

7. On Election Day, Montana voters can vote at their precinct from 7 a.m. to 8 p.m. or drop off their absentee ballots at any precinct within their county without waiting in line (Mont. Code Ann. § 13-13-201).

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<sup>1</sup> BIPA does not apply to election officials or postal workers, or for ballots returned by mail. *See* Mont. Code Ann. § 13-35-703(2); Commissioner of Political Practices, *Montana Ballot Interference Prevention Act (BIPA)* (<http://politicalpractices.mt.gov/BIPA>).

<sup>2</sup> *Ibid*; Mont. Code Ann. § 13-35-704.

<sup>3</sup> Absentee ballots may be delivered to the election office; a polling place within the elector's county; an absentee election board or authorized election official; or a designated place of deposit within the elector's county in a mail ballot election held pursuant to Title 13, chapter 19 (Mont. Code Ann. § 13-13-201).

8. Montana's late (election-day) registration even allows voters to show up, register, and cast a ballot on election-day (Mont. Code Ann. § 13-2-304).

9. Montana accepts both photo and non-photo identification when registering to vote and voting in-person, including, but not limited to, school IDs, tribal photo identification, a utility bill, bank statement, paycheck, government check, or other government document that shows the elector's name and current address (Mont. Code Ann. §§ 13-2-110 and 13-13-114). In this respect, Montana makes voting very accessible and is more lenient than many other states, which may require government-issued photo identification in order to cast a ballot in-person.

10. Montana is a no-excuse absentee state, meaning anyone can vote absentee if they so choose. An elector can request to be placed on the permanent absentee voter list and be automatically mailed an absentee ballot for each election in which they are eligible to vote up to 25 days prior to election-day, allowing more than sufficient time for return. For voters who feel more comfortable delivering their mail ballot in-person, this option is also available.<sup>4</sup>

11. Some Montana absentee voters may also designate an agent to pick up their ballot, and if necessary, vote their ballot (Mont. Code Ann. §§ 13-13-214, 13-13-241). This service simply requires voters to fill out an additional section on the absentee voter application form, available online or at the election office. This form must be returned to the election office (either by mail or delivered in-person), signed by the voter, and registered by the election administrator.<sup>5</sup>

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<sup>4</sup> Voters may sign up for this service by filling out the Application for Absentee Ballot (available online), signing it, and submitting it to the county election office by noon the day before election-day; or voters can visit the election office and fill out the form in-person. *See* Mont. Code Ann. §§ 13-2-110; 13-13-213 (“An agent designated pursuant to 13-1-116 or a third party may collect the elector’s application and forward it to the election administrator.”). The State requires a “wet” signature because the signature is used to verify voter identity throughout the voting process. *See* Mont. Code Ann. §§ 13-13-213(3)(a); 13-13-241.

<sup>5</sup> Form available at <https://sosmt.gov/Portals/142/Elections/Forms/Application-for-Absentee-Ballot.pdf?dt=1485633482629&dt=1485633733234&dt=1485633997817&dt=1488412775482&dt=152347889271>.

12. Absentee voters have the option of taking their ballot to a post office, mail drop box, polling place, place of deposit, or election administrator's office. They also have the option of having another individual bring their ballot to a post office or mail drop box, or having a caregiver, family member, or acquaintance deliver their ballot to a polling place, place of deposit, or election administrator's office.

13. Absentee electors can track their ballot online through the various stages of the process, or call or e-mail the Montana Secretary of State's office for verification of receipt of their ballot. If an issue does arise, especially one related to the signature on the certificate, there is a process in place whereby the issue can be resolved. As with the vote-by-mail process, a voter can submit a corrective "cure" affidavit by mail or in-person to an election office (Mont. Code Ann. §§ 13-13-245 and 13-15-107).

14. Montana's robust absentee voting system, which has been in place for many years, is well-equipped to meet the needs of voters and election officials alike during the current pandemic. For evidence of this, one may look to the June 2020 statewide primary, which was administered as an all-mail election. Turnout for the 2020 primary was 55%, which is comparable to recent general election midterms.<sup>6</sup> Turnout for the 2020 general will undoubtedly be higher, but Montana has demonstrated the state has the administrative capacity to conduct an all-mail election if circumstances dictate. One advantage of an all-mail election is that a voter may cast their ballot *sans* any human-to-human contact.

15. Montana is in the majority of states that regulate the return of absentee ballots in their election codes. Twenty-nine states (including Montana) have some regulation in place regarding who may return an absentee ballot and/or the quantities of absentee ballots that may be

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<sup>6</sup>Montana Secretary of State: <https://sosmt.gov/elections/voter-turnout>.



collected. This finding places Montana in the mainstream, as almost three-fifths (58%) of states regulate this component of absentee balloting. Conversely, a minority of states (42%) do not limit the manner in which a voter may return their absentee ballot to election officials.

16. Three states without any limit on return of absentee ballots greatly restrict absentee voting by requiring an excuse (such as illness or disability). This leaves only about a third of the states (18) that fall into the no-excuse, no-regulation category.

### **BIPA**

17. Under BIPA, any voter can still return their early ballot through the mail or in-person. Additionally, a family or household member, acquaintance, or an individual serving as a caregiver may also return an absentee ballot in-person on behalf of the voter.

18. BIPA did not alter in-person voting, early or on election-day, and it did not affect the location or number of satellite polling places available for people living on Montana Indian reservations.<sup>7</sup> The settlement agreement and election directive cited require satellite locations to be open on reservations during the absentee voting period, making it easier for absentee voters who prefer to return their ballot in-person to do so or have a family or household member, caregiver, or acquaintance do so on their behalf.

19. Further, BIPA did not modify the procedures for requesting an absentee ballot or those related to the receipt of the ballot, only the process for returning a voted absentee ballot.

20. As stated above, most states regulate the return of absentee ballots in some manner. Of these, many states are even more restrictive than Montana. In Alabama, a ballot must be returned by the voter, with the exception that a designee can be used in case of a medical

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<sup>7</sup> See Doc. 26, App'x B, Exs. B (Settlement agreement in *Wandering Medicine v. McCulloch*, 906 F. Supp. 2d. 1083 (D. Mont. 2012)) and C (Montana Secretary of State Election Directive #01-2015, also available at <https://sosmt.gov/Portals/142/Elections/Documents/Officials/DIR-1-15.pdf>).

emergency (Ala. Code § 17-11-18). In Arkansas, a ballot must be returned by the voter, with the exception that a designated bearer can be used for medical reasons. A designated bearer is limited to returning two ballots. The only other exception concerns bulk collections from residential care facilities (Ark. Code §§ 7-5-403, 7-5-411). In Connecticut, a ballot must be returned by the voter or an immediate family member, with the exception that a designee can be used for medical reasons (Conn. Gen. Stat. Ch. 145 § 9-140b). In Georgia, a ballot must be returned by the voter, with the exception that voters with a physical disability may have a ballot returned by an immediate family or household member (Ga. Code § 21-2-385). In Indiana, a ballot must be returned by the voter or an immediate family member (Ind. Code § 3-11-10-1). In Louisiana, a ballot must be returned either by the voter or by another individual authorized by the voter, and outside of immediate family no person may deliver more than one ballot (La. Stat. § 18:1308). In Maine, a ballot must be returned either by the voter, an immediate family member, or a designated agent who must be the same individual designated in writing to pick up the ballot on behalf of the voter, and who is limited to returning five absentee ballots (Me. Rev. Stat. 21A §§ 753-A, 753-B, and 754-A). In Maryland, a voter may return their ballot or authorize a designated agent to do so, and both persons must complete and sign a Designation of Agent form (Md. Code, Elec. Law, § 9-307). In Massachusetts, Missouri, North Carolina, and Ohio, only the voter or an immediate family member may return a ballot (Mass. Gen. Laws, ch. 54, § 92; Missouri Stat. § 114.291; N.C. Gen. Stat. § 163-231(b)(1); Ohio Rev. Code § 3509.05). In Michigan, only a voter, family member, household member, or election official may return a ballot (Mich. Comp. Laws § 168.764A). In Minnesota, a voter may designate an agent to return his or her ballot, but agents may only act on behalf of three other voters per election cycle (Minn. Stat. §§ 203B.08, 203B.11). In Mississippi and Tennessee, absentee ballots must be returned by

the voter through the mail and cannot be returned in-person (Miss. Code Ann. § 23-15-719; Tenn. Code § 2-6-202). In Nevada, only a voter, immediate family member, or designee in an emergency (hospitalization) may return a ballot (Nev. Rev. Stat. §§ 293.316, 293.330). In New Hampshire, a ballot may only be returned by a voter, immediately family member, nursing home/residential care administrator, or agent assisting a blind or disabled voter (who may deliver only four absentee ballots in a given election) (N.H. Rev. Stat. § 657:17). In New Jersey, a ballot may only be returned by a voter or immediate family member, except that a voter may authorize another individual to return their ballot, and that individual may not return more than three ballots in an election cycle (N.J. Stat. §§ 19:63-16 and 19:63-27). In New Mexico, a ballot may only be returned by the voter, an immediate family member, or a caregiver (N.M. Stat. §§ 1-6-9, 1-6-10.1, 1-20-7). In Oklahoma, an absentee ballot must be returned by the voter via mail; there is no provision for in-person return except in the case of a physically incapacitated individual or an emergency absentee request where a voter may designate an agent to return their ballot (Okla. Stat. tit. 26, §§ 14-108, 14-110.1, 14-115.1). In Pennsylvania, only the voter may return their absentee ballot, except in the case of an emergency absentee ballot where the voter may designate another individual by completing a form (25 Pa. Stat. §§ 3146.2a and 3146.6). In Texas, only the voter may return their ballot in-person, though another individual may collect and place the voter's absentee ballot in the mail provided certain information is recoded on the absentee ballot carrier envelop (Tex. Elec. Code §§ 86.006 and 86.0051). In Virginia, a voter cannot designate another individual to return their ballot unless the voter has submitted an emergency absentee application with an authorization form for a representative (Va. Code Ann. §§ 24.2-705, 24.2-707). In West Virginia, no individual may deliver more than two absentee ballots in-person (W. Va. Code § 3-3-5).

21. By regulating absentee ballot collection, BIPA can act to strengthen chain-of-custody between the voter and the county elections office. Limiting the method of transmittal to the voter or a trusted individual helps to ensure a voter's absentee ballot makes it to election authorities in the same state as it left the voter's hand; thus reinforcing public confidence in the integrity of elections.

22. Professor McCool reports that there is a "complete absence of any evidence of voter fraud" in Montana. (Doc. 17, ¶ 95.) Fraud prevention measures, however, do not have to be justified solely on the grounds that fraud is present and has been proven. Such measures can also be forward-looking. Whether past election fraud related to absentee ballot collection in Montana is present does not prevent the Montana Legislature from implementing changes in the election code designed to prevent the future occurrence of fraud. As explained in the previous paragraph, BIPA helps meet this goal.

23. Voter fraud is extremely difficult to detect, and even when it is detected it is often not until after the fact.

24. Although Montana does not have specific documented instances of absentee ballot fraud; such has been documented in other states. For example, very recently, the New Jersey Attorney General announced voting fraud charges against a city councilman and several others based on the allegation they tampered with absentee ballots that they collected from voters.<sup>8</sup> In North Carolina, the election for the 9th Congressional district was nullified in 2018

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<sup>8</sup> "AG Grewal Announces Voting Fraud Charges Against Paterson Councilman Michael Jackson, Councilman-Elect Alex Mendez, and Two Other Men," State of New Jersey, Office of the Attorney General (June 25, 2020) (<https://www.nj.gov/oag/newsreleases20/pr20200625a.html>).

over allegations related to absentee ballot fraud. In 2019, formal indictments were handed down in this matter.<sup>9</sup>

25. Professor McCool claims BIPA eliminated the bulk collection of absentee ballots in Montana.<sup>10</sup> However, BIPA only applies to the in-person return of absentee ballots. It does not apply to absentee ballots returned through the U.S. Postal Service. As such, the bulk collection of absentee ballots can continue as long as such ballots are deposited at the post office. In addition, bulk collection under this scenario can be undertaken by anyone, regardless of their relationship to the voter.

26. Moreover, the six-person limit on absentee ballots returned in-person does not appear to be much of a hindrance for most Montana voters. Although the law is currently enjoined, there has been some data collected on BIPA forms submitted for various elections in 2019 and 2020. Using data from the Montana Commissioner of Political Practices, one can estimate the ratio of ballots cast by the number of BIPA forms submitted. On average, the number of absentee ballots returned per form is 1.2.<sup>11</sup> What this tells us is that, more often than not, a person submitting a BIPA form is returning an absentee ballot for only a single voter. This figure is far below the six-ballot maximum allowed under the law. The available BIPA data also reveals that 90% of absentee ballots returned in-person on behalf of another voter are returned by a family member.

27. In his March 25, 2020 report, Professor McCool concludes that BIPA will produce a disproportionate burden on Native American voters, in particular, and negative effects

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<sup>9</sup> “NC Political Operative Indicted in Connection with Alleged Ballot-Tampering Scheme,” *The Hill* (February 27, 2019) (<https://thehill.com/homenews/campaign/431827-nc-political-operative-indicted-in-connection-with-alleged-ballot-tampering>).

<sup>10</sup> “The negative impact of the legislation was that it eliminated the freedom of individuals to assist other voters by collecting and delivering their ballots.” (Doc. 17, ¶ 83.)

<sup>11</sup> Calculated as Ballots Cast per BIPA Form/Number of BIPA Forms: 29,462/24,683=1.19.

on Montana's election system, in general. Professor McCool, however, provides no direct evidence that such would be the case, as his conclusions are based on numerous hypotheticals and unproven assumptions.

28. Further, Professor McCool's conclusions are not supported by the data he relies on. For example, Paragraph 17 of Professor McCool's affidavit (Doc. 17) states:

The significant point is that tribal voters are dispersed over a large area, requiring significant driving distances to get to a post office, tribal offices, and election offices. To gain a better understanding of the distances across reservations, Table 3 presents a sample of distances that a hypothetical voter on a reservation would have to drive to get to *either the tribal agency or the county courthouse*. This is not a comprehensive listing of all possible driving distances—that would be nearly as numerous as there are tribal members. And it does not include distances from all seventeen counties that include reservation lands. However, it does illustrate how far some voters may drive to vote or **access a mailbox or post office**.

(Emphasis added.) However, hypothetical distances to a tribal agency or county courthouse in no way illustrate how far voters must drive to access a mailbox or post office to vote by mail.

Taking just the first example in Table 3 of his report, the town of Babb on the Blackfeet Reservation, Professor McCool cites a distance of 70 roundtrip miles from Babb to Browning (the reservation agency) and 139 miles to Cut Bank (the county seat). The mileage chart, however, only applies to the distance a voter would need to travel in order to return an absentee ballot in-person. Of particular note is the fact that the post office has a location in Babb where a voter could deposit their absentee ballot.<sup>12</sup>

29. Professor McCool also seeks to draw conclusions about BIPA's disparate impacts among Native Americans living on reservations by pointing to poor broadband connectivity<sup>13</sup>

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<sup>12</sup> Located at 4016 US Highway 89. According to the U.S. Postal Service website, the post office in Babb is open six days a week from 8–11 a.m. and 12:30–4:15 p.m., Monday through Friday, and from 11 a.m. to 12 p.m. on Saturday. See <https://tools.usps.com/find-location.htm?location=1353832>.

<sup>13</sup> “[T]o participate equally in the electoral process in Montana, it is very helpful if not a necessity to live in an area that has broadband service, the ability to pay the monthly bill for service, and have access to a computer and a printer. This leaves out a substantial portion of the Native American community.” (Doc. 17, ¶ 32.)

and theoretical voter ID issues<sup>14</sup> that are not present in this case. First, the lack of broadband service is irrelevant to Plaintiffs' challenges to BIPA, and while voter ID requirements are certainly relevant to electoral participation, Montana does not require a photo ID to vote. Montana voters can use a wide variety of both photo and non-photo identification in order to vote in-person.

30. In focusing almost exclusively on in-person return of an absentee ballot by the voter, Professor McCool further misrepresents BIPA's effect by ignoring other available return methods. Again, BIPA only affects the in-person, bulk delivery of absentee ballots. Voters can still return their absentee ballots through the mail or in-person to the county election office or satellite office; a designated place of deposit; or a polling place within their county of residence on election-day. Under BIPA, a family or household member, caregiver, or acquaintance can also return up to six ballots (not counting their own) in-person to election officials. Bulk collection of absentee ballots by any individual, regardless of relationship to the voter, can still be undertaken as long as such ballots are deposited with the postal service. Even under BIPA, there are still many return options available to absentee voters.

31. Professor McCool also describes housing problems on Indian reservations in Montana and concludes, "it is difficult to deliver, via the mail, a mail-in ballot to someone who does not have a domicile."<sup>15</sup> While that may be true, the statement has nothing to do with BIPA, as BIPA does not affect how Montana voters receive their absentee ballot.

32. Professor McCool's claim that the "lack of that service [ballot collection] means that some people may not vote" is unsupported by any empirical evidence.<sup>16</sup> This statement also

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<sup>14</sup> "If a current photo ID with current mailing address would be required for voting, this would present a significant challenge to an aspiring voter." (Doc. 17, ¶ 31.)

<sup>15</sup> (Doc. 17, ¶ 37.)

<sup>16</sup> (Doc. 17, ¶ 45.)

mischaracterizes the law. BIPA does not apply to absentee ballots transmitted through the U.S. Postal Service.<sup>17</sup> As such, BIPA does not prohibit the bulk collection (in any number) of absentee ballots, or require a defined relationship with the voter, as long as such ballots are returned through the mail.

33. Likewise, in his supplemental report, Professor McCool states:

One of the advantages of using the voluntary services of a ballot collector is that, first, they understand the deadline regarding when ballots must be delivered, and second, they can make sure the ballots are delivered to a post office in time to ensure that they will arrive on-time and be counted.<sup>18</sup>

What Professor McCool describes in the preceding quotation is still completely feasible under BIPA—bulk collection of absentee ballots can continue under BIPA as long as such ballots are deposited at the post office. Anyone in Montana can collect an unlimited number of absentee ballots from any voter and return these ballots through the USPS. In his initial report, Professor McCool states that, without organized ballot collection, “every voter must be able to pay for all of the following: a car, preferably with snow tires to deal with remote reservation roads in November; auto insurance; gas money; in some cases child care . . . ; and a substantial amount of time away from work.”<sup>19</sup> However, this is another misrepresentation of the law. Professor McCool fails to account for the fact that voters can still return their ballot through the mail or have a family or household member, caregiver, or acquaintance deliver a ballot in-person. Voters can also hand over their voted absentee ballot to a bulk collector as long as these ballots are deposited at the post office.

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<sup>17</sup> See “Montana Ballot Interference Act,” Montana Commissioner of Political Practices (<http://politicalpractices.mt.gov/BIPA>), and Mont. Code Ann. § 13-35-704.

<sup>18</sup> (McCool Supp. Report at 7.)

<sup>19</sup> (Doc. 17, ¶ 69.)



34. I do not agree with Professor McCool’s characterization of who would qualify as a “caregiver,” a “family member,” or an “acquaintance” under BIPA. Professor McCool posits two hypotheticals on this topic, and subsequently concludes that Native American voters “would have to decide a fine point of law, on the spot, to ensure they were not violating BIPA.”<sup>20</sup> BIPA does not require an election official to question a depositor about their relationship to the voter.<sup>21</sup> Further, absentee ballots received in violation of BIPA will still be accepted and processed.<sup>22</sup> Also germane to this discussion, bulk collection of absentee ballots for return through the postal service can be undertaken by anyone, regardless of the **relationship** to the voter.

35. Finally, Professor McCool’s conclusion that “it is a serious crime to help someone deliver their ballot,” has no support in the statutory language of BIPA.<sup>23</sup> BIPA only imposes a fine.<sup>24</sup> This penalty is more lenient than in many other states that regulate ballot collection, as it is not uncommon for criminal penalties to be associated with the violation of such provisions, with some states classifying these violations as felony matters.<sup>25</sup>

36. Professor Street claims that in the 2020 primary election, ballots cast by Montanans living on reservations were more likely to be rejected, and that such problems could have been identified and prevented by ballot collectors. However, the potential effects of BIPA are not that straightforward for a number of reasons.

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<sup>20</sup> (Doc. 17, ¶ 17.)

<sup>21</sup> *Montana Election Judge Handbook 2020*, p. 58 (<https://sosmt.gov/Portals/142/Elections/Documents/Officials/Election-Judge-Handbook.pdf>) (providing “confirming the identity of the ballot collector is not required by statute,” and “election officials are not responsible for enforcing the statute” and do not need to confirm the data and enforce completeness of the form) (<https://sosmt.gov/Portals/142/Elections/Documents/Officials/DIR-1-19.pdf>);

<sup>22</sup> *Ibid.*

<sup>23</sup> (McCool Supp. Report at 2.)

<sup>24</sup> Mont. Code Ann. § 13-35-705.

<sup>25</sup> For example, Texas (Tex. Elec. Code Ann. § 86.006(f),(g)), Georgia (Ga. Code Ann. § 21-2-574); North Carolina (N.C. Gen. Stat. § 163-226.3), and Ohio (Ohio Rev. Code § 3599.21), among others.

37. First, Professor Street’s analysis ignores the fact that BIPA was enjoined for the 2020 primary election. Contrary to Professor Street’s claims, it is difficult, if not impossible, to study the effects of a law prior to implementation. A state court order on May 20, 2020, enjoined BIPA from being enforced during the 2020 statewide primary.<sup>26</sup> As such, BIPA has never been fully in effect for a statewide election in Montana. For this reason, it is impossible to infer that an increase in the absentee ballot rejection rate for the 2020 statewide primary is a consequence of BIPA.

38. Further, Professor Street’s comparison of the 2020 statewide primary to previous elections is problematic for another reason. A directive from Governor Bullock allowed counties to conduct the June 2020 primary election completely by mail.<sup>27</sup> As all fifty-six counties chose this option, the 2020 primary was effectively an unprecedented statewide election conducted by absentee ballot.<sup>28</sup> This also meant that an absentee ballot was sent to all active registrants in the state, which is a departure from how statewide elections are typically conducted. Some voters who previously had preferred to vote in-person at their polling place on election day did not have that option in the 2020 statewide primary. As well, some subset of these voters may have had little or no experience with absentee voting. This is one possible explanation that could account for an increase in the absentee ballot rejection rate—BIPA is not.

39. Importantly, the only subset of voters that would be potentially affected by BIPA would be those who had previously relied on third-party ballot collectors who deposited such

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<sup>26</sup> <http://politicalpractices.mt.gov/BIPA>.

<sup>27</sup> “Directive Implementing Executive Orders 2-2020 and 3-2020 and Providing for Measures to Implement the 2020 June Primary Election Safely” (March 25, 2020), available at <http://governor.mt.gov/Portals/16/Directive%20on%20Elections.pdf?ver=2020-03-26-102626-610>. The directive also mandated that any county opting to hold an all-mail election would provide postage for the return of absentee ballots through the mail.

<sup>28</sup> Voters in the 2020 statewide primary could vote absentee early in-person, but voters could not choose to vote at their polling place on election-day.

ballots with election officials in-person. No one, however, knows anything about the size of this group.<sup>29</sup>

40. Not only is there no information on the size of this group, one must also make the assumption that a voter in this group would be unable to return their voted absentee ballot by any of the other available mechanisms. The number of voters who would fall into this category is also unknown, although it is logically smaller than those who may have simply used ballot collectors in the past for in-person return. Professor Street estimates that “about 200 on-reservation residents were deterred from voting in the June 2020 primary by BIPA and the other conditions affecting the election.”<sup>30</sup> Given the unique nature of the 2020 primary, along with the fact that BIPA was enjoined, it is my opinion that the preceding statement has no basis of underlying empirical support.

41. Professor Street further assumes that ballot collectors act to reduce the number of absentee ballots rejected by proactively informing voters of potential issues (again, we have no idea how many absentee ballots are collected in bulk by third parties).<sup>31</sup> Besides being late, the two other common reasons for absentee ballot rejection are unsigned certificates and certificates with signature mismatches. Assuming a ballot collector will return ballots on time, the only type of potential error that a ballot collector could alert a voter to would be the absence of a signature, as opposed to a signature mismatch, because signature mismatches are determined by election officials by comparing the signature on file with the signature on the ballot.<sup>32</sup> Even so, this is an unsupported assumption for which there is no evidence.

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<sup>29</sup> The BIPA data that is available again shows that, on average, most collectors are returning the absentee ballot of a single voter, even though it is possible to return the ballots of up to six voters.

<sup>30</sup> Street Report at 18. Throughout his report, Professor Street conflates residents of Indian Reservations with the Native American population. While there is a heavy overlap between these two groups, they are not equivalent.

<sup>31</sup> Plaintiffs Montana Native Vote and Western Native Voice have claimed they collected 853 ballots in 2018 (Doc. 18, ¶ 14) but do not have data for other years (Decl. of Aislinn Brown).

<sup>32</sup> Mont. Code Ann. § 13-13-241.

42. In summary, one cannot conclude that BIPA will have a disparate impact on Montana voters based on the string of untested assertions proffered by Professors McCool and Street.

### **Conclusions**

43. My own analyses of state procedures regarding the return of absentee ballots leads me to a different set of conclusions from those proffered by Professor McCool and Professor Street. In my opinion, BIPA places Montana well within the mainstream—almost three-fifths of states regulate the return of absentee ballots in their election codes by either restricting who may return an absentee ballot and/or in what quantity.

44. BIPA only restricts the bulk, in-person return of absentee ballots. Voters can still return their absentee ballot through the postal service or in-person to a number of locations. In addition, BIPA allows the in-person return of absentee ballots by a voter's family member, household member, caregiver, or acquaintance. BIPA does not limit the bulk collection of absentee ballots returned through the U.S. Postal Service. As well, BIPA did not alter any other component of the procedures that govern absentee voting or in-person election-day voting in Montana.

45. I do not agree with Professor McCool's conclusions that BIPA will produce a disproportionate burden on Native American voters or negative effects, in general, on Montana's election system. Having examined Professor McCool's reports in detail, he provides no direct evidence to buttress these claims, and in my opinion, they are not supported by the existing data.

46. Similarly, I do not agree with Professor Street's conclusions that BIPA will increase absentee ballot rejection rates and decrease voter participation. Having examined

Professor Street's report in detail, he provides no direct evidence to buttress these two claims, and in my opinion, they are not supported by the existing data.

47. I am aware of no evidence that the election changes brought about by BIPA will have a discriminatory impact on the ability of Native American Montana voters to cast a ballot. Instead, it is my opinion that BIPA can act as a prophylactic against fraud while increasing voter confidence in the integrity of Montana's election system.

I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

DATED this 30th day of July, 2020.



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M.V. HOOD III

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**CERTIFICATE OF SERVICE**

I hereby certify that I served a true and correct copy of the foregoing Declaration of M.V. Hood III by e-mail to the following addresses:

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Dated: July 30, 2020

  
\_\_\_\_\_  
DAWN LANE

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# EXHIBIT M

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House Bill 406  
Audio Transcription  
House Judiciary Hearing  
February 23, 2021

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1 (16:10:55 – 17:24:34)  
 2 MALE VOICE 1: Welcome hearing on House Bill 406.  
 3 Representative Noland, Would you like to open on your bill?  
 4 MALE VOICE 2: Yes, Mr. Chairman and members of the fine  
 5 and hardworking, very dedicated [unintelligible] judiciary. I'm Mark  
 6 Noland. If you can't remember how to spell my name, it's... "I have  
 7 no land", N-O-L-A-N-D. That opportunity to present the bill before  
 8 you today is... I feel it's a very solemn one. We all have probably felt  
 9 the importance of voting in the the State of Montana and collecting  
 10 ballots appropriately is why we bring this bill before you today. I had  
 11 the privilege of serving as a poll watcher a number of years ago and  
 12 witnessed some inappropriate activity. So when this bill presented  
 13 itself and I thought about how to handle this, I felt like I wanted to  
 14 express my opinion for doing this the appropriate way into collecting  
 15 ballots in an appropriate manner. Some have heard that ballots are  
 16 collected passively, they come in late, they come in boxes that are  
 17 met in a timely manner and they are still allowed. So what we're  
 18 trying to do is to make sure these things are done in an appropriate  
 19 manner. What's one of the most important privileges we have? That  
 20 is our voting. It's the election, an opportunity to vote. And this is the  
 21 sacred responsibility. That's why in my beginning, I said it was a  
 22 solemn thing. So I just want to say a couple of things on page 1. It  
 23 talks about the ballot collection. I know you can read, but I'm gonna  
 24 just cover a couple of things. Like in Point A, it says it must be a  
 25 resident of the state that has the right in that sections. B, may not be

Page 2

1 paid anything or valued based on the number of ballots collected. C,  
 2 shall register with election administrator in each county where the  
 3 individual tends to collect them and convey ballots. In line 23, full  
 4 name. 24, mailing address, occupation, employer and any entity the  
 5 individual is affiliated with and collecting and conveying ballots.  
 6 Turn the page. Page 2. I wanna just skip down to section 2 where it  
 7 talks about ballot collection prohibited and exceptions. And the word  
 8 says 2A. a person may not knowingly collect another person's...  
 9 another voter's voted or unvoted ballot. Then in 2, it says except the  
 10 writer of this subsection, an election official, an United States postal  
 11 service worker, a caregiver, a family member, a household member  
 12 or an acquaintance. In line 25, it says all is subject to penalty and it's  
 13 established in 13-35-705 and then concluding on page 3, on ballot  
 14 collection and convince for each ballot delivered to the point place.  
 15 I'm gonna skip down to number 10. It says [unintelligible]. It says a  
 16 sign form from the border conveying permission to the individual's  
 17 ballot to be collected. Election administrators shall ensure that the  
 18 signature on the form is verified and shall compare the signature with  
 19 the border registration. Dearest committee, this is vital. This is  
 20 important. We need to safeguard the integrity of the vote and the  
 21 collection of the ballots [unintelligible]. Thank you. Choose me. I'll  
 22 sit for questions.  
 23 FEMALE VOICE 1: Thank you. [unintelligible] proponents. Up  
 24 here proponent online, please raise your hand. The proponents in the  
 25 room. Before we get going, please... if you're testifying, please stay

Page 3

1 and spell your name and who you represent for the record. If you have  
 2 any exhibits for the testimony, please give them to the representative  
 3 at the ends of the table. Please don't read your testimony or repeat what  
 4 has already been said. Any proponents? Moving to opponents. Any  
 5 opponents in the room? We'll start with opponents online. Jaime  
 6 MacNaughton?  
 7 FEMALE VOICE 2: Madam Chair, members of the committee,  
 8 my name is Jaime MacNaughton. That's J-A-I-M-E M-A-C-capital N-  
 9 A-U-G-H-T-O-N. My chief legal council for the office of  
 10 Commissioner of Political Practices. [unintelligible] is an attorney for  
 11 the status to point out situations and propose legislation that might  
 12 implicate constitutional rights of individuals or groups. I put those  
 13 under my... keep those under my core job duties. So one of the ways  
 14 that I do that when I'm involved in legation is that I don't try to bring  
 15 legislation before the committee, before individuals or groups, rights  
 16 that have been fully indicated in the course. That way I have some sort  
 17 of guide pulls or side wheels to put on legislation to help legislators in  
 18 crafting legislation that might survive constitutional scrutiny. And  
 19 there's once your mayor may not be aware this currently two district  
 20 court actions. Well, there are two actions that are ongoing. There were  
 21 decisions last fall. I wanna say September or October at [unintelligible]  
 22 county that affected the ballot interference protection act or as we call  
 23 it [unintelligible]. Those cases are currently at the Montana Supreme  
 24 Court and there's a pause briefing right now as we're waiting to find  
 25 out where the final determination is going to be. So I want to talk about

Page 4

1 the differences between what's currently on the books under  
 2 [unintelligible] and how House Bill 6 would change. Because if we  
 3 changed that at this point of time, we could end up in further levigation  
 4 levigating this new bill. So House Bill 406 will just not address the  
 5 holding and one of the cases that appointments and family member are  
 6 unconstitutionally big and don't survive [unintelligible] strict  
 7 underneath their constitution. This case also helps that the appointment  
 8 was unconstitutionally big. House Bill 406 also adds additional burden  
 9 to the voter's right to vote by requiring that the voter signs a form,  
 10 granting permission to the collector to collect their ballot which then  
 11 must be burned in by the local collection administrators. That record  
 12 keeping duty is going to be placed on the election administrators and  
 13 that increases big burden they already have with the administration  
 14 [unintelligible]. House Bill 406 also narrows the application of  
 15 [unintelligible] but only at the ballots delivered to the point face or the  
 16 election administrator's office. That might seem good on the surface.  
 17 Part of the reason that the bullet helps the constitution is at the district  
 18 court level. It does not apply all ballots that are collected. For example,  
 19 some [unintelligible] service box or returned by mail. It also  
 20 experienced the exemptions to displace the deposit. And these  
 21 exemptions were held arbitrary, irrational, discriminated...  
 22 FEMALE VOICE 1: Ma'am. Ma'am I need to have you finish  
 23 up.  
 24 FEMALE VOICE 2: Okay. Sure. And the constitutional day. It  
 25 also clarifies the violation of [unintelligible] is criminal but that is

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1 arguably stricter than what [unintelligible] actually currently has on  
 2 what's held on constitutional. I'm only requiring a bill conjectured at  
 3 the residents of the state potentially can put the name of the  
 4 constitutional travel from work [unintelligible] where temperately  
 5 visiting. There's a similar case that was heard in 2006 by the Montana  
 6 Supreme Court with Montana's justice 2006 277. It was exactly on  
 7 point residency. The definition of residency was an issue but the  
 8 address interpreted is required as a context. So I just miss the  
 9 information and then request it. At this point of time, we hold off into  
 10 what we have from the court, what is and is not constitutional laws  
 11 that we currently have. Thank you so much.

12 FEMALE VOICE 1: Thank you. Going back to the room. Next  
 13 opponent.

14 FEMALE VOICE 3: Madam. Chair, members of the committee,  
 15 thank you. My name is Allison Reinhardt, for the record, R-E-I-N-H-  
 16 A-R-D-T. And I'm here on behalf of MAS, the Montana Associated  
 17 Students. Young people have load of turnout already and there still  
 18 we're make it harder for those people to drop of ballots whirl and  
 19 [unintelligible] communities were lying organizations that help  
 20 collect ballots and this bill will prohibit those organizations from  
 21 collecting those. This bill takes away a central means to collect ballots  
 22 and I would urge this committee to please vote no. Thank you for  
 23 your time. Madam Chair, I'm actually running late to an online class.  
 24 May I please be excuse?

25 FEMALE VOICE 1: Yes. First off, any question from committee

1 before you go? No?

2 FEMALE VOICE 3: Thank you.

3 FEMALE VOICE 1: You may be excused. Thank you. Next  
 4 opponent.

5 FEMALE VOICE 4: Good afternoon, Madam Chair, members  
 6 of the committee. My name is Rachel Schmidt, for the record, S-C-  
 7 H-M-I-D-T. And I'm here representing the interests of the Associated  
 8 Students of Montana State University. I just wanted to know I think  
 9 it's very common knowledge that voter turnout among young people  
 10 is pretty low, especially true of our college students. And ASMSU and  
 11 our partners has been working really hard to try to change that trend.  
 12 In the past, one of the meaningful ways we've been able to do this is  
 13 by providing ballot drop across the campus. And so, our third party  
 14 ballot drop in the past have been placed where students can come and  
 15 securely drop off their ballots. There's an ASMSU full-time staff  
 16 there at all times. They're not even allowed a bathroom break until  
 17 they're obviously placed by another staff. These ballots are picked up  
 18 frequently or deliberately frequently. They are placed in strategically  
 19 public locations so that people can't mess with the boxes, like dorms,  
 20 like the dinning hall, centennial mall where there's woman  
 21 [unintelligible]. And the box itself is actually closed and secured so  
 22 that people can't rummage through it while someone is looking in the  
 23 other direction or something like that. And I think this bill will  
 24 continue to take away a meaningful way to collect ballots and ensure  
 25 that young people are unable to access their right to vote easily. And

1 there's safety nuts in place to make sure that ballots are actually  
 2 delivered and [unintelligible] the voter page of the secretary offices are  
 3 a really great way to check this out of the ballots and I'm concerned  
 4 that this bill addresses a fear of voter fraud where there's actually  
 5 limited to know evidence out in Montana and because I believe that  
 6 this committee should be driven by the principles of democracy and  
 7 urge that do not pass today. Thank you.

8 MALE VOICE 3: Good afternoon, Mr. Chair, members of the  
 9 committee. Keaton Sunchild, political director for Western Native  
 10 Voice, S-U-N-C-H-I-L-D. We heard from the opponent earlier about  
 11 the [unintelligible] lawsuit and I just wanna read a small section of that  
 12 when the lower court made their decisions. That's it. This case and the  
 13 facts presented at trial turned a spotlight to my fellow citizens that still  
 14 live below the poverty line with limits to healthcare, government  
 15 services, male services and election offices. And those citizens are  
 16 native Americans. This bill is another attempt to cut into our right to  
 17 vote and especially on reservations. There are reservations and  
 18 members on these reservations are traveling up to 167 miles. And  
 19 that's a lot of gas. That's a lot of time off from work. You're losing  
 20 money paying for the gas. You're losing money by taking time off from  
 21 work. And transportation itself can be hard to be secured, especially  
 22 on reservations. And you know, this, being able to collect ballots and  
 23 deliver ballots as our organizers did is a lifeline for folks and  
 24 reservations. They need this to have their voice heard, and our electoral  
 25 process and our organizers after extensive organizer training and going

1 through numerous sections of how to safely and securely collect  
 2 ballots collected over 555 ballots in the 2020 General Election on our  
 3 seven reservations in Montana. So in our opinion, this bill does nothing  
 4 to protect our elections that are already safe, that are already secure.  
 5 All it does is to protect people that are in power and their ability to stay  
 6 in power rather than giving people the right to vote in our elections. So  
 7 I'll be back here for questions with that we ask for a do-not-pass.  
 8 Thank you.

9 MALE VOICE 1: Thank you.

10 FEMALE VOICE 5: Good afternoon, Mr. Chair, members of the  
 11 committee. For the record, my name is Katjana Stutzer, K-A-T-J-A-N-  
 12 A S-T-U-T-Z-E-R. I'm here on behalf of the Montana Public Interest  
 13 Research Group, or MontPIRG. And I'm sure that this bill seems early  
 14 familiar because it's substantively the same as the ballot here for  
 15 protection act was overturned as unconstitutional last year. And I knew  
 16 you've already heard from another opponent what the legally dubious  
 17 bits of this bill are, but I'll also point out that there's only a  
 18 substantively change in this version is being introduced. It's removing  
 19 the sic ballot collection cap which is not the lynchpin of the ruling that  
 20 I found it unconstitutional. So we believe that this bill isn't different  
 21 enough and I wouldn't fall for the same fate. I'd also add that  
 22 according to this record of delivery, it's gonna add a burden on our  
 23 clerks who need to create a registry to report who's turning in those  
 24 ballots. It's a new piece. And they need to find the signature of who's  
 25 turning them in, who's doing the collecting, which creates this kind of

1 conundrum like what if this, you know, they are legal to turn the  
 2 ballot, they're the spouts but they're not registered to vote. Then, you  
 3 know, the election doesn't have many ways. They don't have that  
 4 signature on file. This is just extra hoops for our clerks to have to  
 5 jump through with this new record of the delivery system. And also  
 6 we feel that it'll be a violation of privacy, having to disclose our  
 7 relationship to the person who's delivering the ballot. There are  
 8 reasons that folks might not wanna do that. And then lastly, we will  
 9 just add that the high penalty for criminalizing, you know, sort of  
 10 violating this process to vote by [unintelligible] any ballot collection  
 11 to recur to all, we know from [unintelligible] from what the folks are  
 12 telling you that this is an important services that our community to  
 13 help make sure folks can vote. So overall we will encourage that do  
 14 not pass on to House Bill 406.

15 MALE VOICE 4: Chairman, members of the committee, Sam  
 16 Forstag, F-O-R-S-T-A-G, here on behalf of the American Civil  
 17 Liberties Union of Montana. We arise an opposition of House Bill  
 18 406 and without going into depth, what's already been said, the  
 19 ACLU of Montana was party to the lawsuit, both lawsuits and  
 20 question here, question of native voice versus [unintelligible]. It was  
 21 mentioned by a previous opponent to this bill that the former of those  
 22 cases. It's been appealed to the Montana Supreme Court. I do have a  
 23 copy here of a motion a state of proceeding the department of justice  
 24 just yesterday. I will provide a digital copy of that for committee  
 25 staff and I hope that committee members will have the time to review

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1 that. This is not a court case pending relegation. This is a court case  
 2 that has a permanent junction file against it, for [unintelligible] and  
 3 this bill in particular, has no substantial difference from  
 4 [unintelligible] apart from that six ballot cap which was in no way,  
 5 crucial or keepies of those rulings. Often you see me coming before  
 6 you. You see ACLU before you saying that law will likely to be  
 7 relegated, will be relegated. This is a step beyond that. This is law  
 8 that has been relegated, that has been ruled down by multiple district  
 9 courts and the State of Montana and I offered you that as in the court  
 10 considering fifty plus bills over the court in three days, I hope that  
 11 you do take pause and consideration of this bill because it will cause  
 12 the State of Montana money to relegate, to process this bill that we  
 13 already know its rule or we already know the result of it. I know that  
 14 some committee members here do not like constitutional arguments  
 15 that are made from ACLU in front of this committee. This is not a  
 16 question of a case that was ruled down twenty years ago. This is not  
 17 a question of a case that is under appeal. These are two cases ruled  
 18 down two to three years. And I will offer to you that the responsible  
 19 thing to do on behalf of Montana voters is to vote on this bill, to table  
 20 it and to trust that the Supreme Court or district courts has no  
 21 intention of reversing themselves within two years of multiple  
 22 rulings. The final thing I'd like to add is of course to spoke of the  
 23 sponsor invent this bill. I have no question to pause attention behind  
 24 this bill. The question simply is what the result would be, the results  
 25 would be [unintelligible] American communities. The results would

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1 be guaranteed, overturning of this law and waste the taxpayers' dollars.  
 2 So I urge to vote on 406 and I appreciate your time. Thank you.

3 MALE VOICE 1: Appreciate that. And I owe you an apology  
 4 'cause I forgot to reset the timer and it went off within like ten seconds  
 5 since you started, so I apologize. Okay.

6 MALE VOICE 4: You know I talk quite through the timer. That's  
 7 true.

8 MALE VOICE 5: Okay. [unintelligible], Mr. Chairman, members  
 9 of the committee. My name is Jordan Thompson. That is T-H-O-M-P-  
 10 S-O-N and I represent the Confederated Salish and Kootenai Tribes,  
 11 [unintelligible]. We oppose House Bill 406. We believe it's too vague  
 12 to be workable and it's likely illegal. It's too punitive to our  
 13 communities and it's too burdensome on our constitutional right to  
 14 vote, so that I ask no one to vote 406. Thank you.

15 FEMALE VOICE 6: Mr. Chairman, members of the committee.  
 16 Shantil Siaperas with the Montana Association of Counties. For the  
 17 record, S-I-A-P-E-R-A-S, here to oppose House Bill 406. We're  
 18 primarily just based on the [unintelligible] that will arise from the  
 19 section three — duties. There... it contains more duties what was  
 20 previously written into [unintelligible] than what's currently written  
 21 into [unintelligible]. Off the top of my head, this will include things  
 22 like managing the registry, checking the signatures, monitoring  
 23 violations, and when there's a violation, treating the ballot is  
 24 provisional. They will need to hire more staff, and I think they'll need  
 25 to hire quite a bit more staff. In a medium county, I'd say three, as well

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1 as extra tackle like computers and finding office base. So with that,  
 2 Mr. Chair, thank you.

3 FEMALE VOICE 7: Good afternoon, Mr. Chairman, members of  
 4 the committee. My name is Kelly Twoteeth. For the record, that is  
 5 spelled T-W-O-T-E-E-T-H. I'm here with Montana Native Vote.  
 6 Montana Native Vote would like to take advice to vote no on House  
 7 Bill 406. We believe this bill has a long-lasting negative impact on  
 8 Indian countries by further complicating the already difficult process  
 9 of casting your vote, with country election offices fifty plus miles  
 10 away, residential addresses now exists in some areas. That shifting  
 11 ballot [unintelligible] pickup that was usually primarily by a travel  
 12 outers. As this will pass, I'm afraid it means it is on the [unintelligible]  
 13 the largest American cognitive nation, and that's Montana. Montana  
 14 has an excellent example with travel-to-go relationships. Now the  
 15 country looks at us for advice on how to have better relationships. In  
 16 2017, Montana had a record voter turnout rate in the country. I'd like  
 17 to say that was because [unintelligible] with Montana native vote. And  
 18 we... in 2017, I saw my home reservation on Canada. A lot of residents  
 19 were giving their ballots. I want to let you know that our organization  
 20 trains our staff so well. I was able to tell that this is what the pressure  
 21 I made to complain today to tell you that's why the native voice has  
 22 that case. So we are trained how to do this, how to pick up ballots. In  
 23 2019, we felt this capital hall for indigenous people to pass hands to  
 24 vote shouldn't be overlooked. Our vote can flip and exist. You can put  
 25 trip... a travel to be placed outside, but if you put votes on bills like

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1 this, this will feel at race. Please vote no. Our [unintelligible] for  
 2 indigenous people's inner voice.  
 3 FEMALE VOICE 8: Mr. Chair, members of the committee. My  
 4 name is Dalayah Killback, spelled K-I-L-L-S-B-A-C-K and I'm the  
 5 deputy of political director from Western Native Voice. As you've  
 6 already heard from my colleague Keaton Sunchild, our organization  
 7 urges committee to table House Bill 406. Ballot collection is often  
 8 one of the only ways that American Indians are able to participate in  
 9 democratic process and this bill will disproportionately impact our  
 10 communities especially those on the rural reservations. And this also  
 11 includes the elderly, disabled voters, low-income peoples and  
 12 working class families. Higher turnout for Indian country has been  
 13 proven in our data when ballots are collected. This bill makes vote  
 14 more difficult, and once Indian country already faces surmountable  
 15 barriers to vote as you've already heard and this is not new. Ever since  
 16 American Indians have had their right to vote in this country, our right  
 17 has been attacked by those that would place barriers for our peoples.  
 18 Montana was once the most dedicated state in the country for twenty  
 19 years beginning in the 1980s when it came to the right for American  
 20 Indians to vote. So again, this is not new. And as you've already heard  
 21 [unintelligible] has been levigated recently, every citizen should have  
 22 fair access to the democratic process and this includes American  
 23 Indians. So again, our organization urges you to table this bill. Thank  
 24 you.  
 25 Male Voice 1: Thank you. For the opponents in the room, for the

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1 opponents in the room, [unintelligible] we will go online at Ruthie  
 2 Barbour.  
 3 FEMALE VOICE 9: Thank you, Mr. Chair, members of the  
 4 committee. My name is Ruthie Barbour. I'm here on behalf of  
 5 Forward Montana. My last name is spelled B-A-R-B-O-U-R. we arise  
 6 an opposition for House Bill 406. The opponent before me had some  
 7 fantastic points. We know firsthand that there are many barriers that  
 8 Montana faced in getting their ballots to the election office. Distance  
 9 like about transportation and other socioeconomic factors, so ballot  
 10 collection is at times the only way for Montana voters to make sure  
 11 their voice... their votes are counted and their voices are heard. I think  
 12 it's important to say again at the ballot protection act so  
 13 [unintelligible] was already levigated last year found to be  
 14 unconstitutional due to the [unintelligible] it caused. It will impose  
 15 on the native American communities in Montana. The minor justness  
 16 presented in this bill still fall under that broad really and do not  
 17 change this bill's unconstitutional nature. On a different note in 2019,  
 18 there are a lot of school elections [unintelligible] these are counting  
 19 elections, offices, implementing [unintelligible], using different  
 20 interpretations due to lack of guidance and direction on how to  
 21 implement this policy. So much in 2019, this bill doesn't count for  
 22 the additional funding and staffing likely to need to implement  
 23 [unintelligible] in a uniform way across the state. We've heard  
 24 countless times that there has not got single document in case  
 25 [unintelligible] violated to ballot collection in this state. Montana

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1 elections are and always have been safe and secure. This bill would  
 2 impose unnecessary restrictions and distance fringe high in Montana  
 3 voters in the name of election integrity and that's a threat to our  
 4 democratic process. [unintelligible] was already rejected and this  
 5 effort would be time-consuming and potentially cause the attempt to  
 6 solve the problem that does not exist. So I urges committee to vote no  
 7 on this bill. Thank you.  
 8 MALE VOICE 1: Thank you. We'll go to Ella Smith.  
 9 FEMALE VOICE 10: Thank you, Mr. Chair, members of the  
 10 committee. For the record, my name is Ella Smith, E-L-L-A S-M-I-T-  
 11 H. I'm the program director from Montana Women Vote and we're a  
 12 state-wide organization of low income women and families. I'm sure  
 13 you all know committee members that it's not just expensive in money  
 14 to be low income. It's expensive in time ad there are a lot of issues that  
 15 low-income women and families struggle across the state that provide  
 16 barriers to the ballot box. We've seen recently that it takes a public  
 17 health crisis to take people from workers and parents to teachers and  
 18 public health enforcers and all of these issues are compounded when  
 19 applied to low-income families in Montana. So I wanna urge you to  
 20 take into consideration some of the previous great testimony from  
 21 other folks opposing this bill and we will urge, do not pass on House  
 22 Bill 406. Thank you so much.  
 23 Female Voice 1: Regina Plettenberg?  
 24 FEMALE VOICE 11: Madam Chair, members of the committee,  
 25 my name is Regina Plettenberg. That's P-L-E-T-T-E-N-B-E-R-G. I am

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1 the election administrator in [unintelligible] County and I'm also the  
 2 legislated chair of Montana Association of Clerks and Recorders and  
 3 Election Administrators. And we do oppose this bill. Many people  
 4 have made good points on the legal part of this. I kind of... I just want  
 5 to speak for the voters. We were on the front line and we've got to hear  
 6 the voter's response to the [unintelligible] when we enforced it 2019  
 7 and I had a county-wide election. This is just a fact for republicans or  
 8 democrats. I heard from all my voters they remembered voting on this  
 9 but they did not realize it was gonna read. They thought family  
 10 members, all those people, caregiver, household member,  
 11 acquaintance were exempts. From this apt, they didn't think they had  
 12 to fill out the registry and I can tell you it's thousands of probably  
 13 [unintelligible] that we heard from, so I don't think the voters... I think  
 14 they understood what they were voting for. They don't want... you  
 15 know, they want it to be careful with strangers but I think that they also  
 16 want to be able to give that out. That's not everyone. But that's... you  
 17 know, the voters that I heard from did struggle with that. And so, we  
 18 just feel that this is putting that back and of course I'm a little confused  
 19 on the new section 1 with the ballot collection. I'm wondering now  
 20 why it requires people to fill out a form before they collect a ballot and  
 21 also a form on conveyance of the ballot. I don't know how that all  
 22 works together again. It's vague again. So will we implement this, I'm  
 23 wondering? Do we make the determination right away? It sounds like  
 24 we have to because if a ballot is in violation, then we have to make a  
 25 provisional ballot and so that is gonna be a lot of work that we have

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1 to do quickly to make that determination and to reach out to the  
 2 voters. So this would be another tough one to implement. I think it's  
 3 even tougher than the first version. So for all these reasons, we hope  
 4 this committee will not pass this bill. Thank you.  
 5 MALE VOICE 1: Thank you. We'll go to Alanna Wulf.  
 6 FEMALE VOICE 12: Thank you Mr. Chairman, members of the  
 7 committee. Alanna Wulf, that's A-L-A-N-N-A W-U-L-F. I'm here  
 8 on behalf of Big Sky 55+. For all the reasons previously stated, for  
 9 those many elderly, immobile, limited individuals across the state rely  
 10 about the collection to have their ballots delivered on time. I urge you  
 11 to vote no on this bill. Thank you for your time.  
 12 MALE VOICE 1: Thank you. Patrick [unintelligible]?  
 13 [unintelligible]. Patrick. We don't allow Patrick to reposit anything if  
 14 we could go to next person. If you could change yours to just the  
 15 black screen, we'll come back to you. We'll go to Andy Werk.  
 16 MALE VOICE 6: Good afternoon, Mr. Chair, members of the  
 17 committee. My name is Andy Werk Jr and that's W-E-R-K. I'm the  
 18 president of Fort Belknap Indian Community for the [unintelligible]  
 19 tribes [unintelligible]. Here for ballot, myself and our council  
 20 strongly oppose House Bill 406. For [unintelligible]-based  
 21 reservations has about 8400 tribal members, about 4,000 of them live  
 22 on the reservation, 2,000 [unintelligible]. Our reservations spent  
 23 about 675 dollars per acre. The vast majority houses on our  
 24 reservations do not receive home mail delivery. There's only one post  
 25 office on the fore front of reservations. On the fore front of

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1 reservations, most of all have to have others pick up their mail for  
 2 them. [unintelligible] tribes voted on Montana elections to the  
 3 collections and conveyance of their ballots to the local election office  
 4 by community members and third parties. Most of the tribes and  
 5 Montana included [unintelligible] only five months ago, when a loss  
 6 declaring them. There's constitutional court found [unintelligible]  
 7 like you heard, are provident to collect ballots more than 6,000  
 8 Indians collected to sign the registry form on a fundamental right  
 9 book protected by the Montana constitution violates our fundamental  
 10 right, freedom of speech, violates the right to do process. House Bill  
 11 406 has even more strange than [unintelligible]. It's unconstitutional  
 12 for the same reasons. Like [unintelligible], House Bill 406 would be  
 13 subject to a strict rule, which means that the state must show that  
 14 the laws nearly table to serve the compelling government like... just like  
 15 [unintelligible]. House Bill 406 does not serve the compelling  
 16 government or interests. The [unintelligible] levigation the court  
 17 found that all testimony by election administrators was that ballot  
 18 collection was not and has never been a problem on Montana. The  
 19 state admitted that there's not a single example of voter fraud in  
 20 Montana caused by the ballot collection. Any suggestions that there's  
 21 a voter fraud here in American reservations is a lie. There's no  
 22 evidence of voter fraud on voter's ballot reservations and it's  
 23 disrespectful to local charge a fraud and communities without  
 24 providing any evidence. It's even worse to legislation based on these  
 25 lies making it harder for our communities to vote. Make no mistake,

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1 House Bill 406 will make it very difficult for our tribal members to  
 2 vote, our tribal members to live on and our reservations  
 3 disproportionately rely on a ballot conveyance in order to participate  
 4 in Montana elections. We are already proven in court that on our  
 5 reservations it is common that people need cars and gas to collect mails  
 6 for others and take it to the post office. The exceptions for the family  
 7 member waiting to not equitably cover the type of mail, pick up and  
 8 drop off occurs to the community. The type of mail pick up and drop  
 9 off is widespread in our community because it's very difficult to access  
 10 mail. We have to pull resources to overcome burdens. Sizeable  
 11 numbers of our tribal members are unemployed that live lower than  
 12 the poverty level. The vehicles in our reservations are sometimes  
 13 scarce and often shared. Limits on our healthcare government services,  
 14 mail services and election offices make have caused associated House  
 15 Bill 406 simply too high...  
 16 MALE VOICE 1: Please wrap it up.  
 17 MALE VOICE 6: Okay. There's one thing I could tell the  
 18 committee and Mr. Chairman. Because the court already found the  
 19 unconstitutional and the burdens placed on our community members,  
 20 it tends to pass this bill that imposes the same burdens that  
 21 substantially discriminating. The [unintelligible] community  
 22 strongly opposes the adoption of House Bill 406. Thank you Mr.  
 23 Chairman and members of committee.  
 24 MALE VOICE 1: Thank you. Joan Kresich? Kresich?  
 25 FEMALE VOICE 13: Thank you, Chair and committee members.

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1 My name is Joan Kresich, K-R-E-S-I-C-H. I live in [unintelligible]. I  
 2 arise an opposition to this bill as the member speaking on behalf of  
 3 [unintelligible] Resource Council. I'm going to eliminate much of my  
 4 testimony because of powerful testimony that proceeded me. I just  
 5 want to say that with respect to the sponsor, this bill is a solution in  
 6 search of the problem which clearly does not exist. Several people  
 7 have pointed out that there is no documented case of voter fraud in  
 8 Montana and no problem with ballot collection is working and it's  
 9 working just mine. Several people have gone over the issue of the  
 10 unconstitutionality of this bill. It's sad to think about putting  
 11 something forward that is absolutely going to face a legal challenge.  
 12 And that means that we citizens will be paying for this. Also I think  
 13 there was really clear testimony about the confusion this is going to  
 14 cause in terms of a registry, how that's going to function, extra burden,  
 15 really sounds like will just lead to chaos on vote today which we don't  
 16 need. So I'm gonna stop there but I do feel like it's really clear that  
 17 this bill is not needed. It's not going to help things. It's not going to  
 18 support people to vote and it's probably unconstitutional. So please  
 19 oppose this bill. Thank you.  
 20 MALE VOICE 1: Thank you. Let's try going back to Patrick  
 21 [unintelligible]. I see you are not able to move your pictures. So we'll  
 22 go to Danielle Vazquez.  
 23 FEMALE VOICE 14: Hi. Good afternoon, Mr. Chair and  
 24 members of the committee. Thank you for allowing me to speak today.  
 25 My name is Danielle Vazquez. For the record, that's V-A-Z-Q-U-E-Z.

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1 Today I speak on behalf of both myself and the Indigenous  
 2 Organization of Montana and we arise a strong opposition to House  
 3 Bill 406. In addition to all those things that have already been said,  
 4 we believe that this will create so many barriers for voters to cast their  
 5 vote and would have a specially harmful impact on those living on  
 6 reservations. And on the personal voters of depression, there's not an  
 7 election integrity. Again, we are asking you to vote no on this bill.  
 8 Thank you.  
 9 MALE VOICE 1: Thank you. Margaret Bentwood?  
 10 FEMALE VOICE 15: Thank you Mr. Chair and members of the  
 11 committee. My name is Margaret Bentwood, and that's B-E-N-T-W-  
 12 O-O-D. I'm appearing here on behalf of the League of Women Voters  
 13 of Montana. The League of Women Voters of Montana was founded  
 14 over 100 years ago. We are non-partisen. Our goal is to promote  
 15 democracy and specifically to promote high integrity elections. I have  
 16 all read testimony by today. You already have it before you. This bill  
 17 puts limitations on Montanans who don't have the ability to get to a  
 18 mailbox or a ballot drop box and need to rely on other Montanans to  
 19 help them. This bill will disproportionately affect low-income people,  
 20 young people and minority voters. By discouraging Montanans from  
 21 voting, House Bill 406 actually reduces election integrity and it's  
 22 therefore harmful to democracy. The League of Women Voters asks  
 23 the House Judiciary Committee to reject House Bill 406. Thank you.  
 24 MALE VOICE 1: Thank you. We'll try Patrick one more time  
 25 to see if your pictures will move. No. No. The picture is still there. So

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1 my suggestion is you submit your testimony via written testimony,  
 2 you can email that in. Any further opponents? Any opponents in  
 3 person or online? Seeing non. Informational witnesses.  
 4 MALE VOICE 7: Good afternoon, Mr. Chair and members of  
 5 the committee. Dana Corson, C-O-R-S-O-N, Montana Secretary of  
 6 State's Office.  
 7 MALE VOICE 1: Any additional informational witnesses on  
 8 House Bill 406? Seeing non. Questions from the committee.  
 9 Representative Hawk.  
 10 MALE VOICE 8: I have a question for Keaton Sunchild.  
 11 MALE VOICE 3: Mr. Chair, Representative Hawk.  
 12 MALE VOICE 8: Thank you Chair. Thank you Mr. Sunchild. I  
 13 was wondering with a lot of reservations have ballot drop boxes if not  
 14 mistaken. What would make collecting ballots? Why would you need  
 15 to collect ballots if you have drop boxes?  
 16 MALE VOICE 3: Yeah. A lot of the drop boxes are still along  
 17 with from villages so you are still traveling. A lot of folks don't have  
 18 access to reliable transportation, especially in a year like this. Our  
 19 elderly couldn't leave their houses without risking their lives. You'd  
 20 never know with weather in November of Montana, people might not  
 21 feel safe driving and you know I think, I mean the closest drop boxes  
 22 is four miles from some reservations and 16 in different ones. And  
 23 that doesn't seem like a long way for us but a rural Montana that could  
 24 be long ways in the winter if you don't have a good car or not. But if  
 25 you have somebody like an organizer or an organization who can

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1 safely and securely drop off those ballots at the election office or those  
 2 drop off locations, then it makes a lot easier for everybody.  
 3 MALE VOICE 1: Follow up.  
 4 MALE VOICE 8: Follow up. How many boxes are there per  
 5 reservation would you know?  
 6 MALE VOICE 3: Mr. Chair, Representative Hawk. It kind of  
 7 depends based on reservation and population. Some have one, some  
 8 have up to four or five.  
 9 MALE VOICE 8: Representative Carlson.  
 10 FEMALE VOICE 16: Thank you Mr. Chair. Mr. Representative,  
 11 please. Mr. Chair, representative, for me, this entire bill right now is  
 12 hinging on what's your definition of acquaintance.  
 13 MALE VOICE 2: Okay. Thank you Mr. Chair and Representative  
 14 Carlson. I did want a touch on that. When you look at page 2, which  
 15 I'd refer it to, start at line 13 and "acquaintance" goes down to number  
 16 24 and I'm gonna get to that. Caregiver, family member or household  
 17 member and acquaintance. We have left that open so that people don't  
 18 have to be worried that they can't get somebody pick up their ballots.  
 19 It's somebody that you know. It's pretty simple. We are not trying to  
 20 discourage it but we just want to have it listed so that people would do  
 21 the procedure to get their ballots into the right places into the boxes in  
 22 a timely manner in a roll. That's the end of the question I'm sure.  
 23 FEMALE VOICE 16: Follow up.  
 24 MALE VOICE 1: Follow up.  
 25 FEMALE VOICE 16: And hank you. Mr. Chair and

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1 Representative. Also we've heard a lot about [unintelligible] today.  
 2 [unintelligible] had a very strict limit of six ballots per collector and  
 3 I'm not seeing a limit per person to collect in this bill as long as that  
 4 person registered as required in new section 1. Am I correct?  
 5 MALE VOICE 2: Mr. Chairman, Representative Carlson. That is  
 6 correct. And we want to elaborate on it a little bit. The process what  
 7 we are trying to accomplish have a lot of testimony is bounding that  
 8 we are limiting people's opportunity. We are not trying to do that. This  
 9 bill does not do that but it does give the boxes and the spot for people  
 10 of six or eight as they follow the guidelines, they can collect those.  
 11 Now, I guess I'll say my last for closing later.  
 12 FEMALE VOICE 16: Follow up.  
 13 MALE VOICE 1: Follow up.  
 14 FEMALE VOICE 16: Okay. So adding those Mr. Chair,  
 15 Representative, adding my two questions together. We come up with  
 16 if there was an organization such as what's representative to us by a  
 17 witness just a minute ago. And they had made an acquaintance in the  
 18 area that they were helping with ballots and they were following the  
 19 procedures on page one and filling out the forms as we required with  
 20 this signature of the voter and there is no limit to the number of the  
 21 ballots per registered collector. I'm not seeing the problem that was  
 22 represented in the testimony today so I wonder if I'm missing  
 23 something very important because I'm seeing... I'm not seeing the  
 24 problem. Can you add if I miss anything important?  
 25 MALE VOICE 2: Yes. Thank you. You are not missing something

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1 important other than the fear factor. People are afraid of some change.  
 2 This is a change. We are not denying it isn't as far as recording. To  
 3 help further answer your question, that came up. People don't... We  
 4 need to make sure that the ballots are collected appropriately and  
 5 timely. This, as you just stated pretty eloquently, their acquaintance  
 6 could be individual that they know. We are not trying to hinder this  
 7 but we are trying to make sure that the ballots are done in a timely  
 8 manner. I'll address that for my close.  
 9 FEMALE VOICE 16: Thank you Mr. Representative, Mr. Chair.  
 10 MALE VOICE 1: Representative Tenenbaum. Your had your  
 11 hand up or it's not.  
 12 MALE VOICE 9: Thank you Mr. Chair. I have a question for  
 13 Mr. the sponsor.  
 14 MALE VOICE 1: Okay. Mr. Chair, Mr. Tenenbaum.  
 15 MALE VOICE 9: Mr. Chair, Representative Noland. Have there  
 16 been any documented cases of voter fraud or ballot interference on  
 17 reservations?  
 18 MALE VOICE 2: I would have to say on the reservations that I  
 19 am aware of. I would probably conclude that I don't have any of that.  
 20 I can only testify those that I personally saw not on the reservations  
 21 but in person.  
 22 MALE VOICE 9: Mr. Chair, follow up.  
 23 MALE VOICE 1: Follow up.  
 24 MALE VOICE 9: Mr. Chair, Representative Noland. When you  
 25 saw those violations, what was the result of them when you reported

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1 them?  
 2 MALE VOICE 2: Mr. Chair, Representative, right?  
 3 MALE VOICE 1: Representative Tenenbaum.  
 4 MALE VOICE 2: Tenenbaum. I don't see the name up there.  
 5 Sorry. Representative Tenenbaum, so the process as a poll watcher, I  
 6 was the poll watcher facilitator and when that came when the ballot  
 7 box came late, and I reported it to our attorneys, the attorneys turned  
 8 that in and that particular ballot box was supposed to, I don't know  
 9 where, when after that, that was supposed to become a provisional  
 10 ballot. Box, the whole box.  
 11 MALE VOICE 9: Thank you Mr. Chair. Thank you  
 12 Representative.  
 13 MALE VOICE 1: Representative Kelker.  
 14 FEMALE VOICE 17: Thank you Mr. Chair. Questions for Ms.  
 15 MacNaughton.  
 16 FEMALE VOICE 2: Mr. Chair, Representative Kelker.  
 17 FEMALE VOICE 17: Mr. Chair, Ms. MacNaughton. In your  
 18 capacity, working with the laws that are... concerning how the ballots  
 19 are handled so forth, do we in law already require that are people who  
 20 work at the polls to compare the signature of the voter on the ballot  
 21 envelope that is sent in or brought in?  
 22 FEMALE VOICE 1: Mr. Chair, Representative Kelker. That is  
 23 actually the function of the local election administrators and that  
 24 might be a better question for Regina Plettenberg.  
 25 FEMALE VOICE 17: Refer to Regina, please.

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1 FEMALE VOICE 11: Madam. Chair, Representative. I'm sorry I  
 2 didn't fully hear the question.  
 3 FEMALE VOICE 17: I'll ask you again. Ms. Plettenberg, when  
 4 a ballot comes in, wither in the mail or in person, do the folks too are  
 5 doing the poll watching and doing all the duties around the voting?  
 6 Does someone compare the voter's signature on the ballot envelope?  
 7 FEMALE VOICE 11: Mr. Chair and Representative, we do check  
 8 every single signature of every single ballot that comes in. So whether  
 9 it comes in a box at our office or in a ballot box in the polls or in the  
 10 mail. It doesn't matter if we get it you know, before the election or on  
 11 the election day, we check every single signature against the voter's  
 12 record. And if the signature is missing or the signature doesn't match,  
 13 then the ballot becomes a provisional ballot.  
 14 FEMALE VOICE 17: Thank you.  
 15 FEMALE VOICE 11: After 8 pm on the election day becomes a  
 16 provisional ballot.  
 17 FEMALE VOICE 17: Right. That's what I thought. We're  
 18 already doing it. Thank you.  
 19 MALE VOICE 1: Representative Bishop.  
 20 FEMALE VOICE 18: Thanks Mr. Chair. Questions for Mr.  
 21 Forstag.  
 22 MALE VOICE 1: Mr. Forstag.  
 23 MALE VOICE 4: That was an echo. Chairman, Representative  
 24 Bishop.  
 25 FEMALE VOICE 18: Thank you Mr. Forstag, Mr. Chair. We

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1 heard. I think from the sponsor, a thoughtful function on the attention  
 2 of keeping the idea of acquaintance open. I wonder if you could talk  
 3 about how acquaintance was treated and what you have seen at the  
 4 most recent district court rulings in regards to that language.  
 5 MALE VOICE 4: Certainly. Chairman, not sure Representative.  
 6 With regards to determine acquaintance, that was one of three rounds  
 7 that [unintelligible] has ruled constitutional in [unintelligible]. That  
 8 issue of acquaintance is not the intention of that term, or whether or  
 9 not, the sponsor. As idea what that means, that term has defined orin  
 10 statue. And that spell as [unintelligible] just recently does not define  
 11 the term "acquaintance" so that again we will be sending a exactly the  
 12 same language with exactly the same constitutional  
 13 [unintelligible]back to the court.  
 14 FEMALE VOICE 18: Thank you to follow up.  
 15 MALE VOICE 1: Follow up.  
 16 FEMALE VOICE 18: Thank you Mr. Chair, Mr. Forstag. Could  
 17 you also do a quick reflection for us on whether or not the idea of just  
 18 limiting the number of ballots to six or opening up that limitation?  
 19 Does that.. has that at all been considered in the cases you've seen  
 20 decided that far?  
 21 MALE VOICE 4: Mr. Chair, Representative. The six ballot cap  
 22 which is, as I said in my testimony, the only substantive difference that  
 23 we only... I've seen in reading this bill was the ballot interference  
 24 protection act. That cap had no [unintelligible] in either district court  
 25 rulings. The three issues at hand were A. that the legislation that the

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1 court is ruling on, which is exactly nearer than this bill has  
 2 disproportional impact on rural native American state. That issue is  
 3 no different in House Bill 406. Secondly, that issue in Western Native  
 4 Voice, first Stapleton was that this legislation that is precisely nearer  
 5 the language than this bill the House Bill 406, was a first issue that  
 6 folks who are engaging in ballot collection or making sure that ballots  
 7 can get to the box. The restrictions on such ballot collection are  
 8 restrictions on the unfettered access, unfettered carrying out the first  
 9 member's rights. So the six ballot limit again is a red hearing that has  
 10 no barrier in either the district court cases here and this language has  
 11 no difference from the law. That is already been struck down twice in  
 12 the courts.  
 13 FEMALE VOICE 18: Okay. Appreciate it. Thank you.  
 14 MALE VOICE 4: Thank you.  
 15 MALE VOICE 1: Representative Stromswold.  
 16 FEMALE VOICE 19: Thank you Mr. Chair. I have a question  
 17 for the sponsor.  
 18 MALE VOICE 2: Mr. Chair, Representative Stromswold.  
 19 FEMALE VOICE 19: Mr. Chair, Representative Noland. I think  
 20 I'm just kinda confused on the first page where it says you have to go  
 21 to the election administration office. So if I've already been taking  
 22 care of my parents' ballots proceeded in the [unintelligible], would I  
 23 have to go get the sheet and fill it out and notify them that I'm taking  
 24 this? First, what does it not apply to the people listed on page 2, 18-  
 25 22?

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1 MALE VOICE 2: Mr. Chairman, Representative Stromswold.  
 2 Yes. You do have to fill out paper workout. Is it a pain? It's a little bit.  
 3 Is it integrity? Was it what we're trying to accomplish, we're trying  
 4 to save, protect? And one of the most important things we have in this  
 5 state and in the country. And that's our vote. If it's misguided and it's  
 6 mistreated or misplaced, you have the responsibility and so does the  
 7 person that you're given that to. That opportunity to [unintelligible].  
 8 It's important.  
 9 FEMALE VOICE 19: Okay. Thank you.  
 10 MALE VOICE 1: Thank you. Representative [unintelligible].  
 11 Waves off. Representative Skees.  
 12 MALE VOICE 10: Thank you, Mr. Chair. My question is for Mr.  
 13 Corson.  
 14 MALE VOICE 7: Representative Skees.  
 15 MALE VOICE 10: Thank you Mr. Corson or coming in. We just  
 16 heard from the COBB that acquaintance has been ruled  
 17 constitutionally vague. Is that true?  
 18 MALE VOICE 7: Mr. Chair, Representative Skees. I've looked  
 19 at that and it is defined in 1335 702. Acquaintance means individual  
 20 known by the voter.  
 21 MALE VOICE 10: Excellent. Mr. Chair, follow up please.  
 22 Male Voice 1: Follow up.  
 23 Male Voice 10: So Mr. Chair, Mr. Corson, so then it's not been  
 24 ruled unconstitutional 'cause it's in our code.  
 25 Male Voice 7: Mr. Chair, Representative Skees, so the court did

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1 ruled unconstitutional much like the attorney from ACLU said, the  
 2 definition of it have run over time and time again. The court case,  
 3 reference in that code still doesn't meet that test for some reason.  
 4 MALE VOICE 10: Actually can I have a followup question  
 5 please to the sponsor?  
 6 MALE VOICE 1: Okay.  
 7 MALE VOICE 10: Thank you Mr. Chair. Representative Noland,  
 8 we keep hearing on and on about this is the burden on the voter, but  
 9 isn't this bill just transparency and we're seeking accountability just  
 10 from the harvester?  
 11 MALE VOICE 2: that's the intend to the bill. Mr. Chair,  
 12 Representative Skees. That is the intend. So what are we trying to  
 13 accomplish in this bill in the nutshell is to safeguard the vote and the  
 14 ballot box collection. When if you have ever served as a judge, election  
 15 poll watcher, you'll see something that might be alarming to you. It's  
 16 run more sufficiently in most areas. There's some I have questions.  
 17 And I had questions. We raised those when we got those handled. So  
 18 in our attempt that's something I guess I'll say now instead of just in  
 19 the close. What's the intend that we are trying to do? People have  
 20 asked you know, we are making it harder, that's what's the 406 could  
 21 do. It's not. But it is to help those people who want to do their, I wanna  
 22 say solemn duty but their right to make a vote. And I guess I'll say it  
 23 now other than the close. We all know when the votes are. We know  
 24 the date. We need to figure out how to get our vote to the right place at  
 25 the right time because it's sacred and it's bets are protected. That's why

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1 we are trying this initiative to urge this bill to protect the integrity of  
 2 the vote and to all aspects of what do we collect it, how do we get  
 3 people to register and sign their names so that it's protected and it's  
 4 looked at. We've heard somebody saying that they looked at every  
 5 register. That's great. We need to continue with that. Thank you.  
 6 MALE VOICE 10: Mr. Chair. Can I have one final question  
 7 please for Ms. Smith from Montana Women Vote?  
 8 MALE VOICE 1: Okay.  
 9 MALE VOICE 10: Thank you Mr. Chair. Ms. Smith, we've heard  
 10 many things today. One of them is about democracy. Of course we are  
 11 not. We are constitutional republic. We've heard that Montanan  
 12 election has always been, have not been bankrupt forever. We know  
 13 that still need [unintelligible] by the senator for sale. So my question  
 14 is, does Montana, because you are sure that you guys are non-partison,  
 15 does Montana women vote actually indoors in races?  
 16 FEMALE VOICE 10: Mr. Chair, Representative Skees, no, we do  
 17 not.  
 18 MALE VOICE 10: Thank you.  
 19 MALE VOICE 1: Thank you. Seeing no further questions, I'll ask  
 20 one question to, same question to the sponsor and to Mr. Corson. I was  
 21 wondering your opinion on why we didn't get a legal note if everybody  
 22 says it's unconstitutional.  
 23 MALE VOICE 2: Well, Mr. Chair, have you had any connectors  
 24 or cables here? Have you had any problem getting legals back in some  
 25 of your committees?

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1 MALE VOICE 1: No, sir.  
 2 MALE VOICE 2: I have. That's 'cause you're the church  
 3 judiciary, so you wouldn't dare. So Mr. Corson.  
 4 MALE VOICE 7: And thank you Mr. Chair for the question. So  
 5 in terms of legal review, the only office is our staff attorney on board.  
 6 We reviewed it for the types of duties and responsibilities we already  
 7 have, knowing the changes you can see interlined or underlined  
 8 throughout the document. It's proposed legislation which is that,  
 9 the... that would be good work for this. At the description of the  
 10 sponsor to provide for the committee for consideration.  
 11 MALE VOICE 1: Thank you. You should become a politician.  
 12 That's it when the bill sponsor would like to close on his bill.  
 13 MALE VOICE 2: I would. Thank you. Thank you for your  
 14 patience on a hot afternoon in [unintelligible] room anyway.  
 15 MALE VOICE 1: You can say it's snowing.  
 16 MALE VOICE 2: The heat is coming from the front of the room,  
 17 but anyway. Members that are not afraid, of delegation, we heard a  
 18 lot of fear, why would we do this? We're gonna get sue. We're  
 19 gonna... this would come after. We're gonna get all these things. You  
 20 know we are only here, for ninety days to get the job done. That's  
 21 legislators. That's our cast. That's our job. That's what we've been  
 22 sent here to do. That's what we would get paid [unintelligible]. I have  
 23 another question: what is wrong with verifying someone's signature?  
 24 Now some of them said we do that all the time. Okay. Great. Some  
 25 people are saying it's too hard to get them into doing this. I don't see

1 license renewed, we get our ballots in and we get them dropped in the  
 2 right place and House Bill 406 helps us to do that. So I mention this  
 3 I'll say, I guess one more time, we had bad luck, and that's changed a  
 4 lot. And that'd what we are here to do on House Bill 406. This bill  
 5 gives guidance to organizations in some situations. Some people need  
 6 that. We have... we've heard it will be hard for people to get to their  
 7 vote and to be positive. And I just want to read in page 2 line 15 is  
 8 what I want to quote. "You can get it taken to election official and the  
 9 postal service workers can do this individual, specifically authorized  
 10 by law to transmit United States mail, again a caregiver, a family  
 11 member, a household member or an acquaintance." This is not that  
 12 we're trying to make it difficult. It looks like my time is up. Before I  
 13 get water thrown on me, members please, this is important. Our  
 14 apologized to in advance for not having any other proponent here. I  
 15 don't order that, but I had confirmation that they would be here until  
 16 probably because of the late hour and they thought it was happening  
 17 earlier. I apologize to that. It's a good bill. Please consider it. Thank  
 18 you.  
 19 MALE VOICE 1: Thank you and for future reference once the  
 20 time goes off, you have approximately 60 seconds left. So you have  
 21 plenty of time.  
 22 MALE VOICE 2: So in conclusion, I...  
 23 MALE VOICE 1: This closes the hearing on House Bill 406.  
 24 Open executive action on House Bill 406. Representative Berglee.  
 25 MALE VOICE 11: Mr. Chairman, I do pass House Bill 406.

1 there's an issue. What is wrong with defining where we drop off  
 2 ballots? I heard from a question that one of our representatives asked  
 3 how many do we have now he's safely talking about a belief in a  
 4 tribal area and there's one up to four maybe more. We know where  
 5 these are at. Members, what is our job as legislators? Make law. Okay.  
 6 If we have a bad luck, we need to resend it and make something better.  
 7 We are here ninety days and we are here to ask to make a decision. If  
 8 a court makes a bad ruling, does that stop us from making that a good  
 9 law? Is because they did something wrong? That's my thought. So  
 10 I'll pose that we do our best to make the protection of the ballots as  
 11 sacred and special as they are. I [unintelligible] this so I wanna get  
 12 back to this. We are all adults. Everybody's voting. And who are  
 13 voting? Can we each figure out where to vote, as adults, and how to  
 14 vote? Example I would like to use. If you have your driver license  
 15 gonna expire, guess what, everyone of us, I think everybody would  
 16 go figure out I gotta get that driver's license renewed. Voting, we  
 17 know where it's gonna drop our ballots off. We know there's a time  
 18 frame. This is not a hard thing. People have made it become a hard  
 19 thing. So people wait till the last minute but it's integrity to vote. You  
 20 and I and every person in this state of Montana knows when we vote.  
 21 Now some people forget, so we have people reminders. We send out  
 22 mailing and we do a lot of things to help the good folks to know when  
 23 there's supposed to get the ballots in. Members, we have a charge to  
 24 do the right thing and today I'm telling you, to ask you to do the right  
 25 thing here is to, just like we go get our license renewed, our driver's

1 MALE VOICE 1: Discussion. Representative Kelker.  
 2 FEMALE VOICE 17: I move to table.  
 3 MALE VOICE 1: Non-debatable. Motion will do a roll call  
 4 though.  
 5 FEMALE VOICE 1: Vice Chair Regier.  
 6 MALE VOICE 11: No by proxy.  
 7 FEMALE VOICE 1: Vice Chair Kelker.  
 8 FEMALE VOICE 17: Yes.  
 9 FEMALE VOICE 1: Representative Carlson.  
 10 FEMALE VOICE 20: No.  
 11 FEMALE VOICE 1: Representative [unintelligible].  
 12 FEMALE VOICE 21: No.  
 13 FEMALE VOICE 1: Representative Berglee.  
 14 MALE VOICE 12: No.  
 15 FEMALE VOICE 1: Representative [unintelligible].  
 16 MALE VOICE 13: No.  
 17 FEMALE VOICE 1: Representative [unintelligible].  
 18 MALE VOICE 14: No.  
 19 FEMALE VOICE 1: Representative Stafman.  
 20 MALE VOICE 7: Yes.  
 21 FEMALE VOICE 1: Representative Lenz.  
 22 MALE VOICE 15: No by proxy.  
 23 FEMALE VOICE 1: Representative Gillette.  
 24 MALE VOICE 16: No by proxy.  
 25 FEMALE VOICE 1: Representative [unintelligible].

1 MALE VOICE 17: No.  
 2 FEMALE VOICE 1: Representative Tenenbaum.  
 3 MALE VOICE 9: Yes.  
 4 FEMALE VOICE 1: Representative Bishop.  
 5 FEMALE VOICE 18: Yes.  
 6 FEMALE VOICE 1: Representative Hinkle.  
 7 MALE VOICE 18: No by proxy.  
 8 FEMALE VOICE 1: Representative Hawk.  
 9 MALE VOICE 8: Yes.  
 10 FEMALE VOICE 1: Representative Skees.  
 11 MALE VOICE 10: No.  
 12 FEMALE VOICE 1: Representative Farris-Olsen.  
 13 MALE VOICE 19: Yes.  
 14 FEMALE VOICE 1: Representative France.  
 15 MALE VOICE 20: Yes.  
 16 FEMALE VOICE 1: Chair Usher.  
 17 MALE VOICE 1: No.  
 18 FEMALE VOICE 1: Motion veils 7-12.  
 19 MALE VOICE 1: Discuss back on the bill. Representative  
 20 Carlson.  
 21 FEMALE VOICE 7: Thank you Mr. Chair. I think this is a good  
 22 bill and I think that we have adequate authority to make laws and I  
 23 think that we should do that.  
 24 MALE VOICE 1: Representative Stafman.  
 25 MALE VOICE 7: Thank you Mr. Chair. Mr. Chair, we've heard

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1 from witness after witness after witness that this will affect an impact,  
 2 the negative way, the ability to vote, especially on the reservations  
 3 and other circumstances as well. The sponsor said well you need this  
 4 because she need more voter integrity but there is no problem with  
 5 voter integrity. There's not a single documented case where voter  
 6 integrity were irregularity in Montana. So it's hard to believe that  
 7 that's really the claim when the natural result of this bill would be  
 8 impressed to support this vote. So I see this is a voter suppression bill  
 9 and I'm against it. Thank you Mr. Chair.  
 10 MALE VOICE 1: Representative Skees.  
 11 MALE VOICE 10: Thank you Mr. Chair. I support this bill. I  
 12 think it's a collection integrity bill. The election bill often calls. We  
 13 have some very strange at rules. If we just look at the ballot box itself,  
 14 that chain that the custody that's the secretary stimulation the  
 15 election officers have to go through with that box. Can everyone be  
 16 left alone? I mean you just follow that and we heard that the testimony  
 17 about all these things if you just pick up a handful stuff. It's a fact  
 18 that if we don't have any registry complaints it means nothing. There  
 19 are definitely can be some mechanic ability problems with this. All  
 20 of us can [unintelligible]. The constitution says it's our judge to  
 21 ensure the purity of elective process. So if there's a chance for this to  
 22 go back, another final component it is as I remember several years  
 23 ago, with the secretary state I asked to go, be a poll watcher on a  
 24 reservation and they say oh no. They won't let you watch. So there's  
 25 another whole angle that can come to this at the ... if you go down  
 that road.

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1 This is a great bill. We need this bill. Thank you.  
 2 MALE VOICE 1: Thank you. Representative Tenenbaum.  
 3 MALE VOICE 9: Thank you Mr. Chair. I'm against this bill. It  
 4 just puts some more bureaucracy in between a person's ballot and the  
 5 ballot box. It's not even a solution in search of a problem. It's just a  
 6 problem in search of a problem.  
 7 MALE VOICE 1: Haven't put it that way. Seeing no other  
 8 questions, I'm gonna actually take the last and I just... I haven't  
 9 recognized that in case you wanna read the rules. But anyway, I was  
 10 only gonna make a comment on that. I questionably scratch my head  
 11 that almost all the opponents really talked about male ballots. They  
 12 didn't talk about, you know, absent T ballots. There's a difference  
 13 between absent T and all male ballots. With that said, I'll do a roll call  
 14 vote.  
 15 FEMALE VOICE 1: Vice Chair Regier.  
 16 MALE VOICE 11: Aye by proxy.  
 17 FEMALE VOICE 1: Vice Chair Kelker.  
 18 FEMALE VOICE 17: No.  
 19 FEMALE VOICE 1: Representative Carlson.  
 20 FEMALE VOICE 20: Yes.  
 21 FEMALE VOICE 1: Representative [unintelligible].  
 22 FEMALE VOICE 21: Yes.  
 23 FEMALE VOICE 1: Representative Berglee.  
 24 MALE VOICE 12: Aye.  
 25 FEMALE VOICE 1: Representative [unintelligible].  
 MALE VOICE 13: Yes.

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1 FEMALE VOICE 1: Representative [unintelligible].  
 2 MALE VOICE 14: Yes.  
 3 FEMALE VOICE 1: Representative Stafman.  
 4 MALE VOICE 7: No.  
 5 FEMALE VOICE 1: Representative Lenz.  
 6 MALE VOICE 15: Aye by proxy.  
 7 FEMALE VOICE 1: Representative Gillette.  
 8 MALE VOICE 16: Aye by proxy.  
 9 FEMALE VOICE 1: Representative [unintelligible].  
 10 MALE VOICE 17: Yes.  
 11 FEMALE VOICE 1: Representative Tenenbaum.  
 12 MALE VOICE 9: No.  
 13 FEMALE VOICE 1: Representative Bishop.  
 14 FEMALE VOICE 18: No.  
 15 FEMALE VOICE 1: Representative Hinkle.  
 16 MALE VOICE 18: Yes.  
 17 FEMALE VOICE 1: Representative Hawk.  
 18 MALE VOICE 8: No.  
 19 FEMALE VOICE 1: Representative Skees.  
 20 MALE VOICE 10: Yes.  
 21 FEMALE VOICE 1: Representative Farris-Olsen.  
 22 MALE VOICE 19: No.  
 23 FEMALE VOICE 1: Representative France.  
 24 MALE VOICE 20: No.  
 25 FEMALE VOICE 1: Chair Usher.

Page 41

1 MALE VOICE 1: Yes.  
2 FEMALE VOICE 1: Version passes 12-7.  
3 MALE VOICE 1: House Bill 406 has passed. House Judiciary.  
4 The [unintelligible] we'll look for our next sponsor. I think she's  
5 across the hall. It's not quite that time.  
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## CERTIFICATE OF SERVICE

I, Alexander H. Rate, hereby certify that I have served true and accurate copies of the foregoing Affidavit - Affidavit to the following on 01-12-2022:

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MONTANA THIRTEENTH JUDICIAL DISTRICT COURT  
COUNTY OF YELLOWSTONE

WESTERN NATIVE VOICE, Montana	)	Consolidated Case No. DV 21-0451
Native Vote, Blackfeet Nation, Confederated	)	
Salish and Kootenai Tribes, Fort Belknap	)	Judge Michael G. Moses
Indian Community, and Northern Cheyenne	)	
Tribe,	)	
Plaintiffs,	)	<b>AFFIDAVIT OF ALEXANDER</b>
	)	<b>STREET, Ph.D., IN SUPPORT OF</b>
v.	)	<b>PLAINTIFFS' MOTION FOR A</b>
	)	<b>PRELIMINARY INJUNCTION</b>
Christi Jacobsen, in her official capacity as	)	
Montana Secretary of State,	)	
	)	
Defendant.	)	
	)	
	)	

I, Alexander Street, Ph.D., depose and say the following:

1. I am an Associate Professor of Political Science at Carroll College in Helena, Montana, where I have worked for the past seven and a half years. I hold a Ph.D. in Political Science from the University of California, Berkeley, conferred in 2011. I also hold an M.A. in Political Science from the University of California, Berkeley, and a First Class B.A. in Politics, Philosophy and Economics from the University of Oxford (2003). I have held postdoctoral fellowships at the European University Institute, Cornell University, and at the Max Planck Society in Germany. I have published ten peer-reviewed articles, in addition to several book chapters, reviews and reports. My published research rests on statistical analysis of data from voter files, the census bureau, election returns, web searches, and public opinion surveys. This work has appeared in leading scholarly journals in my field and I have won Best Paper and Best Article awards from organized sections of the Western Political Science Association and the American Political Science Association.

2. In this case, I was asked by Plaintiffs to assess the likely effects of HB 176 and HB 530, two bills passed during the 2021 session of the Montana state legislature. In applying the sources and methods common in my field of expertise, I examined how existing peer-reviewed research can be used as a framework for understanding the likely effects of HB 176 and HB 530, and I conducted my own analysis assessing whether data on voter registration and voting in Montana elections over recent years lend support to the claim that the changes imposed by these two bills are likely to place disproportionate barriers in the way of Native Americans living on reservations in Montana as they seek to vote.

3. Applying existing, well accepted political science literature and methods and using data from records maintained by the Montana Secretary of State's office, including lists of

registered voters, the voting history of registered voters, lists of absentee ballots issued and the status of those ballots (e.g., whether counted, or not returned, or rejected), and lists of late registrants, I have completed an analysis considering the likely effects of HB 176 and HB 530. My full analysis is included in my expert report, which is attached as Exhibit 1 to this affidavit, and to which's content I also swear.

4. Based upon my analysis of Montana voting records for federal primary and general elections from 2014 to 2020, the percentage of voters using election day registration ("EDR") is consistently higher for people living on-reservation in Montana. Additionally, relying on Census block data, I consistently demonstrated that this reliance on EDR is higher in the parts of reservations with more Native individuals, demonstrating that the reliance of on-reservation EDR is driven by Native voters, and not by non-Native voters living on reservations. This analysis is laid in Section V of my attached report. Based on this analysis, I conclude that limiting EDR will have a disproportionate negative effect on Native voters.

5. I also conducted analysis of Montana voting records to examine the reliance of on-reservation voters on requesting absentee ballots during the late registration period, after the 25-day mailing date. The plaintiffs in this case explain that the options of one-stop registration and voting during this period, or of requesting an absentee ballot that organizations such as Western Native Voice may help to return, are well-suited to the unique conditions of on-reservation Native Americans in Montana. Particularly for general elections, my analysis demonstrated that Montanans living on reservations were indeed more likely, and in some cases much more likely, to request absentee ballots during the late registration period. Additionally, relying on Census block data, I consistently demonstrated that this reliance on requesting absentee ballots during the late registration period is higher in the parts of reservations with more



Native individuals, demonstrating that the reliance is driven by Native voters, and not by non-Native voters living on reservations. This analysis is laid in Section VI of my attached report.

6. I also conducted analysis of the 2020 primary election, which is instructive for understanding the likely effects of HB 530. HB 530 is similar to an earlier law, referred to as the Ballot Interference Prevention Act (BIPA), which also prohibited ballot collection by organizations like Western Native Voice. I served as an expert in *Western Native Voice v. Stapleton*, where the court enjoined BIPA because of the burden imposed on Native voters, relying in part on my analysis. BIPA, while it was put on hold shortly before the primary, already effectively prevented organized ballot collection by Western Native Voice and others, and so analyzing the 2020 primary allows us to see the impacts of preventing organized ballot collection on Native voters. I ran statistical models of turnout in the 2020 primary, focusing on people registered to vote absentee in that election who had also been registered to vote absentee in the 2016 primary. I found that turnout fell among those living on reservations who were already listed as absentee voters for the 2016 federal primary election, and had the chance to vote absentee again in the 2020 primary, whereas turnout was steady for similar off-reservation voters. I also analyzed reasons for absentee ballot rejection between these two elections, and showed that for the 2020 primary, on-reservation voters were more likely to have their ballots rejected for reasons that could have been prevented by experienced ballot collectors. These findings are consistent with the arguments of the plaintiffs in the current case about the role that Western Native Voice, and others, play in helping Native Americans living on reservations in Montana to return their ballots. This analysis is laid in Section VII of my attached report. Based on these analyses, I conclude that limiting ballot collection under HB 530 will have a disproportionate negative effect on Native voters.

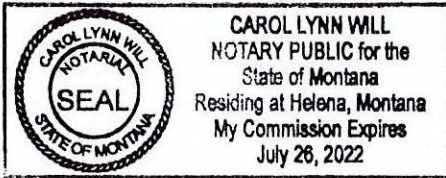
Alex Stra

Alexander Street, Ph.D.

STATE OF Montana

COUNTY OF Lewis & Clark

Signed and sworn to before me on this 11<sup>th</sup> day of January, 2022.



Carol Lynn Will  
Notary Public

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Report of Alexander Street, Ph.D.

in the case of

*Western Native Voice v. Jacobsen*

January 11, 2022

## **I. Background, qualifications and purpose**

1. I am an Associate Professor of Political Science at Carroll College in Helena, Montana, where I have worked for the past seven and a half years. I hold a Ph.D. in Political Science from the University of California, Berkeley, conferred in 2011. I also hold an M.A. in Political Science from the University of California, Berkeley, and a First Class B.A. in Politics, Philosophy and Economics from the University of Oxford (2003). I have held postdoctoral fellowships at the European University Institute, Cornell University, and at the Max Planck Society in Germany. I have published ten peer-reviewed articles, in addition to several book chapters, reviews and reports. I am attaching a copy of my Curriculum Vitae to this report. My published research rests on statistical analysis of data from voter files, the census bureau, election returns, web searches, and public opinion surveys. This work has appeared in leading scholarly journals in my field and I have won Best Paper and Best Article awards from organized sections of the Western Political Science Association and the American Political Science Association.

2. I also served as an expert witness in the case *Western Native Voice v. Stapleton*, which was decided in 2020. One of the bills being challenged by the plaintiffs in the current case is similar to the law challenged in the earlier case. In this report, in addition to new work, I rely on relevant analysis from my earlier report. My research on the effects of voter registration deadlines has also been cited favorably in a court case in the state of Massachusetts. I was retained as an expert and submitted an expert report in *N.Y. League of Women Voters et al. v. N.Y. State Board of Elections et al.*, No. 160342/2018, in New York state court concerning New York's voter registration deadline. I was also retained as an expert and submitted an expert report in *League of Women Voters of Ohio, et al., v. LaRose*, No. 2:20-cv-3843 (S.D. Ohio).

3. I have been asked by the plaintiffs Western Native Voice, *et al.*, to assess the likely effects of HB 176 and HB 530, two bills passed during the 2021 session of the Montana state legislature. I focus on the plaintiffs' claim that these two bills will "harm Native Americans in rural tribal communities by impairing access to the voter registration process and to voting by absentee ballot."<sup>1</sup> Specifically, in this report I provide context for the legal changes, I explain how existing peer-reviewed research can be used as a framework for understanding the likely effects of HB 176 and HB 530, and I also report results from my own analysis assessing whether data on voter registration and voting in Montana elections over recent years lend support to the claim that the changes imposed by these two bills are likely to place "disproportionate barriers"<sup>2</sup> in the way of Native Americans living on reservations in Montana as they seek to vote.<sup>3</sup> I am being compensated at a rate of \$200 per hour for my work on this matter. This compensation is not in any way contingent on the nature of my findings or on the outcome of this litigation.

## II. Context for HB 176 and HB 530

4. Voter registration closes in Montana 30 days before an election, but there is also a late registration period (MCA 13-2-301). Since 2005, the late registration period has included Election Day, allowing Montanans to register at a county elections office and then immediately cast a ballot (MCA 13-2-304). This practice has allowed people who recently moved to Montana, recently reached adulthood, or were newly persuaded to make use of the franchise to register for the first time, and vote, in a single convenient process, even on Election Day. Additionally, it has allowed Montanans who were already registered in the state but who needed to update their registration record, e.g., because they had moved to a different county, to update their record and vote in-person at a county elections office or at certain satellite voting offices through Election Day. For people who register or update their registration, the late registration period is effectively an early voting period, although there are also some people who request an absentee ballot during this period and receive it in the mail. Records

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<sup>1</sup> See pages 2-3 of the plaintiffs' complaint.

<sup>2</sup> This phrase is also used in the plaintiffs' complaint, e.g., on page 10.

<sup>3</sup> In this report I used the terms "Native American" and "American Indian" interchangeably.

maintained by the Montana Secretary of State's office show that 65,927 Montanans have relied upon Election Day registration (EDR) to vote since 2008.<sup>4</sup> However, HB 176, passed in 2021, removes the opportunity to register and vote on Election Day.

5. Although Montana was an early mover when it introduced EDR in 2005, many other states have followed suit. At the time of writing, 18 states, plus Washington, D.C., allow EDR.<sup>5</sup> It has become easier to implement EDR as elections officers have been able to make greater use of computer technology to maintain and cross-reference lists of registered voters. Apart from Montana, no state has withdrawn EDR after voters had already come to rely upon it.

6. The Montana legislature of 2021 also passed HB 530, which directs the Montana Secretary of State to "adopt an administrative rule," such that, "For the purposes of enhancing election security, a person may not provide or offer to provide, and a person may not accept, a pecuniary benefit in exchange for distributing, ordering, requesting, collecting, or delivering ballots."<sup>6</sup> The bill makes exceptions for ballot handling by election administrators and mail workers; it is unclear whether it would apply to tribal employees on Indian reservations in Montana. The bill does not specify how the administrative rule would serve the "purposes [sic] of enhancing election security." Nor does the bill explain how the law would be enforced, or how those tasked with enforcing it would decide whether helping another person to register would qualify as "ordering" or "requesting" a ballot. It appears, however, that the rule called for in HB 530 would prevent Western Native Voice, and perhaps the federally recognized tribes that are also plaintiffs in this case, from helping Native Americans living on Indian reservations in Montana to receive or return absentee ballots. This is important, in part, because absentee voting has become increasingly common in Montana.<sup>7</sup> Furthermore, the plaintiffs in this case

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<sup>4</sup> This number includes election-day registration for federal primary and general elections from June 2008 through November 2020. It is calculated from "late registrant reports" provided by the Secretary of State's office.

<sup>5</sup> See <https://www.ncsl.org/research/elections-and-campaigns/same-day-registration.aspx> (accessed December 29, 2021).

<sup>6</sup> See <https://leg.mt.gov/bills/2021/billpdf/HB0530.pdf> (accessed December 29, 2021).

<sup>7</sup> Montana introduced no-excuse absentee voting in 1999. It has grown in importance, from 65,523 absentee ballots (15.68% of all votes) in the 2000 general election, to 372,400 absentee ballots (73.13% of all votes) in the

maintain that tribal members living on reservations in Montana are particularly reliant on such help, and on the option of voting an absentee ballot that another person may return for them.

### **III. Using existing research as a framework to understand the likely effects of HB 176 and HB 530**

7. The plaintiffs explain in their complaint that Native people living on the largely rural reservations in Montana are especially likely to rely on the option to register and vote during a single visit to a county elections office, which has long been possible during the late registration period, including Election Day. This reliance is due, among other factors, to the typically remote residences of many who live on-reservation, to limited access to mail services, and to higher rates of poverty and transportation difficulties. The plaintiffs also explain that Western Native Voice and other nonprofit organizations play a role in helping Native Americans who live on-reservation to vote, by helping them to register, by returning voted absentee ballots to county elections offices, and by transporting people to (registration and) voting locations, and that these activities tend to peak on Election Day. These claims suggest that Native American voters in Montana may be disproportionately affected by HB 176 and HB 530. And in fact, these claims are consistent with much existing research on the factors that make people more or less likely to register and vote. The circumstances of Native American voters and prospective voters in Montana are unique, no doubt, and Western Native Voice is also a unique organization. And yet, these circumstances, and the services provided by Western Native Voice, among other organizations, are wholly in keeping with healthy patterns of American civic behavior.

8. The likely effects of HB 176 and HB 530 on voter registration and voting behavior can best be understood in the light of existing research showing that voting is *rational*, *habitual*, and *social*.

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2018 general election. In 2020, as a pandemic precaution, almost all votes in the primary and general elections were sent out (and in many cases returned) by mail. These numbers are available from the Montana Secretary of State's website. See <https://sosmt.gov/Portals/142/Elections/Documents/Absentee-Turnout-2000-Present.xlsx> (accessed December 29, 2021).

9. Much of the scholarship on voter registration and voting casts these actions as *rational* choices in which voters weigh the costs and benefits of electoral participation, and decide to vote if the benefits outweigh the costs.<sup>8</sup> Thus, turnout tends to be higher when and where citizens think their vote is more likely to be pivotal or when the stakes of the election are seen to be high.<sup>9</sup> Relatedly, attention to politics and interest in voting tends to peak on Election Day itself, which is when campaign activities, media coverage, and advertising all culminate. Indeed, recent research suggests that the growing area of online advertising is even more focused on the final days leading up to and including Election Day than is television advertising.<sup>10</sup>

10. In contrast, turnout tends to be lower in less salient elections and when voter registration, or voting itself, is inconvenient.<sup>11</sup> Existing research in the “rational choice” framework also shows that voters who command more resources are better able to bear the costs of voting, e.g., they are more likely to be able to take time off work if needed.<sup>12</sup> There is also evidence that socio-economic resources help to explain variation in rates of turnout among Native Americans.<sup>13</sup> If HB 176 and HB 530 prevent Native American voters in Montana from

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<sup>8</sup> Anthony Downs, *An Economic Theory of Democracy* (New York: Harper and Row, 1957). See also William H. Riker and Peter C. Ordeshook, “A Theory of the Calculus of Voting,” *The American Political Science Review* 62, no. 1, (March 1968), 25-42.

<sup>9</sup> Downs, *An Economic Theory*. See also John Duffy and Margit Tavits, “Beliefs and Voting Decisions: A Test of the Pivotal Voter Model,” *American Journal of Political Science* 52, no. 3 (July 2008), 603-618. See also G. Bingham Powell, Jr., “American Voter Turnout in Comparative Perspective,” *The American Political Science Review* 80, no.1 (March 1986), 17-43.

<sup>10</sup> See Erika Franklin Fowler, Michael M. Franz, Gregory J. Martin, Zachary Peskowitz and Travis N. Ridout, “Political Advertising Online and Offline,” *American Political Science Review* 115, no. 1 (February 2021), 138.

<sup>11</sup> Paul Gronke, Eva Galanes-Rosenbaum, Peter A. Miller and Daniel Toffey, “Convenience Voting,” *Annual Review of Political Science* 11 (June 2008), 437-455. See also Alex Street, Thomas A. Murray, John Blitzer and Rajan S. Patel, “Estimating Voter Registration Deadline Effects with Web Search Data,” *Political Analysis* 23, no. 2 (2015), 225-241.

<sup>12</sup> Kay Lehman Schlozman, Sidney Verba and Henry E. Brady, *The Unevenly Chorus: Unequal Political Voice and the Broken Promise of American Democracy* (Princeton University Press, 2012).

<sup>13</sup> Kimberly R. Huyser, Gabriel R. Sanchez and Edward D. Vargas, “Civic engagement and political participation among American Indians and Alaska natives in the US,” *Politics, Groups, and Identities* 5, no. 4 (2017), 642-59. See also Rebekah Herrick, Jim Davis and Ben Pryor, “Are Indigenous Americans unique in their voting in US national elections?” *Politics, Groups, and Identities* (2020), DOI: 10.1080/21565503.2020.1782952.

participating in the ways that they find least onerous, these bills can be expected, on the basis of existing research, to reduce voter registration and turnout. Many published studies conclude that allowing EDR significantly increases turnout, which implies that eliminating EDR would significantly reduce turnout.<sup>14</sup> Most estimates of the effects of changes that make voting more or less onerous are in the range of a few percentage points.<sup>15</sup> But prior research also shows that the effects fall more heavily on certain people. Lowering the cost of participation has larger effects on marginal voters, e.g., those with less education, lower incomes, or less flexible schedules for family care.<sup>16</sup>

11. Existing research also implies that those living further from polling places,<sup>17</sup> or with less reliable access to mail services, are among the most likely to be deterred from voting by the removal of convenient options. One recent study finds that turnout was higher on rural Indian reservations that gained extra on-site voting options due to a court decision, compared to other rural reservations which did not receive extra on-site voting.<sup>18</sup> There is also evidence in recent research that racial minority voters, especially those who are younger or otherwise less familiar

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<sup>14</sup> Scholars who have studied how registration and turnout changes over time have typically found that, when a jurisdiction introduces EDR, there is a turnout increase of a few percentage points. Comparing the same jurisdiction over time has the advantage of controlling for time-invariant differences across jurisdictions. Additionally, accounting for broad time trends in a “difference in differences” design also accounts for shared temporal variation. See, e.g., Matthew R. Knee and Donald P. Green, “The effects of registration laws on turnout: An updated assessment,” in *Facing the challenge of democracy: Explorations in the analysis of public opinion and political participation*, eds. Paul M. Sniderman and Benjamin Highton (Princeton University Press, 2011), 312-328. On the basis of such research, a 2016 report by the Government Accountability Office surveyed many peer-reviewed studies on same day registration, including several that focused on EDR, and found that most studies estimate a positive, statistically significant effect on turnout. See <https://www.gao.gov/assets/gao-16-630.pdf>, especially pages 88-92 (accessed December 30, 2021).

<sup>15</sup> Gronke *et al.*, “Convenience Voting.”

<sup>16</sup> See, e.g., Adam Bonica, Jacob M. Grumbach, Charlotte Hill and Hakeem Jefferson, “All-mail voting in Colorado increases turnout and reduces turnout inequality,” *Electoral Studies* 72 (August 2021).

<sup>17</sup> Henry E. Brady and John E. McNulty, “Turning Out to Vote: The Cost of Finding and Getting to the Polling Place,” *American Political Science Review* 105, no. 1 (February 2011), 115-134.

<sup>18</sup> Jean Schroedel, Melissa Rogers, Joseph Dietrich, Savannah Johnston and Aaron Berg, “Assessing the efficacy of early voting access on Indian reservations: evidence from a natural experiment in Nevada,” *Politics, Groups, and Identities* (April 2020), DOI: 10.1080/21565503.2020.1756359.



with requirements for mail ballots, are more likely to have their absentee ballots rejected.<sup>19</sup> In this context, it is no surprise that some minority groups, including Native Americans, are less trusting of returning their ballots through the postal system.<sup>20</sup> One of the services provided by civic organizations like Western Native Voice to those living on reservations in Montana is guidance on how to meet requirements in order to avoid the ballot being rejected (e.g., reminding voters to sign the exterior return envelope but not the interior “secrecy envelope”). Together, these findings in previous research lend credence to the plaintiffs’ claims that, by removing the option of EDR and by practically prohibiting organized ballot collection, HB 176 and HB 530 will have a disproportionate, negative effect on turnout among Native American voters, especially those living on reservations in remote parts of Montana with scant infrastructure.

12. People can also form the *habit* of voting. Research shows that people who are induced to vote, whether by mobilization or by the opportunity to participate in a high-stakes contest, are also more likely to vote in subsequent elections, even years later.<sup>21</sup> Correspondingly, when voting habits are disrupted, that tends to reduce turnout.<sup>22</sup> Research shows that factors alluded to by the plaintiffs, including residential instability, rural location, and racial minority status, also tend to increase the effects of such disruptions.<sup>23</sup>

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<sup>19</sup> Enrijeta Shino, Mara Suttman-Lea and Daniel M. Smith, “Determinants of Rejected Mail Ballots in Georgia’s 2018 General Election,” *Political Research Quarterly* (February, 2021), DOI: 10.1177/1065912921993537. See also Anna Baringer, Michael C. Herron and Daniel A. Smith, “Voting by Mail and Ballot Rejection: Lessons from Florida for Elections in the Age of the Coronavirus,” *Election Law Journal* 19, no. 3 (September 2020), 289-320.

<sup>20</sup> Jean Schroedel, Aaron Berg, Joseph Dietrich and Javier M. Rodriguez, “Political Trust and Native American Electoral Participation: An Analysis of Survey Data from Nevada and South Dakota,” *Social Science Quarterly* 101, no. 5 (September 2020), 1885-1904.

<sup>21</sup> See, e.g., Alexander Coppock and Donald P. Green, “Is Voting Habit Forming? New Evidence from Experiments and Regression Discontinuities,” *American Journal of Political Science* 60, no. 4 (October 2016), 1044-1062.

<sup>22</sup> See Coppock and Green, “Is Voting Habit Forming.” See also Mark N. Franklin and Sara B. Hobolt, “The Legacy of Lethargy: How Elections to the European Parliament Depress Turnout,” *Electoral Studies* 30, no. 1 (March 2011), 67-76.

<sup>23</sup> See Kevin Denny and Orla Doyle, “Does Voting History Matter? Analyzing Persistence in Turnout,” *American Journal of Political Science* 53, no. 1 (January 2009), 17-35. See also Jeronimo Cortina and Brandon Rottinghaus, “‘The quiet revolution’: convenience voting, vote centers, and turnout in Texas elections,” *Politics, Groups, and Identities* (2021), DOI: 10.1080/21565503.2021.1946099

13. Alongside this research on the calculus of voting, and on voting as a habit, many scholars emphasize *social* dynamics in electoral behavior. When people vote, it is often because they have been asked to do so by friends, colleagues, or family members.<sup>24</sup> Americans are more likely to vote if embedded in social groups and civic organizations, from churches to bowling leagues, that adhere to the widespread norm of encouraging political participation.<sup>25</sup> For instance, these social patterns help to explain why, as people age and become anchored in their communities, their likelihood of voting tends to rise. For these reasons, the social and civic organizations that play a role in mobilizing voters are widely seen by scholars as the bedrock American political life.<sup>26</sup> There is no reason why this should be less true for Native Americans, who may be even more reliant on such social networks. Seen in this light, the idea that civic organizations in remote areas might deliver ballots for others appears quite natural.

14. The political status of Native Americans is unique, due to the history of westward expansion and the dispossession and persecution of indigenous Americans. Over centuries, tribes were recognized as sovereign entities by the United States government—which enshrines treaties between the federal government and the tribes as “the supreme Law of the Land” (Article VI). And yet, settlers encroached upon tribal territory, treaties were broken and unilaterally amended, and, even after reservations had been created, many of them were later fragmented through the “allotment” of some land to tribal members and the sale of the remainder to settlers.<sup>27</sup> As a result, Native Americans living on reservations fall under multiple, overlapping

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<sup>24</sup> Robert M. Bond, Christopher J. Fariss, Jason J. Jones, Adam D. I. Kramer, Cameron Marlow, Jaime E. Settle and James H. Fowler, “A 61-million-person experiment in social influence and political mobilization,” *Nature* 489 (September 2012), 295-298. See also Robert Huckfeldt and John Sprague, “Political Parties and Electoral Mobilization: Political Structure, Social Structure, and the Party Canvass,” *The American Political Science Review* 86, no. 1 (March 1992), 70-86. See also Katherine C. Walsh, *Talking about politics: informal groups and social identity in American life* (University of Chicago Press, 2014).

<sup>25</sup> Robert D. Putnam, *Bowling alone: the collapse and revival of American community* (Simon and Shuster, 2000).

<sup>26</sup> See also Putnam 2000, drawing on a long tradition of scholarship that reaches back to the observations of Alexis de Tocqueville in the 19th century

<sup>27</sup> See, e.g., Vine Deloria, Jr., *Custer Died for Your Sins: An Indian Manifesto. 2<sup>nd</sup> Edition* (University of Oklahoma Press, 1988). See also Paul Frymer, *Building an American Empire: The Era of Territorial and Political Expansion* (Princeton University Press, 2017). See also David E. Wilkins and Heidi K. Stark, *American Indian Politics and the American Political System. Fourth Edition* (Rowman and Littlefield, 2017).

jurisdictions. Indigenous Americans are citizens not only of the United States and the of states where they live but also of their tribes. In this context, tribal government has often been the first focus of political participation.<sup>28</sup> Furthermore, even after the Indian Citizenship Act of 1924 conferred U.S. citizenship on all U.S.-born American Indians, some state and local governments banned Native Americans from voting until the 1960s. Although outright bans are now in the past, in more recent times, courts have continued to find further cases of states and counties imposing unconstitutional burdens on tribal members seeking to vote.<sup>29</sup> As these court cases were resolved, and as the organizations that promote and facilitate civic participation on Indian reservations have grown, in recent decades, tribal members have generally become more likely to vote in federal elections.<sup>30</sup> Yet turnout in federal elections still tends to lag behind that of other ethnic and racial groups.<sup>31</sup>

15. Overall, the body of theory and evidence presented in previous research on *rational*, *habitual*, and *social* dynamics in electoral participation does lend credibility to the claims of the plaintiffs in this case that HB 176 and HB 530 are likely to deter some people from registering and voting by interfering with the individual decisions, the accustomed patterns of behavior, and the mutual cooperation that promote political participation, and that these effects are likely to be stronger on Indian reservations in Montana.

#### **IV. Data sources for my analysis**

16. In order to assess the likely effects of HB 176 and HB 530, I draw on several data sources that show which Montana voters rely on EDR, and which Montana voters are more likely to receive and return absentee ballots in the ways that the plaintiffs contend are less onerous for on-reservation tribal members in Montana. The primary sources for my analysis are records

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<sup>28</sup> Wilkins and Stark, *American Indian Politics*.

<sup>29</sup> McCool, Daniel, Susan M. Olson and Jennifer L. Robinson, *Native Vote: American Indians, the Voting Rights Act, and the Right to Vote* (Cambridge University Press, 2007). See also Jean Schroedel, *Voting in Indian Country: The View from the Trenches* (University of Pennsylvania Press, 2020).

<sup>30</sup> Wilkins and Stark, *American Indian Politics*.

<sup>31</sup> Huyser, Sanchez and Vargas, "Civic engagement."

maintained by the Montana Secretary of State's office based on data submitted by county elections offices. These records include lists of registered voters, the voting history of registered voters, lists of absentee ballots issued and the status of those ballots (e.g., whether counted, or not returned, or rejected), and also lists of late registrants. These records were provided by the defendant in several different files—voter files, voter history files, absentee ballot reports, and late registrant reports.<sup>32</sup> Each Montana registered voter has a unique ID in these files that allows cross-referencing. I use this ID to combine information, e.g., I combine evidence on voter location (from the voter file, which contains addresses) with evidence showing who registered to vote on Election Day (from the late registrant report, which does not

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<sup>32</sup> The late registrant reports include a variable showing whether the voter registered “on Election Day” or “before Election Day” during the late registration period. By construction, everyone who appears in these reports under the former category is someone who has relied upon EDR in order to vote on Election Day. The reports also include a variable showing whether the voter was updating their record having moved “county to county,” or was updating their record having moved “precinct to precinct,” or whether they were registering late for some “other” reason. The Montana Secretary of State's website has a page indicating that this “other” category includes “unregistered voters registering, updated inactive voter to active, registration by cancelled voter, updated voter's name, address change within same county/precinct, administrative updates” (see <https://sosmt.gov/elections/latereg/>; last accessed December 30, 2021). My understanding, having spoken with elections officers in Lewis and Clark County (where I live), is that some of these categories of late registrants may still be able to vote at their assigned precinct on Election Day, even after the passage of HB 176. I understand that, under HB 176, voting on Election Day would *not* be possible for county-to-county movers, who need a new registration in their new county of residence (county-to-county make up 22% of the Election Day registrants for whom this information is available in the late registrant reports). I believe voting on Election Day *would* be possible for precinct-to-precinct movers, if they went to their old precinct, although that might not be feasible for all of them, depending on travel limitations, or the time they tried to vote (they make up 16% of the Election Day registrants for whom this information is available in the late registrant reports). For those included in the “other” category (62% of Election Day registrants), after the passage of HB 176, EDR and voting would *not* be possible for new registrants, *nor* for those whose record had been cancelled after a period of not voting in federal general elections. An additional reason to conclude that many of the Election Day registrants are first-time registrants is their young age: for the 2020 general election, the median age of Election Day registrants was 31, and for the 2018 general election the median EDR age was 29, compared to a median age of 51 for all registered voters. Under HB 176, voting might not be possible for people who thought they were correctly registered but only discovered on Election Day that an administrative error had removed them from the list of eligible voters in the relevant precinct. Formerly inactive voters would still be able to vote at their precinct. Overall, particularly since the Montana Secretary of State's office has not provided information on the proportions under each status in the large “other” category, I think it is clearest to assume that many, and probably most of the reasons that have previously caused Montanans to be listed as Election Day registrants in the late registrant reports will result in such people being unable to vote on Election Day after the passage of HB 176. For this report, I therefore think it is clearest to consider the full number of Election Day registrants as people who have relied on EDR.

contain addresses). Since these records are more complete for federal (general and primary) elections, I focus on those elections (e.g., these are the only elections for which the state provides late registrant reports). I believe that Western Native Voice and similar groups also focus their efforts on these elections. I study the years 2014 through 2020. This time period includes multiple mid-term and presidential-year elections that saw varying levels of competitiveness and varying turnout (lower turnout in 2014, moderate turnout in 2016, higher turnout in 2018 and 2020). Going back further in time would bring in evidence that is less directly relevant to the current climate for political participation in Montana (for example, Western Native Voice was established in 2011).<sup>33</sup>

17. The great advantage of using these state records for my analysis is that they are complete, not just samples. The files provide direct evidence on hundreds of thousands of registered voters for a given election. As such, these files provide high-quality data even on relatively small sub-sets of the state population, such as Native Americans living in rural tribal communities. The voter file (providing names and locations) is continually updated, e.g., as people move or opt to start voting absentee, and so it provides a snapshot of the electorate at a single point in time. This is also true of the voter history file—it provides voter history going back, in some cases, to the 1980s, but it only provides that information for people who were registered at the time the file was produced. The voter file and the voter history file each take a few weeks to be fully updated after an election. The defendant provided copies of the voter file and voter history file around the time of the primary and general federal elections from 2014 through 2020 (i.e., based on file names, June 16 and November 16 of each year), and also from November 2021, meaning that the files had not yet been fully updated to reflect participation in the election that had just happened. This implies that, looking back to analyze a given election, there is a small amount of data loss due, for instance, to people who have died or people who have moved and have registered in another state no longer appearing in the

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<sup>33</sup> I opt against including the June 2017 special federal election for Montana’s seat in the House of Representatives in my analysis, on the grounds that special elections, which do not fall on the regular elections schedule, may show atypical patterns of voter registration and voting.

voter file. For example, to analyze the late registrant report for the 2020 general election, which is a complete record of all late registrants, including 8,172 who registered on Election Day, I also need location data from the voter file. However, when combining the two files, I find that a few of those people (37 of the Election-Day registrants from 2020, or 0.45% of them) are no longer included in the most proximate available copy of the voter file (from November 2021). In most cases,<sup>34</sup> when combining data sources in this way, I confirmed that there was only minimal data loss, normally only 1 or 2 percent, and I also confirmed that the data loss was distributed across counties in proportion to population (making it extremely unlikely that differential data loss for people living on- versus off-reservation could skew my comparisons).<sup>35</sup>

18. Although the voter records maintained by the Montana Secretary of State's office are complete, and contain much relevant information, they do not show whether each registered voter is a Native American or whether each person resides on an Indian reservation. To address this limitation, I draw on data from other sources. First, I use addresses in the voter file and ArcGIS Pro<sup>36</sup> mapping software to geocode each registered voter (focusing on those who live in

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<sup>34</sup> The exceptions are the 2016 primary and general elections, since the defendants failed to provide copies of the absentee ballot reports for those elections. However, I extracted the same information (date absentee ballot sent, date received, and ballot status) from the closest available copies of the voter history file, namely, the voter history file as of June 2018 for the 2016 general election, and the voter history file as of November 2016 for the June 2016 primary election. I also confirmed that this resulted in minimal further data loss.

<sup>35</sup> To ensure minimal data loss I geocoded the voter file at two different points in time. For the elections in 2020 and 2018, I used the voter file as of November 2021. For the elections in 2016 and 2014, I used the voter file as of June 2018. In general, the amount of data loss, in the range of dozens to a couple of hundred of the Election Day registrants in a given election, was quite often so small that it is arithmetically impossible for it to have big effects on my calculations (e.g., in some cases the use of EDR for on-reservation Montanans was so much higher that the difference between 750 and 770 on-reservation Election Day registrants cannot make enough of a difference to the rate of EDR on-reservation to render it similar to the rate of EDR off-reservation for that election).

<sup>36</sup> This commercial mapping software is widely used in scientific research in fields from ecology to geography and the social sciences. In my experience, this software returns more complete geocoded data than alternatives such as a geocoding interface provided by the U.S. Census Bureau. ArcGIS rates the accuracy of the geocoded addresses as "matched" or "tied" and for the relevant counties it yielded only a few dozen addresses with the lower "tied" rating; I checked these for plausibility. There is some variation across counties in handling the address fields in the voter file. Many of the on-reservation Montanans in the voter file provide a P.O. Box to receive ballots by mail, but in most counties, they also provide a residence address that gives me greater confidence of an on- or off-reservation location. The main exception is Big Horn County, where the residence address field often follows a different format, and the particular case of people who receive mail in Hardin, which is just off-reservation and

counties that overlap with reservations in Montana), and I cross-reference voter locations with digital maps of Indian reservation boundaries in the same mapping software.<sup>37</sup> This allows me to identify Montanans in state voter records who live on-reservation and to compare them to off-reservation registered voters.

19. However, not everyone who lives on a reservation in Montana is a Native American tribal member. This is due to the history of allotment. Much of the Flathead reservation, in particular, was sold to non-Indian settlers. This raises the possibility that apparent differences in voter registration and voting behavior between on- and off-reservation residents may not be (entirely) due to the actions of tribal members. In order to assess that possibility, I also draw upon another data source, the 2020 redistricting file from the U.S. Census Bureau.<sup>38</sup> This file includes information on the racial composition of census blocks, which are the smallest available demographic units (typically, in the relevant parts of Montana, these census blocks each cover a number of residents ranging from a dozen to about 120).<sup>39</sup> By appending this

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also has a large Native American population. I cross-referenced those people with precinct locations and found that most do indeed appear to live off-reservation, so they are not included in my analysis of on-reservation voters, who are the focus of the plaintiffs' complaint. In general, as I show in some detail in the Appendix, the patterns that I describe in this report are not driven by the Crow reservation. For this reason, I am confident that the challenges for geocoding in Big Horn County have little bearing on my overall conclusions in this report.

<sup>37</sup> I also use off-reservation trust lands since several hundred tribal members live on trust lands near to the Rocky Boy's reservation (there are not significant populations on the smaller amounts of trust land held by some other tribes). I use digital maps ("shapefiles") of reservation and trust land borders from the Montana State Library; see [https://mslservices.mt.gov/Geographic Information/Data/DataList/datalist\\_Details.aspx?did=%7B341205DA-7668-4119-9D21-0D1C8AFCF5F1%7D](https://mslservices.mt.gov/Geographic%20Information/Data/DataList/datalist_Details.aspx?did=%7B341205DA-7668-4119-9D21-0D1C8AFCF5F1%7D) (accessed September 9, 2021).

<sup>38</sup> In particular, I used digital maps containing locations and attributes from 2020 decennial census redistricting data as provided by the Montana State Library. See [https://mslservices.mt.gov/Geographic Information/Data/DataList/datalist\\_Details.aspx?did={330101fe-8e3f-4e9f-8ac3-47f18e019590}](https://mslservices.mt.gov/Geographic%20Information/Data/DataList/datalist_Details.aspx?did={330101fe-8e3f-4e9f-8ac3-47f18e019590}) (accessed December 5, 2021).

<sup>39</sup> For the 2020 decennial census data, the U.S. Census Bureau is using "differential privacy" methods to prevent the data being misused to identify individual census respondents. This involves adding random noise to the data. Because of this, the Census Bureau recommends aggregating block-level demographic information to include at least 450-499 people, at which point any discrepancies due to the randomly added noise are very likely to cancel out. I follow this advice and do not report evidence on block composition for subsets of fewer than 500 registered voters (since there are fewer voters than total residents, my approach is extra-cautious). See particularly page 19 of the following document: <https://www2.census.gov/library/publications/decennial/2020/2020-census-disclosure-avoidance-handbook.pdf> (accessed December 17, 2021).

information on census block demographics to the voter records data I am able to test whether certain patterns, such as heavier use of EDR, are especially prevalent in the parts of Indian reservations in Montana that are predominantly (or even entirely) Native American.<sup>40</sup>

## **V. Assessing whether Native American voters on Indian reservations in Montana are more reliant on Election Day Registration**

20. I identified 2,530 Montanans living on Indian reservations who registered and voted on Election Day in the federal primary or general elections of 2014-2020. I also tested whether Native Americans living in rural tribal communities on the seven Indian reservations located in Montana are particularly reliant on EDR. The results of my calculations for general elections are shown in Figure 1. The vertical axis shows the percentage of all voters in the respective elections who relied upon EDR, with pairs of adjacent bars for those living off- and on-reservation. The percentage using EDR is consistently higher for people living on-reservation. I also show  $p$ -values from statistical tests of whether those who live on-reservation are more reliant upon EDR, calculated using standard errors clustered at the precinct level.<sup>41</sup> Low  $p$ -values indicate that the observed difference is unlikely to be due merely to chance. For

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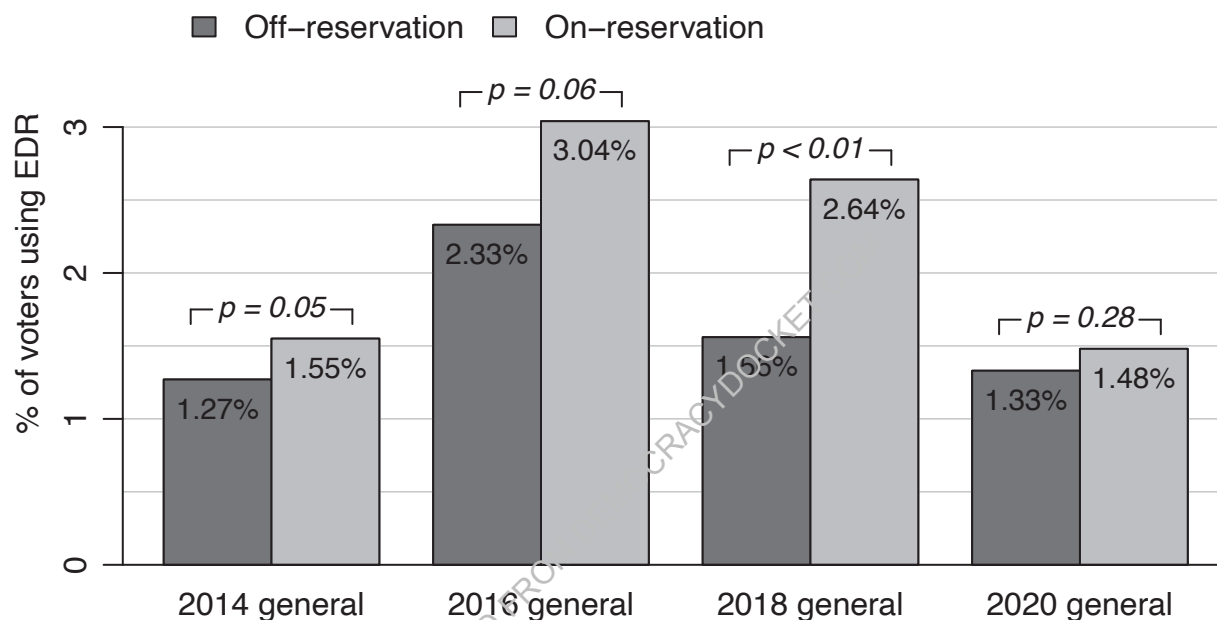
<sup>40</sup> The 2020 census asked, for each person in the residence, “What is this person’s race?” and instructed respondents to mark one or more boxes. The options included “White,” “Black” and “American Indian or Alaska Native” (AIAN), among others. I calculate racial demographics by dividing the block total adult AIAN number by the block total adult population. In Montana for the 2020 census, 44,531 people aged 18 or above checked AIAN only (5.3% of all adults), and an additional 19,438 identified as both White and AIAN, plus a few hundred more identified as AIAN and one or more other races. In this report, I include those who reported AIAN plus one or more other races as Native American; I also checked that I obtained similar results when calculating using AIAN-alone. Some Montanans with both Native American and other ancestry qualify as tribal members. I opt to use 2020 census numbers for calculations using voter data from the 2020, 2018, 2016, and even the 2014 voter files. This has the drawback of using non-contemporaneous evidence for the less recent elections. One alternative would be to use other Census Bureau estimates, such as five-year compilations of evidence from the American Communities Survey (ACS), but I think that the decennial data, even though they don’t align so well on time, are more reliable because they aim for a full count rather than relying on a survey (surveys of small populations, such as Montana Native Americans, risk imprecision). I did compare ACS estimates from earlier years at the reservation level with the subsequent 2020 decennial census estimates and I found them to be similar.

<sup>41</sup> This accounts for possible correlations in turnout between people voting at the same precinct, and, given the possibility of shared circumstances or social influence, this approach is more appropriate than treating each voter’s behavior as independent of the behavior of others. For the statewide comparisons in this report, I consistently report  $p$ -values based on cluster-robust standard errors at the precinct level.



example, as shown toward the left of Figure 1, I find a marginally significant difference at  $p = 0.05$  for on- versus off-reservation Montanans for the 2014 general election. I also find a marginally significant difference for 2016, and a clearly significant difference for 2018. The difference for the 2020 election, which was run largely by mail, is less clear-cut ( $p = 0.28$ ).<sup>42</sup>

**Figure 1. Montanans who live on reservations are more reliant upon EDR, in general elections**



21. In further analyses, I also tested whether these patterns are consistent across the 7 Indian reservations in Montana. And I tested whether these patterns are driven (in part) by the large non-Native population on the Flathead reservation, or whether they tend, instead, to be more pronounced in parts of the reservations that have greater Native populations, according to 2020 census data.<sup>43</sup> See the Appendix for further details. In general, I find that the patterns are

<sup>42</sup> The late registrant report for the 2020 general election also features an unusually low number of Election Day registrants in Big Horn County, which overlaps with the Crow and Northern Cheyenne reservations: just a single 1. That is much lower than previous years (125 in 2018, 113 in 2016). I suspect this may reflect unique circumstances, or perhaps an error in data entry or management. If I exclude Big Horn County from the analysis, I find that EDR was significantly more common on-reservation than off-reservation for the 2020 general election (rising to 1.63% of on-reservation voters; difference vs. off-reservation EDR rate significant at  $p = 0.04$ ).

<sup>43</sup> For the within-reservation analysis, throughout, I used cluster-robust standard errors at the census block level.

quite consistent across Montana's reservations, with some evidence of higher reliance on EDR on the Blackfeet reservation, in particular. I also find that the patterns are clearly stronger in more-Native parts of the reservations, including significant numbers from people living on census blocks that are 100% American Indian. This corroborates the interpretation that it is, indeed, tribal members who are more reliant on EDR.

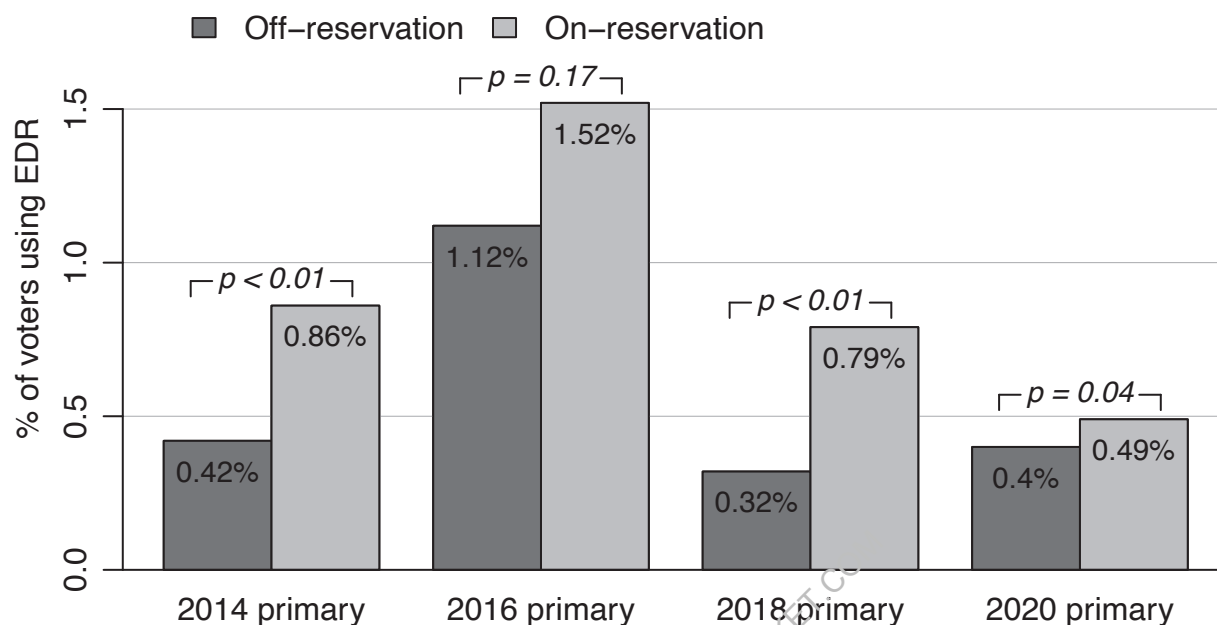
22. Additionally, I tested whether similar patterns hold for federal primary elections. Figure 2 shows the results.<sup>44</sup> In general, fewer people rely on EDR for primary elections. This is no great surprise since primary elections tend to see lower turnout and tend to draw in people with strong intra-party preferences who also are also more likely to be habitual voters (rather than new registrants). However, I do find that reliance on EDR is higher in recent primary elections, for Montanans living on-reservation. Pairs of adjacent bars in Figure 2 reveal differences between those living off- and on-reservation, for each election, and the  $p$ -values above each pair of bars show results from tests of statistical significance.<sup>45</sup> Figure 2 shows that people living on reservations were more likely to rely on EDR in all four of these elections, although, using the conventional threshold of  $p < 0.05$  for statistical significance, that finding is less clear-cut for the 2016 primary. Again, I also tested whether these patterns are consistent across reservations, and whether they are more pronounced in the more-Native parts of the reservations, and the results once again support the interpretation that tribal members are more reliant on EDR (see the Appendix).

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<sup>44</sup> Note, also, that the 2020 primary election was held mainly by mail, as a pandemic precaution.

<sup>45</sup> As before, I report cluster-robust standard errors, to account for non-independence of voters within precincts.

**Figure 2. Montanans who live on reservations are more reliant upon EDR, in primary elections**



23. Taken together, the results shown in Figures 1 and 2, along with the additional tests that I report in the Appendix, do support the argument of the plaintiffs that, by removing the option of EDR, HB 176 is likely to have a disparate, negative impact on registration and voting for Native Americans living on reservations in Montana. It cannot be entirely ruled out that some of the people facing the circumstances that, to date, have made certain Montanans more reliant on EDR, would, in the future, be able to register and vote earlier instead. But certainly not all of them. Many Montanans have relied on EDR in the past, and this is disproportionately true for Native Americans living on reservations. As I explained earlier, research shows that disrupting voting habits has a negative effect on turnout. For example, one careful study found a negative effect of requiring pre-registration of voters for the first time, which is equivalent to taking away the option of voting without pre-registration.<sup>46</sup> No other state has taken away EDR, but I expect a parallel negative effect of removing this option, other things equal, and my

<sup>46</sup> Scholars who studied this in two states found a negative effect on turnout of three to five percentage points. The authors note that this estimate is smaller than estimates from cross-sectional comparisons, but it is similar to other estimates from statistical methods (e.g., “difference in differences”) that use change over time to control for longstanding differences between jurisdictions. See Stephen Ansolabehere and David M. Konisky, “The Introduction of Voter Registration and Its Effect on Turnout,” *Political Analysis* 14, no. 1 (Winter 2006), 83-100.

analysis suggests that this effect would be stronger for Native Americans living on reservations in Montana.

## **VI. Assessing whether Native American voters on Indian reservations in Montana are more likely to request absentee ballots during the late registration period**

24. As I noted earlier, in Montana, the period for “regular registration” ends 30 days before any election (MCA 13-2-301). The subsequent period of “late registration” effectively allows in-person same-day registration and voting. Additionally, during that time, people registered to vote absentee may go to the county elections office, request their ballot and vote in-person (MCA 13-13-222). The plaintiffs in this case explain that these options have benefits for many Native Americans living in rural tribal communities across the Indian reservations in Montana, especially those who lack regular and secure access to the mail or who face barriers to travel, and that Western Native Voice and other plaintiffs help tribal members to participate during this period. One way to assess the number of people making use of this option is to count requests for absentee ballots made after the main date on which the bulk of absentee ballots are sent out to registered absentee voters with mail addresses, 25 days before each election.<sup>47</sup> I therefore calculate the number of absentee ballots requested during this period for Montanans living on- and off-reservation.<sup>48</sup>

25. I identify 18,699 Montanans living on Indian reservations who requested an absentee ballot during the late registration period, after the main absentee ballot mailing date, for federal primary and general elections in 2014, 2016, 2018, and 2020. I also test whether Native Americans living in rural tribal communities on the seven Indian reservations located in

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<sup>47</sup> People whose ballot was already sent out in the mail may also go to the elections office and request to vote in-person during this time, in which case the original ballot is voided and a new absentee ballot issued, with an updated “sent date” showing the date of this request.

<sup>48</sup> Note that, since many Montanans who use EDR also cast absentee ballots, my calculations for “late requests” also include many Election Day registrants. The “late requests” calculations add substantial information beyond the results I have already presented, however. Election Day registrants make up only a fraction of all late requests. For example, in the 2018 general election, there were 8,053 Election Day registrants, compared to 46,998 total late requests for absentee ballots.

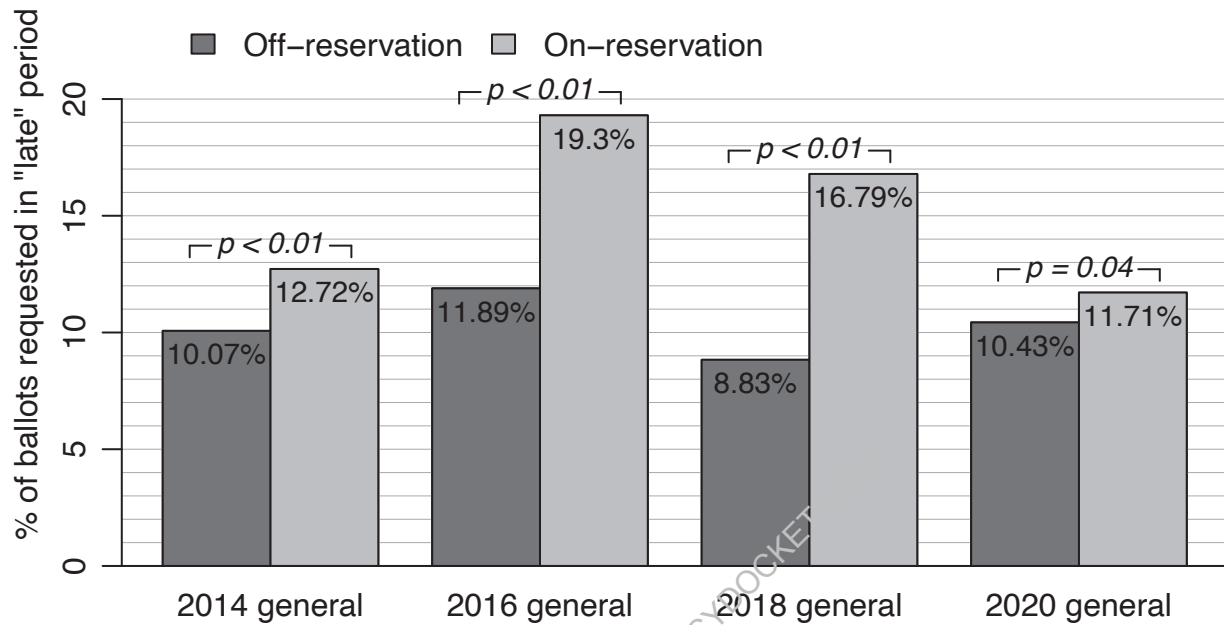
Montana are especially reliant on access to absentee ballots during this time. The results of these comparisons are illustrated in Figure 3, for federal general elections. The vertical axis shows the number of absentee ballots requested “late” in each election as a percentage of all votes cast in that election.<sup>49</sup> As before, pairs of adjacent bars show differences between those living off- and on-reservation, and the *p*-values above each pair of bars show results from statistical tests of whether the observed differences are greater than would be expected due to chance alone. For each of these elections, Montanans living on reservations were more likely, and in some cases much more likely, to request absentee ballots during the late registration period, after the 25-day mailing date. This is consistent with the argument of the plaintiffs about the registration and voting behavior of tribal members. Additionally, I test whether these patterns were consistent across the 7 Indian reservations in Montana, and whether late absentee ballot requests were more common in the parts of reservations that have the highest Native American populations, according to 2020 census data.<sup>50</sup> See the Appendix for further details. In general, I find that the patterns are quite consistent across reservations in Montana. I also find that the patterns are clearly stronger in more-Native parts of the reservations, which supports the interpretation that it is, indeed, tribal members who are driving these results.

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<sup>49</sup> An alternative approach would be to use the total number of absentee ballots cast by similarly-placed Montanans in the respective elections as the denominator in each case. That would have the disadvantage, however, of hindering comparison of other years with 2020, when the election was almost entirely by mail ballot.

<sup>50</sup> For the within-reservation analyses, throughout, I used cluster-robust standard errors at the census block level.

**Figure 3. Montanans who live on reservations more often request absentee ballots during the late registration period, in general elections**

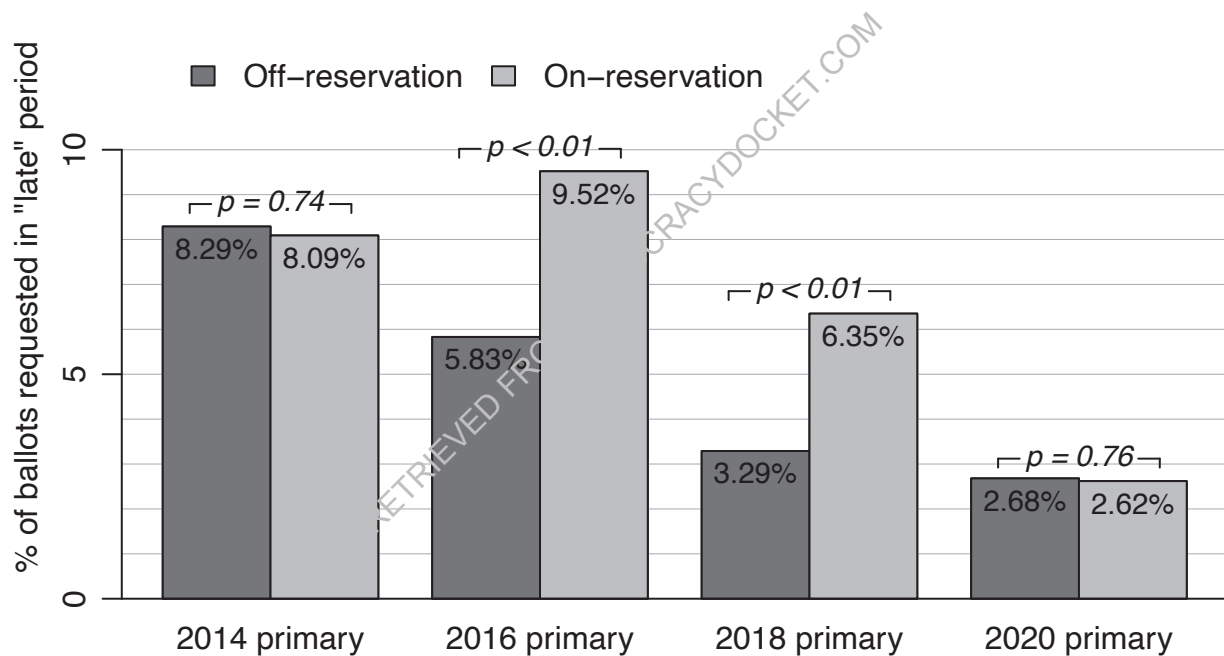


26. I made parallel calculations for federal primary elections from 2014 to 2020. The key results are shown in Figure 4. Late absentee ballot requests were less common for the primaries than for the general elections. There was no significant difference in the proportions of on- versus off-reservation Montanans requesting absentee ballots during the late registration period, after the main date for mailing, for the 2014 primary election.<sup>51</sup> There were clear differences in 2016 and 2018, when Montanans living on reservations were much more likely to request ballots in this way. In further analyses, I confirmed that these patterns were quite consistent across reservations (once again, the Blackfeet reservation stood out for high reliance), and that this behavior was more common among those living in the parts of these reservations with the highest concentrations of people who identified themselves in census data as American Indians (see the Appendix for details). Figure 4 also shows that, for the 2020 primary election, there were far fewer requests for absentee ballots during the late registration period, and there was

<sup>51</sup> This election fell before the settlement agreement in *Wandering Medicine v. McCulloch*, No. 1:12-CV-135-RFC (D. Mont.), which led to the establishment of satellite locations for registration, voting and ballot return, open during (parts of) the late registration period, on reservations in Montana.

no significant difference in the percentage making these requests between Montanans living on- versus off-reservation. This might be partly because a previous law with similarities to HB 530, known as BIPA (the “Ballot Interference Prevention Act”) deterred Western Native Voice (and others) from organizing to return absentee ballots for tribal members in that election. BIPA was put on hold by a court a few days before the 2020 primary but, as the court found in the *Western Native Voice v. Stapleton* case, that happened so close to the election that it was not possible to organize ballot collecting.

**Figure 4. Montanans who live on reservations more often request absentee ballots during the late registration period, in some primary elections**



27. The results of my analyses, as presented in Figures 3 and 4, and the additional tests confirming that these patterns are driven by Native American residents of reservations in Montana, tend to support the complaint of the plaintiffs. By prohibiting paid workers from returning absentee ballots on behalf of tribal members, and perhaps also by interfering in other ways with the assistance that Western Native Voice and the other plaintiffs provide in

“distributing, ordering, requesting, collecting, or delivering ballots,”<sup>52</sup> there is a risk that HB 530 will disproportionately burden Native Americans who make absentee ballot requests in distinctive ways that reflect their distinctive circumstances. Again, while it cannot be entirely ruled out that some of the people affected would, in the future, be able to find other (more onerous) ways to vote, methods of voting are habitual so changes are likely to have a negative effect on turnout. Moreover, the other bill at issue in this case, HB 176, makes compensating responses to this disruption substantially less likely, since EDR and voting on Election Day was previously a failsafe for people who had difficulty when trying to vote, but that failsafe has now been removed.

## **VII. Further analysis of patterns in absentee ballot returns: learning from the 2020 primary**

28. The final set of results in this report are based on my analysis of the 2020 primary, which is instructive for understanding the likely effects of HB 530. As I noted earlier, HB 530 is similar to an earlier law, referred to as BIPA, which also prohibited ballot collection by Western Native Voice and others. When challenged, a Montana court found that the costs that BIPA imposed on Native American voters were too high, and too burdensome, for that law to remain in force. Courts Findings of Fact, Conclusions of Law, and Order, *Western Native Voice v. Stapleton*, No. DV 20-0377 (Mont. Dist. Ct. Sept. 25, 2020). That court decision was based partly on the fact that BIPA did impact the 2020 primary election—it was put on hold, but only a few days beforehand, effectively preventing organized ballot collection by Western Native Voice and others (as they testified in that case). It turns out that this short period in which BIPA affected Montana elections provides another way to assess the likely effects of HB 530. This can be seen by comparing the behavior of people registered to vote absentee in the 2020 primary with the behavior of the same people in earlier elections. For such people, ballot collection by Western Native Voice and other groups was no longer an option in the 2020 primary, and informal ballot collection may also have been chilled by the BIPA requirements.<sup>53</sup>

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<sup>52</sup> See <https://leg.mt.gov/bills/2021/billpdf/HB0530.pdf> (accessed December 29, 2021).

<sup>53</sup> BIPA required people returning someone else’s ballot to fill out a form, which included a warning of a \$500 per ballot fine for returning ballots that did not meet certain exceptions (additionally, the exceptions were not clearly defined, e.g., the definition of “acquaintance” on the form was short and vague).



29. Specifically, I ran statistical models of turnout in the 2020 primary, focusing on people registered to vote absentee in that election who had also been registered to vote absentee in the 2016 primary (chosen for comparability, as a primary in a presidential election year). Studying the same people, over time, has the advantage of controlling for many of the factors that vary across individuals and that help to explain why some people are more likely to vote than others. In this instance, too, I geocoded voter records in order to compare those living on- versus off-reservation (using the 2020 primary absentee ballot report, and the voter history file as of late June, 2020). I used statistical models to test for a *differential* on-reservation effect of the conditions affecting the 2020 primary, including BIPA, while controlling for an overall change in turnout between the two elections that affected everyone in the analysis. Table 1 shows turnout in this subset of voters for both the 2016 and 2020 primaries. As noted above, those who are registered to vote absentee tend to be habitual voters, so turnout was generally high. Among these people, turnout was similar from 2016 to 2020 among those living off-reservation, but actually fell by around three percentage points for those living on-reservation.

**Table 1. Statistical comparisons of individual-level turnout on and off-reservation, for those registered to vote absentee in 2016 and still in the voter history file as of 2020**

	2016 turnout	2020 turnout	Change, 2016 to 2020
Absentee voters living off-reservation (N=212,843)	82.5%	82.3%	- 0.2%
Absentee voters living on-reservation (N=6,125)	83.7%	80.3%	- 3.5%*
<i>*Decrease in turnout is significantly larger for those living on-reservation, consistently <math>p &lt; 0.05</math> across alternative model specifications.</i>			

30. The finding that turnout actually fell among those living on reservations who were already listed as absentee voters for the 2016 federal primary election, and had the chance to vote

absentee again in the 2020 primary, is robust across modeling specifications.<sup>54</sup> It is consistent with the claim that BIPA had a disparate, negative impact on turnout for Native American voters living on reservations in Montana. This finding is also consistent with the claims of the plaintiffs in the current case that, by preventing people and groups, including Western Native Voice, from helping voters to return absentee ballots, HB 530 would have a disparate, negative effect on turnout among voters living on rural reservations in Montana. In further analysis, I also corroborated the differential effect of the BIPA-impacted 2020 primary election using county-level turnout data.<sup>55</sup>

31. Another way in which the prohibitions under BIPA and HB 530 might affect Native voters is by preventing the trained mobilizers and ballot collectors who work for Western Native Voice and other groups from checking absentee ballots as they are completed for return. This may result in more ballots being rejected. Again, the fact that the 2020 primary was affected by BIPA's prohibition provides an opportunity to learn about the likely effects of HB 530. In fact, voter records show that a higher number of ballots were rejected in the 2020 primary, for problems that ballot collectors might have helped to fix, for on-reservation voters, compared to other primaries in 2016 and 2018. This was not true for Montanans living off-reservation. I find that, for those who returned absentee ballots, there was a higher rate of ballot rejections for

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<sup>54</sup> I estimated several models with different assumptions and alternative ways of measuring change in turnout—as a binary outcome, as count data, and on a linear scale—using negative binomial, logit and OLS models, respectively. I also accounted for ballots that were rejected or undeliverable in alternative ways, either treating them as non-votes or treating them as missing data, but found that this made little difference to the results. The results were consistently negative and statistically significant for those living on reservations vs. other Montanans.

<sup>55</sup> This approach has the advantage of including all voters, rather than just the sub-set that I selected for the sake of comparability in the individual-level analysis. It has the disadvantage that county borders do not always align with reservation borders and that not all on-reservation voters are Native American, each of which introduces noise into the comparison. Nonetheless, I obtain comparable results. Again, comparing each county with itself four years earlier helps to control for other factors that may affect turnout. Doing this, I find that turnout rose overall by 10.6 percentage points, but by only 5.2 percentage points in the counties that substantially overlap with large reservations (namely, Blaine, Big Horn, Glacier and Roosevelt counties). This difference is statistically significant at  $p = 0.05$  (with heteroskedasticity-consistent standard errors). I also find a significantly smaller average increase in turnout using an expanded range of counties with some reservation overlap (e.g., turnout increase was 3% smaller in counties with any reservation overlap than in the remainder of the state,  $p = 0.02$ ). There is no sign that this pattern is driven by the counties with the large non-native populations living on the reservation such as Lake County. Overall, these results do tend to corroborate the findings in Table 1.

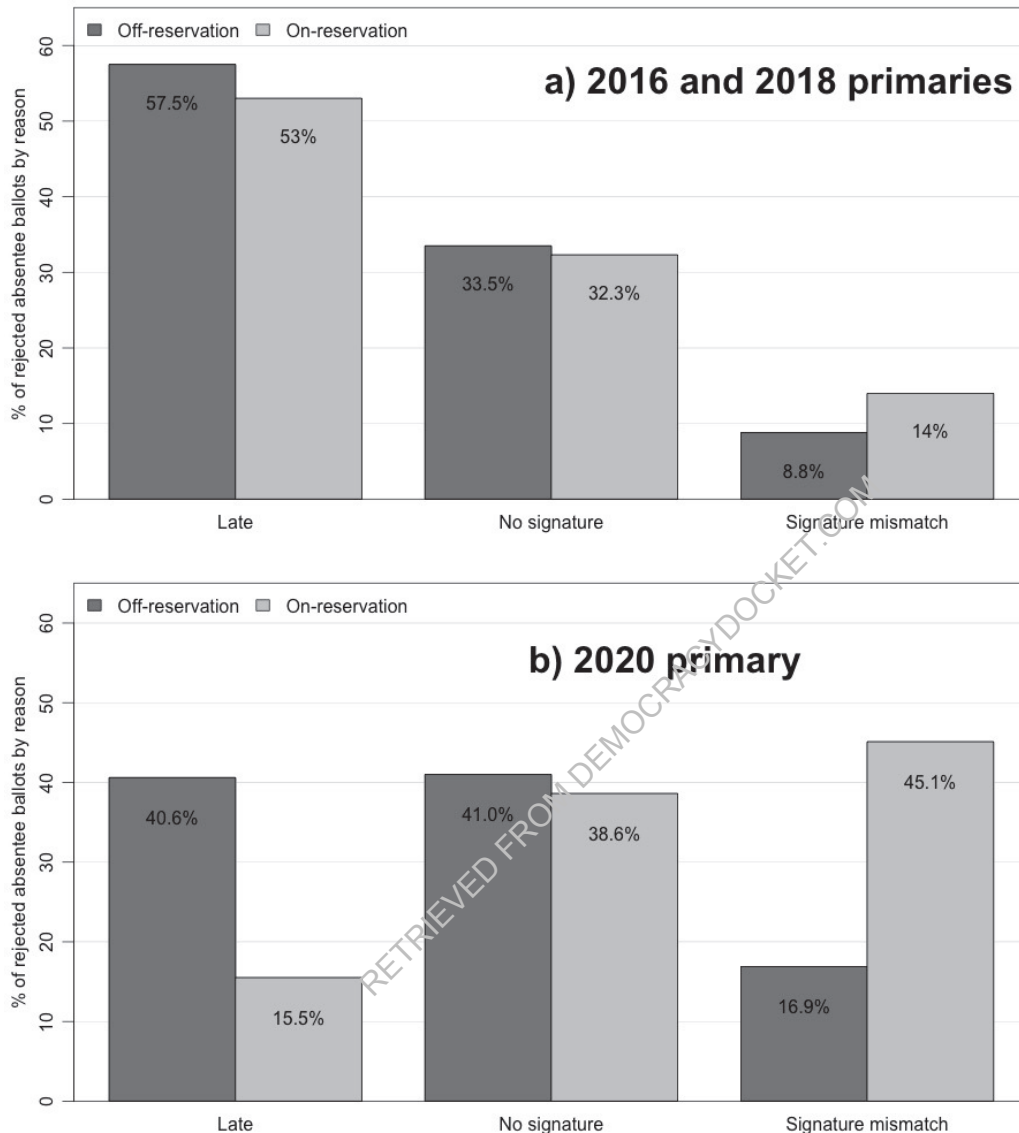
people living on reservations, at 0.91% on-reservation versus 0.55% off-reservation. A statistical test of difference in proportions indicates that this difference is highly unlikely to be due to chance alone ( $p < 0.01$ ).

32. Figure 5 shows that on-reservation voters are more likely to have their ballots rejected due to “signature mismatch” and that this was especially true in the 2020 primary.<sup>56</sup> As noted above, for those living on reservations, more ballots were rejected in 2020 than in 2016/2018. The absolute number of on-reservation ballots rejected because they were late, summing 2016 and 2018, was 56, whereas 47 on-reservation ballots were rejected because they were late in 2020. So, the reason for the difference between panels a) and b) of Figure 5 is that there were large increases in the numbers of ballots rejected because of problems with signatures in the 2020 primary election. The number of on-reservation ballots with no signature rose from 34 in 2016/2018 combined to 107 in 2020. And the number of on-reservation ballots rejected for signature mismatch rose from 15 in 2016/2018 to 125 in 2020. It is not possible to infer all of the possible reasons for these changes, using the information available in the voter files. Election workers are trained on signature recognition, but do have some discretion, and their decisions may vary from county to county (or across individual workers). The key point for this case, as was testified in the earlier case, is that some of these problems might have been prevented by experienced ballot collectors working for groups such as Western Native Voice and Forward Montana, who could remind voters to sign with the exact same name that they used on their original form, for instance. The fact that BIPA prevented organized ballot collecting for the 2020 federal primary may help account for this pattern.

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<sup>56</sup> There is also an “other” category for ballot rejections but this includes just a handful of cases, so I omit it.

**Figure 5. Reasons for ballot rejections, on and off reservations, for federal primary elections in 2016/18 versus 2020**



**VIII. Conclusion**

33. The findings in this report largely align with the concerns of the plaintiffs in this case that HB 176 and HB 530 will “harm Native Americans in rural tribal communities by impairing access to the voter registration process and to voting by absentee ballot.”<sup>57</sup> I have shown that, across recent federal elections under varying levels of turnout and competitiveness, Native Americans

<sup>57</sup> See pages 2-3 of the plaintiffs’ complaint.

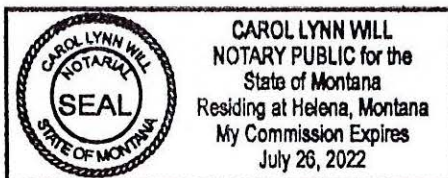
living on reservations in Montana were quite consistently more likely to rely on Election Day Registration and were also more likely to request absentee ballots during the “late registration” period that allows one-stop registration and voting. This was less true for the 2020 elections which, as a public health precaution, were run largely by mail, but I do not expect such precautions to affect all future elections in Montana. I have also shown that the 2020 primary election, which was affected by an earlier law quite similar to HB 530, did show evidence of disparate effects on Native voters. These findings are based on my analysis of high-quality data across several elections, using relevant tools of statistical analysis including alternative modeling specifications, and further analyses consistently show that the patterns are driven by Native American voters. In short, the patterns are robust. As I have explained, the claims of the plaintiffs also align with a great deal of research on the factors that promote or impede registration and voting, for Americans in general and for Native Americans in particular. For these reasons, my considered opinion is that HB 176 and HB 530 will disproportionately reduce rates of registration and voting among Native Americans living on the largely rural Indian reservations in the state of Montana.

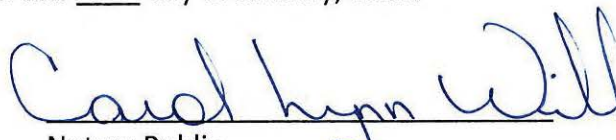
  
\_\_\_\_\_  
Alexander Street, Ph.D.

STATE OF Montana

COUNTY OF Lewis & Clark

Signed and sworn to before me on this 11<sup>th</sup> day of January, 2022.



  
\_\_\_\_\_  
Notary Public

**Appendix: further details of EDR and late period absentee ballot requests, on- and off-reservation**

**2020**

Table A1. 2020 EDR as a percentage of all votes cast in election

General election		Primary election	
<i>Location</i>	% using EDR	<i>Location</i>	% using EDR
Off-reservation	1.33%	Off-reservation	0.4%
Blackfeet reservation	1.62%	Blackfeet reservation	1.15%
Crow reservation	0.02%	Crow reservation	0.19%
Flathead reservation	1.48%	Flathead reservation	0.52%
Fort Belknap reservation	1.87%	Fort Belknap reservation	0.43%
Fort Peck reservation	2.21%	Fort Peck reservation	0.46%
Northern Cheyenne reservation	1.17%	Northern Cheyenne reservation	0%
Rocky Boy's reservation	1.27%	Rocky Boy's reservation	2.29%

Table A2. 2020 EDR as a percentage of all votes cast in election, by % Native American of census block where voter lives (on-reservation Montanans only)

General election		Primary election	
	% using EDR		% using EDR
0-24% Native American in block	1.16%	0-24% Native American in block	0.27%
25-49% Native American in block	1.56%	25-49% Native American in block	0.85%
50-74% Native American in block	2.31%	50-74% Native American in block	0.81%
74-100% Native American in block	1.79%	74-100% Native American in block	0.91%

Note: for general election, linear model of % EDR as a function of % Native American in voter's census block is positive and statistically significant at  $p = 0.03$  (standard errors clustered at the block level). For primary election, linear model of % EDR as a function of % Native American in voter's census block is positive and statistically significant at  $p < 0.01$  (standard errors clustered at the block level).

Table A3. 2020 late registration period absentee requests as a percentage of all votes cast in election

General election		Primary election	
<i>Location</i>	% late requests	<i>Location</i>	% late requests
Off-reservation	10.43 %	Off-reservation	2.68 %
Blackfeet reservation	11.52%	Blackfeet reservation	3.54%
Crow reservation	14.27%	Crow reservation	3.32%
Flathead reservation	10.46%	Flathead reservation	2.86%
Fort Belknap reservation	11.63%	Fort Belknap reservation	2.02%
Fort Peck reservation	14.09%	Fort Peck reservation	0.81%
Northern Cheyenne reservation	10.88%	Northern Cheyenne reservation	1.29%
Rocky Boy's reservation	16.59%	Rocky Boy's reservation	2.11%

Table A4. 2020 late registration period absentee requests as a percentage of all votes cast in election, by % Native American of census block where voter lives (on-reservation Montanans only)

General election		Primary election	
	% late requests		% late requests
0-24% Native American in block	8.76%	0-24% Native American in block	2.5%
25-49% Native American in block	12.07%	25-49% Native American in block	2.6%
50-74% Native American in block	12.68%	50-74% Native American in block	2.67%
74-100% Native American in block	14.1%	74-100% Native American in block	2.71%

Note: for general election, linear model of % late requests as a function of % Native American in voter's census block is positive and statistically significant at  $p < 0.01$  (standard errors clustered at the block level). For primary election, linear model of % late requests as a function of % Native American in voter's census block is not statistically significant at conventional levels,  $p = 0.54$  (standard errors clustered at the block level).

## 2018

Table A5. 2018 EDR as a percentage of all votes cast in election

General election		Primary election	
Location	% using EDR	Location	% using EDR
Off-reservation	1.56%	Off-reservation	0.32%
Blackfeet reservation	4.33%	Blackfeet reservation	1.41%
Crow reservation	2.62%	Crow reservation	1.37%
Flathead reservation	2.56%	Flathead reservation	0.65%
Fort Belknap reservation	1.08%	Fort Belknap reservation	1.16%
Fort Peck reservation	2.47%	Fort Peck reservation	0.08%
Northern Cheyenne reservation	1.31%	Northern Cheyenne reservation	0%
Rocky Boy's reservation	0.63%	Rocky Boy's reservation	1.29%

Table A6. 2018 EDR as a percentage of all votes cast in election, by % Native American of census block where voter lives (on-reservation Montanans only)

General election		Primary election	
	% using EDR		% using EDR
0-24% Native American in block	1.75 %	0-24% Native American in block	0.58%
25-49% Native American in block	2.84%	25-49% Native American in block	0.56%
50-74% Native American in block	3.82%	50-74% Native American in block	0.96%
74-100% Native American in block	3.17%	74-100% Native American in block	1.2%

Note: for general election, linear model of % EDR as a function of % Native American in voter's census block is positive and statistically significant at  $p < 0.01$  (standard errors clustered at the block level). For primary election, linear model of % EDR as a function of % Native American in voter's census block is positive and statistically significant at  $p = 0.03$  (standard errors clustered at the block level).

Table A7. 2018 late registration period absentee requests as a percentage of all votes cast in election

General election		Primary election	
<i>Location</i>	% late requests	<i>Location</i>	% late requests
Off-reservation	8.83%	Off-reservation	3.29%
Blackfeet reservation	29.7%	Blackfeet reservation	11.23%
Crow reservation	12%	Crow reservation	4.68%
Flathead reservation	11.8%	Flathead reservation	4.98%
Fort Belknap reservation	33.57%	Fort Belknap reservation	15.06%
Fort Peck reservation	16.71%	Fort Peck reservation	6.25%
Northern Cheyenne reservation	24.49%	Northern Cheyenne reservation	8.02%
Rocky Boy's reservation	20.5%	Rocky Boy's reservation	8.13%

Table A8. 2018 late registration period absentee requests as a percentage of all votes cast in election, by % Native American of census block where voter lives (on-reservation Montanans only)

General election		Primary election	
	% late requests		% late requests
0-24% Native American in block	10.85%	0-24% Native American in block	5.06%
25-49% Native American in block	13.15%	25-49% Native American in block	4.58%
50-74% Native American in block	16.41%	50-74% Native American in block	4.85%
74-100% Native American in block	23.49%	74-100% Native American in block	9.57%

Note: for general election, linear model of % late requests as a function of % Native American in voter's census block is positive and statistically significant at  $p < 0.01$  (standard errors clustered at the block level). For primary election, linear model of % late requests as a function of % Native American in voter's census block is positive and statistically significant at  $p < 0.01$  (standard errors clustered at the block level).

## 2016

Table A9. 2016 EDR as a percentage of all votes cast in election

General election		Primary election	
<i>Location</i>	% using EDR	<i>Location</i>	% using EDR
Off-reservation	2.33%	Off-reservation	1.12%
Blackfeet reservation	5.6%	Blackfeet reservation	4.22%
Crow reservation	2.04%	Crow reservation	1.73%
Flathead reservation	2.42%	Flathead reservation	0.81%
Fort Belknap reservation	0.59%	Fort Belknap reservation	2.92%
Fort Peck reservation	4.92%	Fort Peck reservation	0.81%
Northern Cheyenne reservation	0.61%	Northern Cheyenne reservation	0.37%
Rocky Boy's reservation	1.54%	Rocky Boy's reservation	1.42%



Table A10. 2016 EDR as a percentage of all votes cast in election, by % Native American of census block where voter lives (on-reservation Montanans only)

General election		Primary election	
	% using EDR		% using EDR
0-24% Native American in block	1.85%	0-24% Native American in block	0.69%
25-49% Native American in block	2.59%	25-49% Native American in block	1.03%
50-74% Native American in block	4.21%	50-74% Native American in block	0.84%
74-100% Native American in block	4.02%	74-100% Native American in block	2.84%

Note: for general election, linear model of % EDR as a function of % Native American in voter's census block is positive and statistically significant at  $p < 0.01$  (standard errors clustered at the block level). For primary election, linear model of % EDR as a function of % Native American in voter's census block is positive and statistically significant at  $p < 0.01$  (standard errors clustered at the block level).

Table A11. 2016 late registration period absentee requests as a percentage of all votes cast in election

General election		Primary election	
<i>Location</i>	% late requests	<i>Location</i>	% late requests
Off-reservation	11.89%	Off-reservation	5.83%
Blackfeet reservation	30.92%	Blackfeet reservation	15.03%
Crow reservation	14.73%	Crow reservation	7.53%
Flathead reservation	15.28%	Flathead reservation	7.35%
Fort Belknap reservation	38.37%	Fort Belknap reservation	18.37%
Fort Peck reservation	17.99%	Fort Peck reservation	8.4%
Northern Cheyenne reservation	25.1%	Northern Cheyenne reservation	16.01%
Rocky Boy's reservation	13.74%	Rocky Boy's reservation	16.82%

Table A12. 2016 late registration period absentee requests as a percentage of all votes cast in election, by % Native American of census block where voter lives (on-reservation Montanans only)

General election		Primary election	
	% late requests		% late requests
0-24% Native American in block	14.11%	0-24% Native American in block	7.88%
25-49% Native American in block	15.59%	25-49% Native American in block	6.69%
50-74% Native American in block	17.19%	50-74% Native American in block	8.50%
74-100% Native American in block	25.32%	74-100% Native American in block	12.86%

Note: for general election, linear model of % late requests as a function of % Native American in voter's census block is positive and statistically significant at  $p < 0.01$  (standard errors clustered at the block level). For primary election, linear model of % late requests as a function of % Native American in voter's census block is positive and statistically significant at  $p < 0.01$  (standard errors clustered at the block level).

**2014**

Table A13. 2014 EDR as a percentage of all votes cast in election

General election		Primary election	
<i>Location</i>	% using EDR	<i>Location</i>	% using EDR
Off-reservation	1.27%	Off-reservation	0.42%
Blackfeet reservation	1.59%	Blackfeet reservation	0.49%
Crow reservation	2.01%	Crow reservation	1.12%
Flathead reservation	1.53%	Flathead reservation	0.58%
Fort Belknap reservation	0.57%	Fort Belknap reservation	0.4%
Fort Peck reservation	1.79%	Fort Peck reservation	2.09%
Northern Cheyenne reservation	0.74%	Northern Cheyenne reservation	0.71%
Rocky Boy's reservation	0.48%	Rocky Boy's reservation	0%

Table A14. 2014 EDR as a percentage of all votes cast in election, by % Native American of census block where voter lives (on-reservation Montanans only)

General election		Primary election	
	% using EDR		% using EDR
0-24% Native American in block	1.3%	0-24% Native American in block	0.61%
25-49% Native American in block	1.82%	25-49% Native American in block	0.81%
50-74% Native American in block	0.81%	50-74% Native American in block	1.27%
74-100% Native American in block	1.93%	74-100% Native American in block	1.11%

Note: for general election, linear model of % EDR as a function of % Native American in voter's census block is positive and marginally significant at  $p = 0.06$  (standard errors clustered at the block level). For primary election, linear model of % EDR as a function of % Native American in voter's census block is positive and statistically significant at  $p = 0.04$  (standard errors clustered at the block level).

Table A15. 2014 late registration period absentee requests as a percentage of all votes cast in election

General election		Primary election	
<i>Location</i>	% late requests	<i>Location</i>	% late requests
Off-reservation	10.07%	Off-reservation	8.29%
Blackfeet reservation	16.88%	Blackfeet reservation	5.44%
Crow reservation	21.74%	Crow reservation	5.45%
Flathead reservation	11.14%	Flathead reservation	8.34%
Fort Belknap reservation	6.21%	Fort Belknap reservation	4.39%
Fort Peck reservation	13.31%	Fort Peck reservation	12.68%
Northern Cheyenne reservation	4.04%	Northern Cheyenne reservation	4.14%
Rocky Boy's reservation	2.64%	Rocky Boy's reservation	4.76%

Table A16. 2014 late registration period absentee requests as a percentage of all votes cast in election, by % Native American of census block where voter lives (on-reservation Montanans only)

General election		Primary election	
	% late requests		% late requests
0-24% Native American in block	11.26%	0-24% Native American in block	8.99%
25-49% Native American in block	12%	25-49% Native American in block	9.33%
50-74% Native American in block	11.1%	50-74% Native American in block	8.56%
74-100% Native American in block	14.87%	74-100% Native American in block	6.7%

Note: for general election, linear model of % late requests as a function of % Native American in voter's census block is positive and marginally significant at  $p = 0.07$  (standard errors clustered at the block level). For primary election, linear model of % late requests as a function of % Native American in voter's census block is negative and statistically significant at  $p = 0.03$  (standard errors clustered at the block level).

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### ACADEMIC APPOINTMENTS

2017- Associate Professor of Political Science and Intl. Relations, Carroll College.  
2019-21 Director, Honors Scholars Program, Carroll College.  
2014-17 Assistant Professor of Political Science and Intl. Relations, Carroll College.  
2013-14 Fellow, Max Planck Institute for the Study of Religious & Ethnic Diversity.  
2012-13 Visiting Fellow, Cornell Institute for European Studies.  
2011-12 Max Weber Postdoctoral Fellow, European University Institute.

### EDUCATION

University of California, Berkeley

Ph.D., Political Science, December 2011. MA, Political Science, May 2006.

Humboldt University, Berlin

Post-Graduate Fellow, 2004-05.

University of Oxford

First Class BA, Politics, Philosophy and Economics, 2003.

### REFEREED JOURNAL PUBLICATIONS

- [1] "Angela Merkel's record on immigration and gender," *German Politics* 2021, DOI:10.1080/09644008.2021.1996563.
- [2] "Understanding Support for Immigrant Political Representation: Evidence from German Cities." With Karen Schönwälder, *Journal of Ethnic and Migration Studies*, 47(11): 2659-2667. 2021.
- [3] "Political Effects of Having Undocumented Parents." With Michael Jones-Correa & Chris Zepeda-Millán, *Political Research Quarterly*, 70(4):818-32. 2017.
- [4] "The Political Effects of Immigrant Naturalization." *International Migration Review*, 51(2): 323-43. 2017.
- [5] "Estimating Voter Registration Deadline Effects with Web Search Data." With Thomas A. Murray, John Blitzler and Rajan S. Patel, *Political Analysis*, 23(2): 212-24. 2015.
- [6] "Mass Deportations and the Future of Latino Partisanship." With Michael Jones-Correa & Chris Zepeda-Millán. *Social Science Quarterly*, 96(2): 540-52. 2015.
- [7] "My Child Will Be A Citizen: Intergenerational Motives for Naturalization." *World Politics*, 66(2): 264-98. 2014.
- [8] "Representation Despite Discrimination: Minority Candidates in Germany." *Political Research Quarterly*, 67(2): 374-85. 2014.
- [9] "Naturalization Dynamics in Immigrant Families." *Comparative Migration Studies* 1(1):23-44. 2013.
- [10] "Schooling the next generation of German citizens: A comparison of citizenship curricula in Berlin and Baden-Württemberg." With Daniel Faas. *Educational Studies* 37(4): 469-79. 2011.



- IN PREPARATION [11] “Checking Ballot Return Signatures Leads to Errors: Theory and Evidence from Recent US Elections,” presented at the 2021 American Political Science Association annual meeting.
- OTHER PUBLICATIONS [12] Review of *Documenting Americans: A Political History of National ID Card Proposals in the United States*. In *Perspectives on Politics* 18(2): 639-640. 2020.
- [13] Brief for Amicus Curiae Professor Alexander Street, Ph.D. In Support of Appellees, *Chelsea Collaborative v. Galvin*, Commonwealth of Massachusetts Supreme Judicial Court (no. SJC-12435). 2018.
- [14] Review of *Immigration and New Limits on Citizenship Rights: Denmark and Beyond*. In *Contemporary Sociology* 45(6): 798-99. 2016.
- [15] “Studying Minority Politics with Survey Experiments and Election Data.” *APSA Migration and Citizenship Newsletter* 4(1): 23-28. December 2015.
- [16] “Google data suggest millions of Americans are prevented from voting by early registration deadlines” *LSE US Centre blog*, April 14 2015.
- [17] “Google searches show that millions of people wanted to vote but couldn’t.” *The Monkey Cage blog*, The Washington Post, March 26 2015.
- [18] “Immigration and Integration,” in Sarah Colvin, ed., *Routledge Handbook of German Politics and Culture*. 2014, with Randall Hansen.
- [19] “Mass deportations are alienating young Latino voters from the Democratic Party.” *Latino Decisions blog*, May 19 2014.
- [20] “The Political Effects of Becoming a Citizen: Solution or Selection?” *Max Weber Programme working paper 2012/19*.
- AWARDS Prizes for scholarship
- 2017 Best article award, Migration and Citizenship section, American Political Science Association, for *Political Effects of Having Undocumented Parents*
  - 2016 Best paper prize, Latino Politics section, Western Political Science Association, for *Political Effects of Having Undocumented Parents*
- Grants for research and infrastructure
- Berberet Summer Research Grant, Carroll College, 2021, PI \$1,500
  - Montana PBS grant for Carroll College Exit Poll, 2020, PI \$2,000
  - Montana PBS grant for Carroll College Exit Poll, 2018, PI \$2,000
  - USB Renewable Energy, 2018, PI with J. Rowley \$48,000
  - Russell Sage Foundation, 2013, PI with C. Zepeda-Millán \$30,000
  - Cornell Institute for the Social Sciences, 2013, PI with M. Jones-Correa \$12,000

Grants for classes and speaker series

- Diversity and Civil Discourse, Charles Koch Foundation, 2019-21 \$18,000
- Mallette grant support for collaboration with Tribal Colleges, 2016 \$4,700
- Mallette grant support for collaboration with Tribal Colleges, 2015 \$1,300
- Speaker Series, Cornell Institute for European Studies, 2012-13 \$9,000
- Course Development Grant, European Studies, UC Berkeley, 2010 \$2,000

DATA FOR  
SCHOLARLY USE

Latino Second Generation Study, 2012-2013 [United States] (ICPSR 36625). *Link to dataset via ICPSR.*

Carroll College Exit Polls 2014, 2016, 2017, 2018, 2020. *Link to datasets via Carroll College institutional repository.*

EXPERT WITNESS  
TESTIMONY

ACLU of Montana, expert witness on voter registration, *Western Native Voice vs. Stapleton*, Montana Thirteenth Judicial District Court (no. DV 20-0377), 2020.

ACLU of Ohio, expert witness on voter registration and mail voting, *League of Women Voters of Ohio vs. LaRose*, United States District Court Southern District of Ohio Eastern Division (no. 2:20-cv-3843), 2020.

ACLU of New York, expert witness on voter registration deadlines, *League of Women Voters v. New York State Board of Elections*, United States District Court Southern District of New York (no. 1:20-cv-05238-MKV), 2018-2020.

ACLU of Massachusetts, advisor on voter registration deadlines, *Chelsea Collaborative v. Galvin*, Commonwealth of Massachusetts Supreme Judicial Court (no. SJC-12435), 2017-2018.

CONFERENCE  
PRESENTATIONS,  
INVITED TALKS

American Political Science Association (APSA) annual meeting 2021, 2019, 2017, 2013, 2011.

The University of Toronto, 2016.

The Ohio State University, 2015.

Pacific Northwest Political Science Association annual meeting 2015.

Western Political Science Association (WPSA) annual meeting 2015, 2014.

Council for European Studies (CES) annual meeting 2015, 2010.

Cornell University, 2012.

Midwest Political Science Association (MPSA) annual meeting 2012, 2011.

Harvard University, 2011.

Panel organizer/chair/discussant: APSA (2019), CES (2015, 2010), MPSA (2012).

#### TEACHING

Assistant and Associate Professor, Carroll College 2014-  
*Introduction to Comparative Politics; Political Economy;  
State and Nation in World Politics; Democracy and Autocracy;  
Political Research Methods; Citizenship, Global and Local;  
Elections, Political Parties and Public Opinion; Senior Seminar.*

Instructor, University of Göttingen. Spring 2014  
*Migration and International Relations*

Instructor, Prison Education Project, Auburn Correctional Facility. Spring 2013  
*Introduction to Comparative Politics*

Instructor, Prison University Project, San Quentin State Prison. 2010-11  
*Math tutoring*

Teaching assistant, University of California, Berkeley. 2006-2009  
*Comparative Political Economy; Intro. to Quantitative Methods;  
Intro. to Comparative Politics: Immigrants, Citizenship and the State;  
The Welfare State in Comparative Perspective.*

#### TEACHER TRAINING

Future-proofing your courses, Carroll College, Summer 2020.

Indigenous Studies Network short course, Washington, D.C., September 2019.

MiClassroom technology pilot projects, Carroll College, Spring 2016 & Spring 2018.

Service Learning training, Carroll College, Fall 2015.

Fundamental Principles of Online Teaching, Carroll College, Summer 2015.

#### ACADEMIC SERVICE

Strategic Planning Task Force, Carroll College, 2019-21.

Chair, Best Conference Paper selection committee, Migration and Citizenship organized section of the American Political Science Association, 2019.

Political Science internships coordinator, Carroll College, 2018-19.

Equal Opportunity Policy investigation team, Carroll College, 2017-.

International Relations program director, Carroll College, 2015-.

Institutional Review Board member, Carroll College, 2015-.

Referee for academic journals: *American Politics Research*, *American Journal of Political Science*, *American Political Science Review*, *British Journal of Political Science*, *Canadian Journal of Political Science*, *Comparative Political Studies*, *Ethnic and Racial Studies*, *Ethnicities*, *International Migration Review*, *Journal of Ethnic and Migration Studies*, *Journal of International Migration and Integration*, *Journal of Politics*, *Party Politics*, *West European Politics*, *World Politics*.

Referee for funding proposals: Russell Sage Foundation, Social Science and Humanities Research Council of Canada.

(CV last updated January 2022)

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## CERTIFICATE OF SERVICE

I, Alexander H. Rate, hereby certify that I have served true and accurate copies of the foregoing Affidavit - Affidavit to the following on 01-12-2022:

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Blackfeet Nation (Plaintiff)

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Dated: 01-12-2022

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MONTANA THIRTEENTH JUDICIAL DISTRICT COURT  
COUNTY OF YELLOWSTONE

WESTERN NATIVE VOICE, Montana )  
Native Vote, Blackfeet Nation, Confederated )  
Salish and Kootenai Tribes, Fort Belknap )  
Indian Community, and Northern Cheyenne )  
Tribe, )

Plaintiffs, )

vs. )

CHRISTI JACOBSEN, in her official )  
capacity as Montana Secretary of State, )

Defendant. )  
)  
)  
)  
)  
)  
)

Cause No. DV 21-0560

**AFFIDAVIT OF DANIEL CRAIG  
MCCOOL, Ph.D., IN SUPPORT OF  
PLAINTIFFS' MOTION FOR A  
PRELIMINARY INJUNCTION**

I, Daniel Craig McCool, Ph.D., depose and say the following:

1. I am Professor Emeritus of Political Science at the University of Utah. I received a B.A. in Sociology from Purdue University, and a Ph.D. in Political Science from the University of Arizona. I have spent my entire professional career studying the political relationship between Native Americans and the larger political context. For over thirty-five years I have conducted research on the voting rights and water rights of Native Americans. In 2007, I co-authored *Native Vote: American Indians, The Voting Rights Act, and the Right to Vote* (Cambridge University Press). In 2012, I edited a book titled *The Most Fundamental Right: Contrasting Perspectives on the Voting Rights Act* (Indiana University Press). I utilized “qualitative methods” for nearly all of the 10 books, 27 articles, and 19 book chapters that I have published. I have served as an expert witness in 19 voting rights cases. Those cases include *Western Native Voice v. Stapleton*; the Court cited my report extensively. I applied the same methodology in all of these reports. My reports and my testimony have never been rejected by a court.

2. My full analysis is included in my expert report, which is attached as Exhibit 1 to this affidavit.

3. Relying upon the well-established concept of “voter costs,” this report analyzes the factors that affect the cumulative voter costs for Native Americans in Montana, including the impact of HB 176 and HB 530. These laws eliminated two elements of the existing electoral system—the right to register on Election Day, and the freedom to rely on paid ballot collectors—that benefited Native voters. The findings indicate that Native American voters already faced a formidable array of voter costs due to socio-economic factors, geographic factors, efforts to deny Native Americans an equal opportunity to vote, and historical and contemporary discrimination;



those costs were further increased by the passage of HB 176 and HB 530, making it more difficult for Native people to vote.

4. It is my professional opinion, after having consulted 336 sources, that the most significant impact of HB 176 and HB 530 will be to increase voter costs and lower turnout, and the impact will be felt mostly heavily by Native Americans and other groups that share some of the socio-economic factors that are typical of Indian Country. In short, these new laws will make it harder for people to vote. Both laws are a targeted diminution in freedoms associated with elections; each law deprives citizens of an option that is helpful to Native American voters.

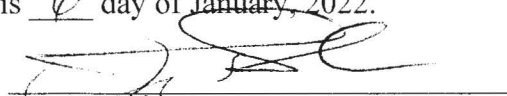
5. An analysis of the alleged benefit of these laws—to reduce fraud and increase election integrity—finds no support for such a claim.

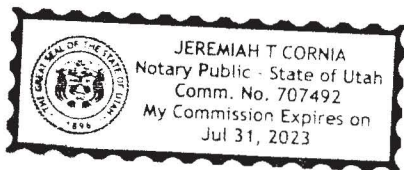
6. HB 176 and HB 530 have a disproportionately negative impact and impose significant voter costs on Native voters, making it more difficult for them to vote, with no discernable public benefit.

  
Daniel Craig McCool, Ph.D.

STATE OF Utah  
COUNTY OF Weber

Signed and sworn to before me on this 6 day of January, 2022.

  
Notary Public



# **EXHIBIT 1**

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Expert Witness Report  
in the case of  
*Western Native Voice v. Jacobsen*  
Montana Thirteenth Judicial District Court  
County of Yellowstone  
Submitted by  
Professor Daniel Craig McCool  
Political Science Department, University of Utah  
January 2022

Organization of the Report

*Summary of Findings*

I. INTRODUCTION

- A. Qualifications
- B. Qualitative Methods
- C. Five Research Questions

II. RESEARCH QUESTION 1

- A. Income and Poverty
- B. Health
- C. Education
- D. Housing
- E. The Internet
- F. Crime

III. RESEARCH QUESTION 2

- A. The Voter Costs of HB 176
  - 1. Election Day Registration and Turnout
  - 2. Distance
- B. The Voter Costs of HB 530
  - 1. Vote-by-Mail and Native Americans
  - 2. The Impact of Covid

IV. RESEARCH QUESTION 3

- A. Alleged Voter Fraud in Montana
- B. The Alleged Link between Voter Fraud and Ballot Collection in the U.S.
- C. Election Integrity and the Claimed Purpose of HB 176 and HB 530

V. RESEARCH QUESTION 4

- A. Historical Discrimination Against Native Voters
- B. The Socio-Political Context of Historical Discrimination

VI. RESEARCH QUESTION 5

- A. Voting Rights Cases in Montana
- B. The Socio-Political Context of Contemporary Discrimination

VII. CONCLUSION

I, Daniel Craig McCool, Ph.D., depose and say the following

*Summary of Findings:*

*Relying upon the well-established concept of “voter costs,” this report analyzes the factors that affect the cumulative voter costs for Native Americans in Montana, including the impact of HB 176 and HB 530. These laws eliminated two elements of the existing electoral system—the right to register on Election Day, and the freedom to rely on paid ballot collectors—that benefited Native voters. The findings indicate that Native American voters already faced a formidable array of voter costs due to socio-economic factors, geographic factors, efforts to deny Native Americans an equal opportunity to vote, and historical and contemporary discrimination; those costs were further increased by the passage of HB 176 and HB 530, making it more difficult for Native people to vote. Because of the significant accumulation of voter costs already facing Native Americans, the impact of HB 176 and HB 530 will be felt most severely by Native voters. An analysis of the alleged benefit of these laws—to reduce fraud and increase election integrity—finds no support for such a claim. In sum, HB 176 and HB 530 have a disproportionately negative impact and impose significant voter costs on Native voters, making it more difficult for them to vote, with no discernable public benefit.*

## I. INTRODUCTION

### A. Qualifications:

1. I am Professor Emeritus of Political Science at the University of Utah. I received a B.A. in Sociology from Purdue University, and a Ph.D. in Political Science from the University of Arizona. I have spent my entire professional career studying the political relationship between Native Americans and the larger political context. For over thirty-five years I have conducted research on the voting rights and water rights of Native Americans. In 2007, I co-authored *Native Vote: American Indians, The Voting Rights Act, and the Right to Vote* (Cambridge University Press). In 2012, I edited a book titled *The Most Fundamental Right: Contrasting Perspectives on the Voting Rights Act* (Indiana University Press). I also have several

peer-reviewed publications that focus on public policy methodology and theory. I serve as an academic advisor to the Native American Voting Rights Coalition, and co-authored the 2020 report, “Obstacles at Every Turn: Barriers to Political Participation Faced by Native American Voters” (Tucker, De León, and McCool. 2020). I also assisted in the design of a four-state survey of Native American voters. My latest research focuses on Native American water rights in the Southwest.

2. I utilized “qualitative methods,” described below, for nearly all of the 10 books, 27 articles, and 19 book chapters that I have published. I have served as an expert witness in 19 voting rights cases, listed on my vita, which is included as Appendix B. Six of those cases were filed in state courts, and the others involved federal claims under Section 2 or Section 203 of the Voting Rights Act. Those cases include *Western Native Voice v. Stapleton*; the Court cited my report extensively. I applied the same methodology, described below, in all of these reports. My reports and my testimony have never been rejected by a court.

3. I have been hired by the plaintiffs for this case and I am compensated at the rate of \$250/hour. The conclusions I present in this report are mine alone, are not related to or endorsed by the University where I have an appointment, and were reached through an independent process of research and inquiry.

## B. Qualitative Methods:

4. In this report I utilize a well-recognized methodology known as “qualitative methods” (Denzin and Lincoln. 2000, 2011; Teherani, et. al. 2015). This is the same methodology I have used in nearly all my academic work, as well as all of my previous expert witness reports. Qualitative methods are particularly useful to analyze information from large bodies of print data. It is important to note that qualitative analysis does not mean non-numerical; for this report I employ many numerical measures and a large body of data to answer the research questions posed below. I employ this methodology by using data and information gleaned from multiple and overlapping sources: original research, interviews, newspapers (including editorials and letters to the editor), past court cases, interest group publications, oral histories, secondary published sources such as books and articles, online sources (websites, blogs), business advertising and business policies, campaign flyers and publicity, church records, and documents and studies created by tribal, local, state, and federal governments, including voting data and census data.<sup>1</sup> In some cases, it is also useful to examine photographs, videos, and other visual “data.” As Fraser and Davies point out, qualitative methods “may fruitfully draw on written documents as a resource to generate new

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<sup>1</sup> The most recent Census data available for this report is 2019 American Community Survey (ACS) data. The 2020 was so problematic that the Census Bureau has not yet released it, stating: “The data collection issues experienced by the 2020 ACS severely affect the data quality of these statistics, therefore the Census Bureau decided not to release the standard ACS 1-year data for 2020” (Daily. 2021).

knowledge” (2019: 213). I examine these multiple sources for significant long-term trends across multiple sources of information and data. Confidence levels increase when consistent patterns of responses appear across multiple sources over a sustained period of time. Reliability is enhanced by utilizing a large number of documents that represent many different types of sources, and finding consistent patterns across these diverse sources. For this report I relied on 336 sources.<sup>2</sup>

5. Qualitative methods are well recognized in the social sciences. The Consortium on Qualitative Research Methods was established in 2001 (Consortium on Qualitative Research Methods. n.d.). The American Political Science Association organized a section titled Qualitative Methods in 2003, now called the Qualitative and Multi-Method Research section (American Political Science Association. 2021). By 2003 almost half of all peer-reviewed articles in Political Science journals utilized qualitative methods (Bennett, Barth, and Rutherford. 2003). Syracuse University, with funding from the National Science Foundation, established a “Qualitative Data Repository” to assist researchers who utilize this method (Qualitative Data Repository. n.d.). Qualitative methods are now used in a variety of fields and research settings (Lamont and White. 2009: 5; Bartolini. 2013). Qualitative methods are often employed in conjunction with quantitative methods: “A sophisticated and growing methodological

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<sup>2</sup> My usual protocol is to conduct in-person interviews, but due to Covid I had to conduct telephone interviews for this report.

literature—both qualitative and quantitative—is now concerned with the analysis of necessary causes in both individual cases and populations of many cases” (Mahoney. 2021: 103).

6. Qualitative methods are well-suited for expert analysis in voting rights cases because the methodology is adept at analyzing phenomena that are complex, long-term, multi-dimensional, and subject to rapid change. Furthermore, the application of the methodology is not limited to any particular social or ethnic group. Lamont and White note that qualitative methods are “particularly useful for studying timely topics such as group identities and boundaries [and] race, class, gender...” (2009: 5). It is also particularly useful to study phenomena that occur over long periods of time, due to the large number of variables and factors that change over time (see, for example: Bartolini. 2013).

7. There are many methodology textbooks that focus on qualitative methods; most are written by political scientists but others are by authors in fields such as public health, anthropology, sociology, and increasingly the humanities. This method has been especially relevant to the multi-methods approach of the “new history” movement and social history (see, for example: Hoffer. 2007; Tyrrell. 2005; Limerick et. al. 1991). The use of social science methodology in history, including qualitative methods, is exemplified by journals such as *Social Science History* and the *Journal of Policy History*. The widespread use and acceptance of qualitative methods, along with the applicability to large-scale analytical problems, is why I have consistently relied on that approach for both my academic work and my expert witness reports.



### C. Five Research Questions:

8. In this report I address five inter-related questions that cumulatively explain the impact of HB 176 and HB 530. The full impact of these laws cannot be fully understood without an understanding of the answers to all five questions:

1. What socio-economic factors increase voter costs for Native Americans in Montana and affect their ability to participate in elections and access voting locations?
2. Do HB 176 (the elimination of Election Day Registration) and Sec. 2 of HB 530 (the prohibition on paying ballot collectors) increase voter costs for Native voters and thus have a disproportionate and negative affect on Native American voters in Montana and deprive them of an equal opportunity to participate in elections?<sup>3</sup>
3. Do HB 176 and HB 530 render a public benefit and have a demonstrable impact on improving election integrity in Montana?
4. Historically, have Native Americans in Montana been subjected to racism and discrimination? How has that historical discrimination and associated historical trauma

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<sup>3</sup> There are no perfect terms for Native Americans and non-Native Americans. I use the terms “Native American,” “American Indian,” and “Indian” interchangeably. I use the term “Anglo” to refer to non-Native people, which avoids referring to them in the negative, even though many non-Indians are not ethnically Anglo. I occasionally use the term “White” when there is a distinction made between Anglos and other non-Native ethnicities.

impacted their current ability to participate equally in the political process and vote?

Historically, have Native Americans been subjected to efforts to deny, abridge, or dilute their voting rights?

5. Does contemporary discrimination affect the ability of Native Americans to participate equally in voting? Do Native Americans in Montana continue to face unique obstacles that prevent them from having an equal opportunity to vote and participate in the political process?

9. To answer the five research questions, I utilize a well-known concept in political science known as “the costs of voting,” or “voter costs.” A large body of research in political science has found that many variables affect voter behavior and voter turnout. One of the most important trends in that literature concerns “voter costs,” a concept that is well-defined in political science (Schraufnagel, Pomante, and Li. 2020; Li, Pomante, and Schraufnagel. 2018; Berinsky. 2005). As Brady and McNulty note, “costs do matter to voter turnout” (2011: 115). Rosenstone and Hansen put it in blunt terms: “Participation in politics...has a price, a price that is some combination of money, time, skill, knowledge, and self-confidence” (1993:12-14). As Brady, Verba and Schlozman note, “time, money and civic skills” are “essential to political activity” (1995: 271). These voter costs have a direct impact on voter behavior and turnout. Even the weather can affect the costs of voting (Hansford and Gomez. 2010). The key point is that certain attributes of an electoral system can increase, or decrease, those costs: “...changes to the legal regime [of elections] that reduce the ‘cost of voting’—that is, the burdens borne by

potential voters in registering or casting a ballot—can facilitate voter participation” (Ho. 2019: 187). Any attribute of an electoral system that increases voter costs tends to decrease voter participation and turnout. Thus, if the goal is to increase participation, inclusivity, and turnout, then voter costs should be minimized.

10. The five questions posed for this report focus on factors that have a direct impact on voter costs. Voter costs are cumulative; thus, the impact of HB 176 and HB 530 cannot be understood without a full understanding of all of the cumulative voter costs, including the socio-economic context, historical trauma, historical and contemporary discrimination, and attributes of the electoral process that create additional voter costs—such as those imposed by HB 176 and HB 530. The voter costs imposed upon Native Americans living on reservations in Montana consist of all of these factors, like adding a column of numbers to get an accurate total. The current situation regarding Native access to the electoral process is a result of these cumulative costs, and therefore a full understanding of the impact of these laws cannot be attained without understanding the answers to all five research questions. This report will devote a section to each of the five questions, followed by a concluding section.

**II. QUESTION 1: What socio-economic factors increase voter costs for Native Americans in Montana and affect their ability to participate in elections and access voting locations?**

11. The characteristics of individual voters, and electoral system design, both affect voter costs. If all voters had the same history, socio-economic status, health condition,

educational level, and lived the same distance from a polling place and post office, then HB 176 and HB 530 might not be such an important issue. But there is a wide disparity between Native people and Anglo people in Montana in regard to these factors, and this has dramatic implications for access to the ballot box. This section of the report will analyze the following socio-economic factors that directly affect voter costs: Income and poverty; health; education; housing; the internet; and crime. These factors are critical to understanding the impact of HB 176 and HB 530 because these factors, in addition to the two new laws, directly increase voter costs and affect the ability of Native Americans to travel and access the electoral process, resulting in a disproportionately negative impact on Native voters.

#### **A. Income and Poverty:**

12. It is a well-known fact in political science that socio-economic well-being correlates positively with political participation: “The SES [socio-economic status] model does an excellent job predicting political participation” (Verba and Schlozman. 1995: 272). This is especially true for voting (Wolfinger and Rosenstone. 1980; Brady and McNulty. 2011). In short, “It is well known that those with higher SES characteristics tend to vote at higher rates in U.S. elections” (Brians and Grofman. 1999: 161).

13. This fact has particular relevance to minorities that tend to have lower income than their white counterparts: “In general, minority participation can be suppressed by socioeconomic factors such as less education and lower income” (Lien. 2000). Another political

scientist framed the SES/participation link as “the issue of our time” (Williams. 2004). Thus, unequal resources (money, education, health, time, internet connection, knowledge of the system, a stable home, and reasonable distance to the polls and the means to get there) mean unequal opportunities to access the polls and fully participate in the electoral process.

14. If there is one word that best describes the socio-economic status of Native Americans in Montana, it is poverty. The historic poverty of American Indians, described in detail in the historical section that follows, continued unabated through the decades of the Twentieth and Twenty-first centuries. In 1960, the Blackfeet Tribal Council wrote to the Commissioner of Indian Affairs asking for assistance, noting that “Members of the Blackfeet Tribe are generally very poor. Their income is meager” (quoted in McFee. 1972: 60). Eight years later, the town of Browning, in an application for federal assistance, described the destitution on the Blackfeet Reservation:

The overall picture is one of widespread economic impoverishment which in the case of many families is shared with emotional impoverishment. As is true among most people who live in chronic poverty, the poor people of the Reservation have a feeling of hopelessness and helplessness in controlling their own destiny (quoted in McFee. 1972: 64).

By the 1990s, the picture had not improved, as shown in the Table 1 (Brod and Miller. 1998):

Table 1: Official Poverty & Deep Poverty Rates: State of Montana & Montana’s Seven Indian Reservations (1990 Census)

	<b>100% of Poverty</b>	<b>50% of Poverty</b>
State of Montana	16.1%	6.7%
Indian Reservations*		
Blackfeet	47.0	23.7

Crow	41.7	18.0
Flathead	22.9	9.1
Fort Belknap	45.3	23.3
Fort Peck	31.6	16.0
Northern Cheyenne	48.6	23.0
Rocky Boys	47.5	16.1

\*Based on all residents of the Reservations, regardless of race

An analysis of data from ACS surveys from 2005-2016, presented in the following three tables, indicates the severity of Native American poverty in the nation as a whole (Wilson and Mokhiber. 2017).

Table 2: Median household income for Native Americans and total population (2016 dollars), 2005–2016

	<b>Native Americans</b>	<b>Total population</b>
	\$40,959	\$56,850
<b>2006</b>	\$40,198	\$57,675
<b>2007</b>	\$40,913	\$58,733
<b>2008</b>	\$42,157	\$57,879
<b>2009</b>	\$39,583	\$56,195
<b>2010</b>	\$38,595	\$55,090
<b>2011</b>	\$37,554	\$53,875
<b>2012</b>	\$36,914	\$53,697
<b>2013</b>	\$37,752	\$53,834
<b>2014</b>	\$37,745	\$54,404
<b>2015</b>	\$39,066	\$56,481
<b>2016</b>	\$39,719	\$57,617

Total population Native Americans

Source: American Community Survey data 2005-2016

Table 3: Share of people in poverty, Native Americans and total population, 2015 and 2016

	<b>Native Americans</b>	<b>Total population</b>
<b>2015</b>	26.6%	14.7%
<b>2016</b>	26.2%	14.0%

Source: American Community Survey data, 2015 and 2016

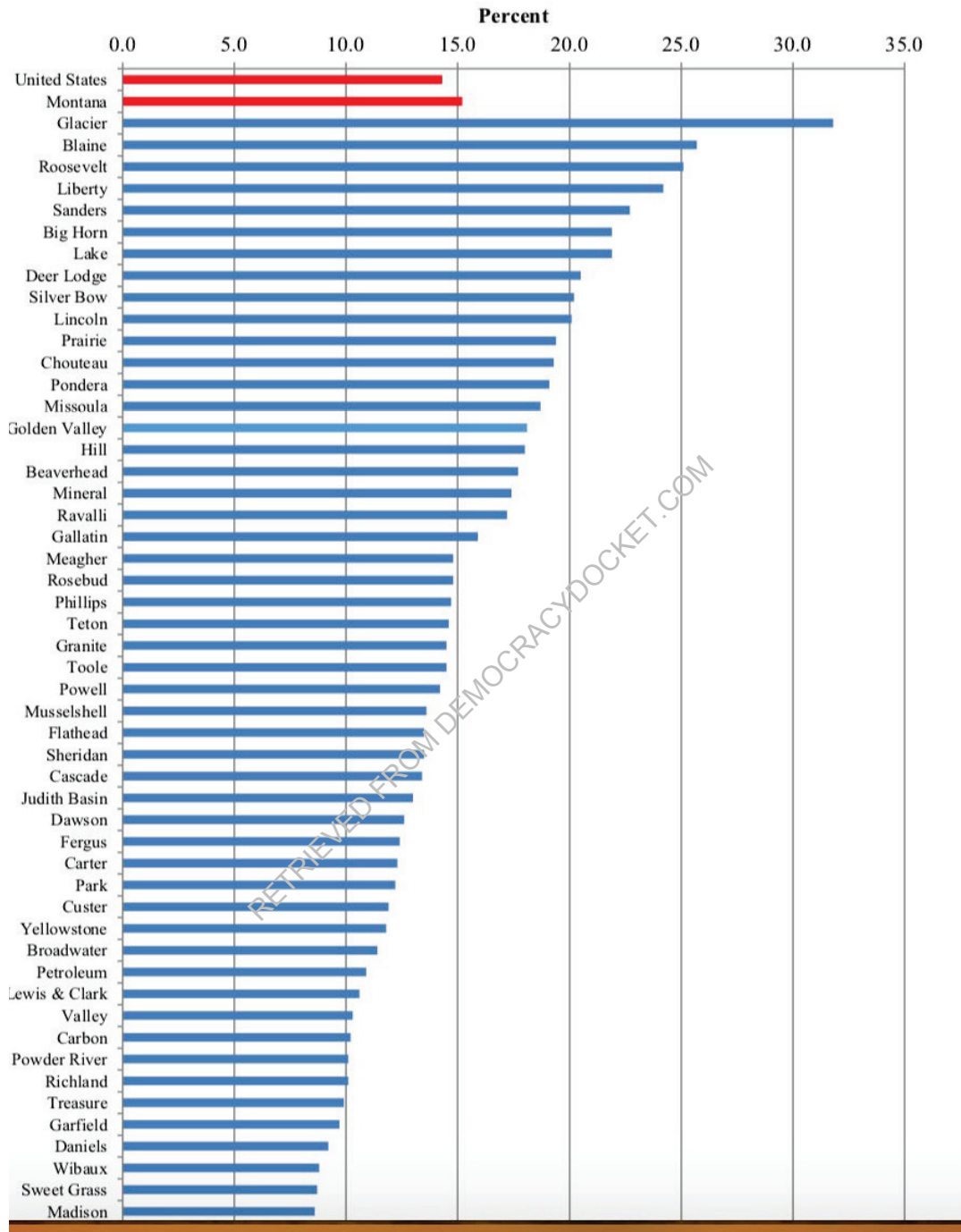
Table 4: Share of children in poverty, Native Americans and total population, 2015 and 2016

	<b>Native Americans</b>	<b>Total population</b>
<b>2015</b>	33.8%	20.7%
<b>2016</b>	33.8%	19.5%

Source: American Community Survey data, 2012 and 2013

15. The data on poverty in Montana can be examined in two ways; by race, and by county. County data is useful for comparison purposes, but no county is all-Native, or all-Anglo, and that has to be taken into consideration. However, we can see, in Table 5 below, significant differences between counties that are predominantly Native, and those that are not, (Montana Poverty Report Card. 2016). Table 5 indicates the percentage of individuals, aged 18-64, living in poverty:

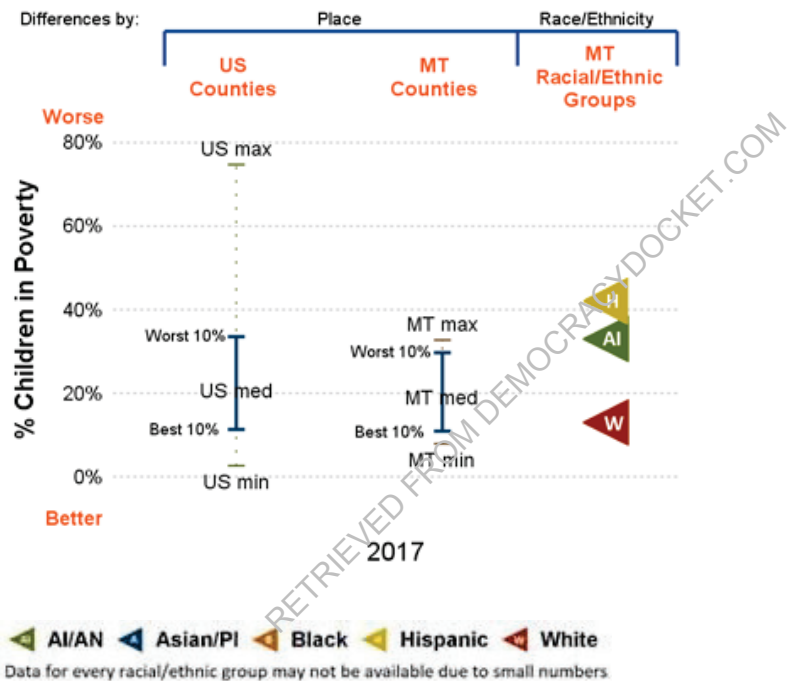
Table 5: Poverty in Montana, by County





16. The top three counties with the highest poverty levels (Glacier, Blaine, and Roosevelt) have substantial Native populations (Natives are a majority in Glacier and Roosevelt). Thus, the data for Montana reflect the national data, with Native people much poorer than their Anglo counterparts. This is especially true for children, as seen in Table 6 (University of Wisconsin 2019: 8), which breaks down the data, not by county, but by race:

Table 6: Children in Poverty, U.S. and Montana



17. Hispanics fare slightly worse than Native American children when it comes to poverty in Montana; Whites are much better off. This dismal picture of Native American children living in poverty in Montana was verified by another report called “Kids Count,” funded

by the Annie E. Casey Foundation. It found that, for the year 2018, 42 percent of Native children, but only 13 percent of Anglo children, lived in poverty in Montana (Kids Count. 2019).

18. For Native people of all ages, however, poverty is widespread. A 2019 study by the “Talk Poverty Project” found that 34 percent of Native Americans in Montana lived in poverty, but only 10.6 percent of Anglos (Talk Poverty. 2019). A more detailed analysis of poverty on Montana reservations can be obtained using data from the “Montana Poverty Report Card,” which is published by Montana State and relies upon census data from the American Community Survey of the Census Bureau. The data in the following table is for 2017 for the tribal study, and 2014-16 for the state-wide study (Montana Poverty Report Card. 2016, State of Montana; Montana Poverty Report Card. 2019, Reservations.). Table 7, below, presents data from 2014-2017, on four indicators of economic well-being: Poverty rate, unemployment rate, participation in the Supplemental Nutrition Assistance Program (SNAP), and median income:

Table 7: Indicators of Economic Well-being (2014-2017 Data)

	Poverty Rate	Unemployment Rate	SNAP*	Median Income
Blackfeet	35.8%	10.2%	19.8%	\$24,713
Crow	32.9%	18.4%	20.5%	\$48,405
Flathead	25.5%	8.7%	18.1%	\$39,936
Fort Belknap	48.2%	33.9%	34.6%	\$29,485
Fort Peck	31.6%	12.3%	18.3%	\$32,500
N. Cheyenne	36.5%	27.2%	33%	\$41,824
Rocky Boy	38.7%	13.4%	48.6%	\$30,288
Montana**	13.0%	3.9%	12.4%	\$46,020

\*Supplemental Nutrition Assistance Program

There are a few factors to keep in mind when interpreting these data. First, the Montana data were included for comparison, but keep in mind that the state-wide data include the 6.7 percent of the population that is Native American; the state data would look more favorable if it did not include Native Americans. Second, the data for Indian reservations includes the Anglos who live within the exterior boundaries of those reservations. The single anomaly is the unemployment rate for Blackfeet, which dropped by half in just four years.

19. There are several significant trends that are evident in the tables above. First, the poverty rate for Indian reservations is, at a minimum, twice that of the state as a whole. Second, the unemployment rate on the reservations is much higher than for the state; the lone bright star—Blackfeet—is still more than twice as high as the state average. Third, the use of food stamps (SNAP) on the reservations is significantly higher than the state as a whole. And finally, with the exception of the Crow Reservation, Native people have much less money in their pocket—less money to spend on a vehicle, gas, car insurance, and maintenance—all of which are necessary to travel to a post office or a ballot box.<sup>4</sup>

20. Another way to measure economic well-being is by examining employment rates. Table 8 shows, in absolute numbers, employment status and the percentage rate of unemployment. To get a sense of the relative dimensions of the employment, I included the

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<sup>4</sup> Recent research indicates that these dismal poverty figures are long-term and the result of intergenerational disparities: “black Americans and American Indians have much lower rates of upward mobility and higher rates of downward mobility than whites, leading to persistent disparities across generations” (Chetty, et. al. 2019).

latest Census data for population on each reservation, which includes all residents, not just tribal members. In parentheses below that is the number of tribal members living “on or near” that reservation, based on data from the Governor’s Office of Indian Affairs

Table 8: Employment By Tribe

Tribes	Population	Employed	Unemployed	Not in Labor Force	Unemployment Rate	Poverty Rate
Blackfeet	10,629 (7,000)	3818	383	3277	9.1%	27.5
Crow	7,623 (10,000)	2396	466	2395	16.3%	24.1
Flathead	29,926 (5,000)	12,185	979	10,161	7.4%	13.7
Fort Belknap	3,204 (3,429)	785	39	954	33.2%	39.3
Fort Peck	10,376 (3,900)	3354	553	3260	14.2%	28.5
Northern Cheyenne	4,827 (5,012)	1590	252	1296	13.7%	23.6
Rocky Boy’s	3,706 (2,500)	945	103	1378	9.8%	37.5
Turtle Mountain	9,247 No reserv	3119	342	2716	9.9%	25.6

Source: U.S. Census: “My Tribal Area,” 2021.

For comparison, the rate of unemployment for the nation in 2021 was 5.2 percent. For Montana, the overall unemployment rate was 3.5 percent for Montana and the poverty rate was 12.5 percent—keeping in mind that the Montana data include Indian reservations (State of Montana Newsroom. 2021). Also keep in mind that the lower unemployment rates for Fort Peck and Flathead may be due to the large numbers of Anglos living within the exterior boundaries of the reservation.

21. The Montana Governor's Office of Indian Affairs summed up the economic condition of Native people: "Reservation unemployment, poverty, school dropout rates, and public assistance levels are significantly higher than the Montana average. Basic infrastructure on our reservations needs to be improved" (2019). Income and employment are important indicators of socio-economic well-being, which in turn directly impact the ability of Native Americans to travel and access voting sites. The negative impact of HB 176 and HB 530 are exacerbated by these variables because they require a greater investment in travel costs and means of transportation.

#### **B. Health:**

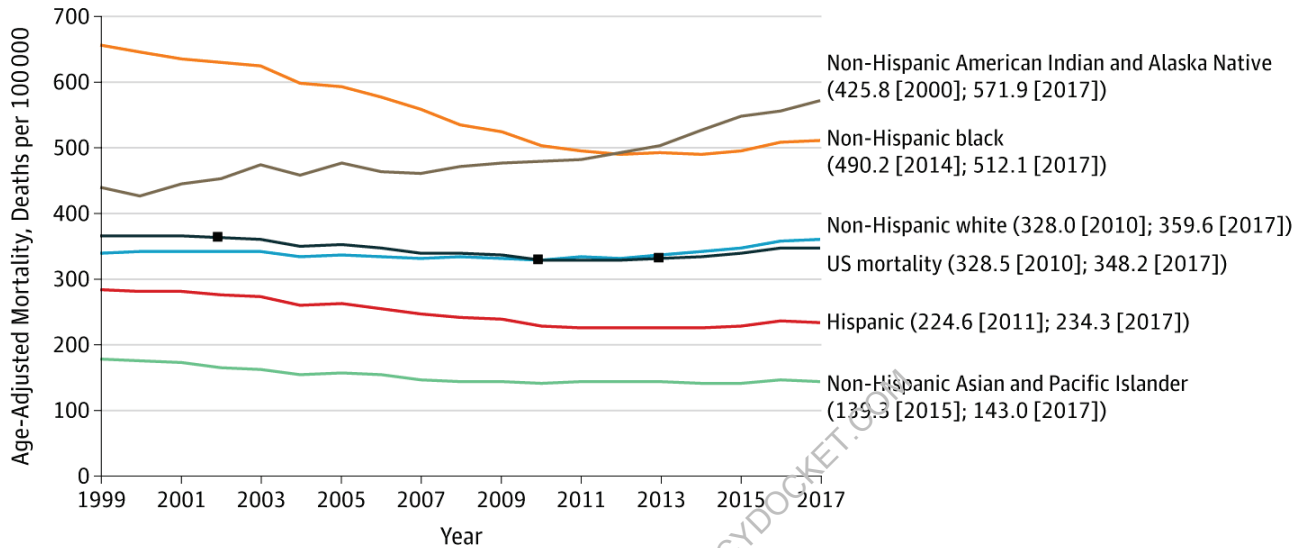
22. The dominant society does a poor job of providing adequate health care to Native Americans. The Indian Health Service explains that:

The American Indian and Alaska Native people have long experienced lower health status when compared with other Americans. Lower life expectancy and the disproportionate disease burden exist perhaps because of inadequate education, disproportionate poverty, discrimination in the delivery of health services, and cultural differences. These are broad quality of life issues rooted in economic adversity and poor social conditions. (Indian Health Service. 2021).

Another factor is that health care spending for the U. S. as a whole was \$7,649, but for Native Americans it was only \$4,692 (Dieleman, et. al. 2021: 649). A recent comprehensive study of health patterns in the U. S. documented a disturbing trend of declining life expectancy and

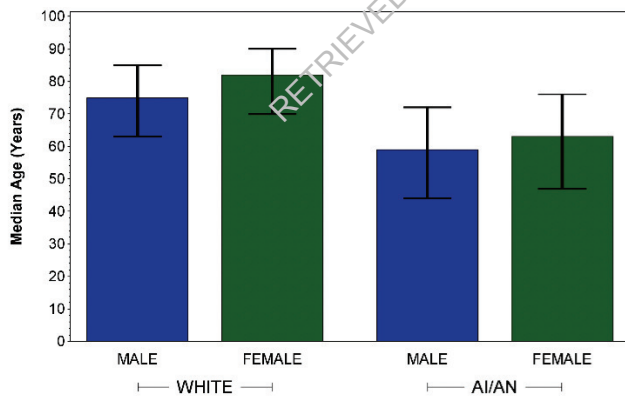
increasing health problems. The mortality rate among American Indians is the worst in the nation as shown in Table 9 (Woolf and Schoomaker. 2019):

Table 9: Live Expectancy and Mortality Rates in the U. S., 1959-2017



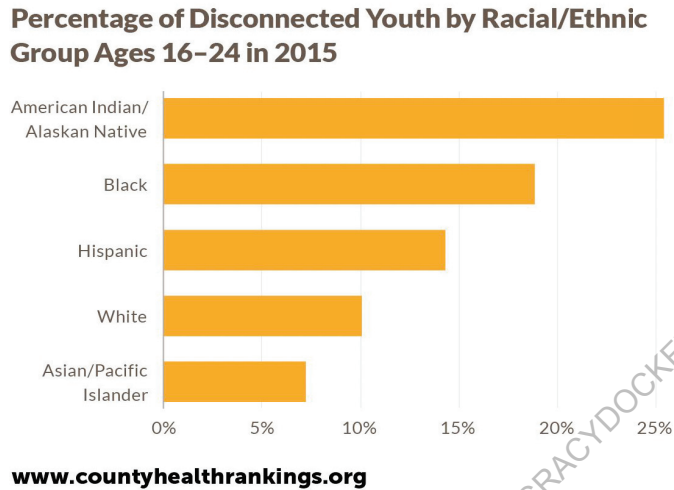
younger age than white people, as seen in the data in Table 10 (Montana Vital Statistics. 2019: 13):

Table 10: Median Age at Death, 25<sup>th</sup> and 75<sup>th</sup> Percentiles Montana Residents, 2013-2017



Another measure of health is what is termed “youth disconnection,” defined as people aged 16-24 who are not working and are not in school. As seen in Table 11, the highest rate, by far, is among Native American youth (County Health Rankings. 2019):

Table 11: Disconnected Youth



This high rate of disconnection has obvious implications for health, poverty, overall social well-being, and the ability to effectively participate in the political process.

23. Table 12, below, provides another way of examining Native American health in Montana. I have selected data for three counties—Big Horn, Glacier, and Roosevelt—because they have the highest percentage of Native Americans: Big Horn is 66.4 percent Native, Glacier is 64.7 percent Native, and Roosevelt is 60.5 percent Native (U.S. Census, Quick Facts Montana. 2021). We must be cautious in interpreting these data because they include both Native and Anglo populations in these counties; data that only included Native Americans would probably

look significantly worse. The source for this table is the “County Health Rankings and Roadmaps,” a project of the University of Wisconsin Population Health Institute (2021).

**Table 12: Health Outcomes**

	Roosevelt County	Big Horn County	Glacier County	Montana	Top U.S. Performers
Premature Death	21,000	21,300	16,400	7,100	5,400
Poor or fair health	25%	26%	27%	14%	14%
Poor physical health days	5.6	5.2	5.9	3.6	3.4
Poor mental health days	5.2	5.1	5.9	3.9	3.8
Low birthweight	8%	8%	9%	7%	6%

Source:

<https://www.countyhealthrankings.org/app/montana/2021/rankings/glacier/county/outcomes/overall/snapshot>

We can get a more accurate picture of the health of Native Americans in Montana by looking at a comparison of both the healthiest and least healthy counties along with race, in Table 13

(University of Wisconsin. 2019):

**Table 13: Differences in Health Outcome Measures among Counties and for Racial/Ethnic Groups in Montana**

	Healthiest MT County	Least Healthy MT County	AI/AN	Asian/PI	Black	Hispanic	White
<b>Premature Death</b> (years lost/100,000)	4,900	21,000	19,400	2,900	10,000	6,800	6,600
<b>Poor or Fair Health (%)</b>	11%	26%	25%	N/A	N/A	18%	13%
<b>Poor Physical Health Days (avg)</b>	3.0	5.4	5.1	N/A	N/A	3.4	3.3
<b>Poor Mental Health Days (avg)</b>	2.9	4.5	5.3	N/A	N/A	4.6	3.4
<b>Low Birthweight (%)</b>	5%	7%	9%	10%	12%	8%	7%



American Indian/Alaskan Native (AI/AN), Asian/Pacific Islander (Asian/PI)

N/A = Not available. Data for all racial/ethnic groups may not be available due to small numbers

Source:

[https://www.countyhealthrankings.org/sites/default/files/media/document/state/downloads/CHR2019\\_MT.pdf](https://www.countyhealthrankings.org/sites/default/files/media/document/state/downloads/CHR2019_MT.pdf)

As can be seen from these data, there is a stark difference in premature death rates, and health, for American Indians and White people in Montana.

24. Another analysis of health by race, using the same University of Wisconsin data base, is presented in Table 14 below. This graphic compares the length and quality of life by place and by race/ethnicity.

Table 14: Health Outcomes in Montana

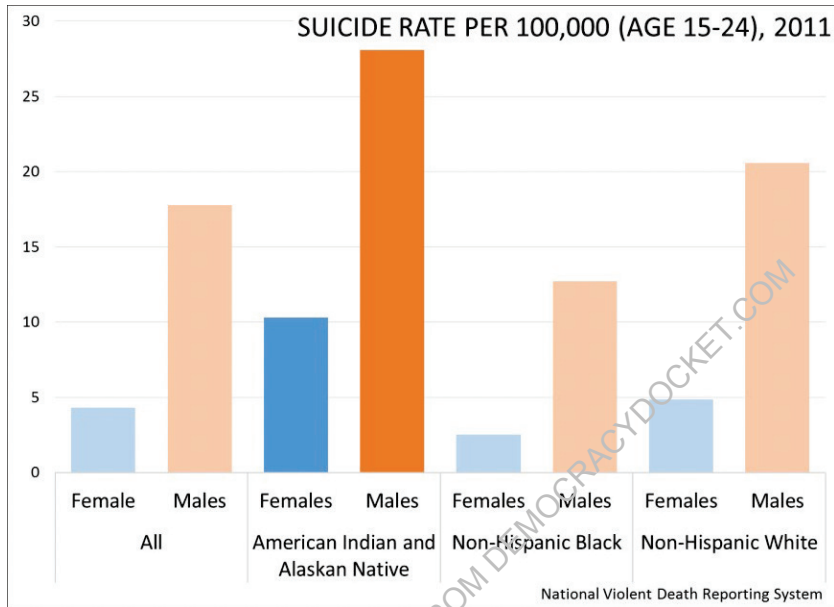
County Health Rankings 2019



25. As the report authors note: Native Americans living in Montana “are less healthy than the bottom-ranked county” (University of Wisconsin. 2019: 5). One of the reasons why life

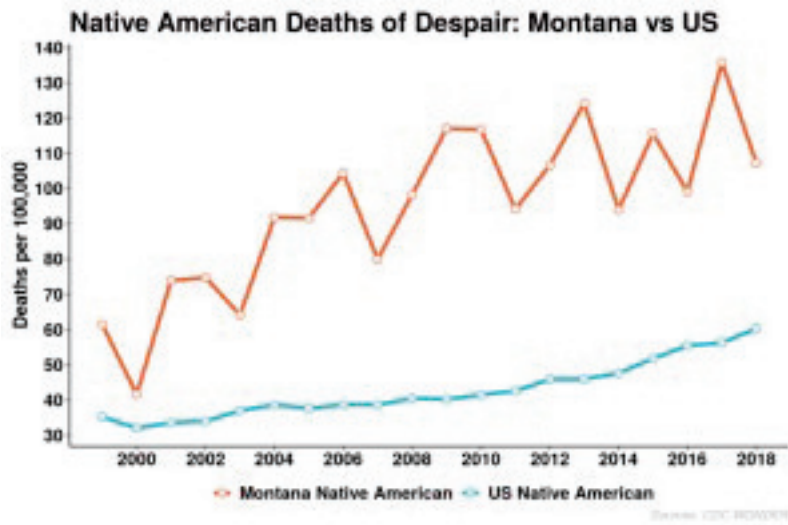
expectancy among Native people is much lower than for Anglos is because of a heartbreaking epidemic of suicide, especially among young Native American males. The national-level data is presented in Table 15 (Native Youth Report. 2014: 24):

**Table 15: National Suicide Rates, by Race/Ethnicity and Gender**



The national rate of suicide among Native Americans nationally is compared to the rate of Native suicide in Montana in Table 16:

Table 16: Suicide Rates Among Native Americans, Montana and U. S.



These data demonstrate that the Native suicide rate in Montana is significantly higher than in the rest of the country. There are many factors that explain such a tragic level of suicide, but for Native Americans, one of the important factors is historical trauma and the resulting emotional damage. Shane Doyle, a member of the Crow Tribe, explained: “Look at what has occurred here over the last 150 years. If you’re a kid, you think it’s normal to live in utter poverty. You think it’s normal to face a cascade of health issues. Unless you can see your way through to the issues of how we got here, you’re going to be weighed down by fatalism” (quoted in Suarez, 2021).

26. Another measure of health that is particularly relevant to the impact of HB 176 and HB 530 is the number of people with disabilities. Native Americans have the highest rate of disability for any ethnic or racial group in the nation (Thornton, Bezyak, and Blair, 2020).

Making one trip to town to register and vote (eliminated by HB 176), and utilizing the services of a ballot collector (eliminated by HB 530), are important benefits to people with physical disabilities. The data in Table 17 indicate the number of disabled people on Montana’s Indian reservations.

Table 17: Native Americans, by Tribe, With a Physical Disability (noninstitutionalized)

Tribes	Under age 18	18-64	65 and over
Blackfeet	54	478	269
Crow	21	359	274
Flathead	384	2128	2200
Fort Belknap	100	491	168
Fort Peck	114	752	398
Northern Cheyenne	41	329	193
Rocky Boy	27	157	72
Turtle Mountain	323	992	339

Source: U.S. Census: My Tribal Area, 2021

Those with disabilities under 18 cannot vote, but indicate a future and continuing need for assistance.

27. These disabilities impact Native Americans especially hard: “For Native Americans in Montana, the state’s Behavioral Risk Factor Surveillance System estimates demonstrate a ‘compounding effect’ among Native Americans who live with any disability. For example, there are significant differences between Montana Native Americans with disability having a higher prevalence of current tobacco use (49%) compared to their white counterparts

with disability (26%) and their Native American counterparts without disability (32%)” (Russette, Hill, and Goldman, 2020).

28. It is, of course, difficult to leave the house, drive a considerable distance to a polling place or post office, drop in a ballot, and then do the long return drive when you are in poor physical health, or disabled, and/or considering taking your own life.

**C. Education:**

29. Education, as pointed out in the section on income, is one of the best predictors of political participation. Table 18, below, is culled from 2017 American Community Survey data, and demonstrates the rates of educational attainment in the U. S. for Native Americans and the nation as a whole.

Table 18: Educational Attainment, Percentage of Population, Native Americans and the U.S.

	<Highschool	High school	Some College	Bach	Grad/Prof
N.A.	19.8	31.0	34.5	10.0	4.7
U.S.	12.0	27.1	28.9	19.7	12.3

These national-level data indicate that Native Americans have made great strides in closing the education gap through the high school level. However, the gap opens when it comes to college graduates and advanced degrees. The educational data for the next table are for each tribe in Montana, and for the state as a whole. The data is from the latest Census.

Table 19: Educational Attainment, by Tribe, and Montana

Population	% High School Grad or Higher	Bachelor’s Degree or Higher
Blackfeet	89.6	21.4
Crow	89.3	15.7
Flathead	91.0	26.8
Fort Belknap	87.6	14.6
Fort Peck	86.4	16.7
Northern Cheyenne	90.3	15.4
Rocky Boy	82.7	10.1
Turtle Mountain	85.7	17.4
All Montana residents	93.6	32.0

Source: U.S. Census: “My Tribal Area,” 2021, and Montana Quick Facts, 2021.

These data are similar to national-level data, although the gap at the high school level is greater, and the gap at the college level remains significant.

30. In today’s economy, one of the most important factors in economic success is a college degree. Unfortunately, there is a significant gap between Indian and Anglo success in earning a bachelor’s degree, as the data in Table 20 show (Kids Count Data Center, Montana Bachelor’s Degrees. 2018):

Table 20: Montana Educational Attainment by Race: Bachelor's Degree

Race	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
White	28%	28%	30%	29%	31%	30%	31%	32%	32%	33%
AIAN	14%	12%	14%	12%	13%	11%	11%	11%	15%	16%

Source: U.S. Census Bureau, American Community Survey, The Annie E. Casey Foundation Kids Count Data Center

Twice as many Whites, in percentage, graduate from college as Native Americans. Part of the reason may be that Native students are not well prepared to go to college. Due to the many

factors discussed in this report, Native Americans experience less success in public schools, as demonstrated by the low test scores in Table 21 (Montana Office of Public Instruction. 2018).

Table 21: 2017-2018 Mean ACT Test Scores by Domain and Race

	Composite	English	Math	Reading	Science	ELA
AIAN	16.1	14.3	16.4	16.7	16.3	14.5
White	20.1	18.9	20.1	20.8	20.2	18.9
College Readiness	22	18	22	21	23	-

31. The difficulties that Native American students face—poverty, isolation and long distances, poor health, infrastructure problems—combine to result in a significantly lower high school graduation rate; “Montana has a long-held achievement gap between the overall student body and Native American students, which often reflects economic status. The 18.9 percent achievement gap in 2017 is the smallest it’s been in five years” (Friesen. 2018). The latest data on high school graduation rates show that the state’s overall high school graduate rate hit a record high of 86.6 percent, but unfortunately the rate of Native graduation fell to 66.7 percent last year (Arntzen. 2020)

32. A lack of education has a direct impact on an individual’s ability to understand how the electoral system works, putting them at a disadvantage. Dulcie Bear Don’t Walk, the Elections Administrator for Big Horn County, alluded to this: “...we have a lot of voters who don’t have the level of education, who have English as a second language, and I think that, for

us, a lot of people didn't understand exactly what it was they were voting for [in reference to the vote on BIPA]" (Bear Don't Walk Deposition. 2020: 29).

33. Education, it is often said, is the key to success. It is also an important predictor of political participation, and helps determine the ability of an individual to understand complex policies, election procedures, election deadlines, the stances of candidates, and the significance of voting. The gap in educational attainment between Native and Anglo Montanans is therefore a gap in the ability to participate in elections.

#### **D. Housing:**

34. Native American communities and homes often lack the basic infrastructure that is commonly found off-reservation. For example, a recent study found that Native American households in the U. S. were 19 times more likely than Anglo households to not have indoor plumbing (Dig Deep. 2019: 13). Nearly half the homes on Indian reservations do not have access to reliable water sources (House Committee on Natural Resources. 2016).

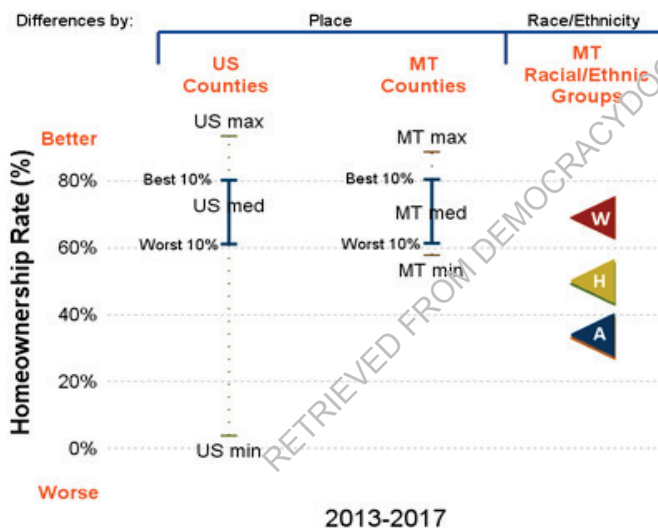
35. On Indian reservations a large portion of the housing is provided by the tribe and is thus a community resource. Much of the housing is of poor quality and sub-standard. A 2016 investigation by the *Great Falls Tribune* described the housing on the Blackfeet Reservation in these terms: "It's a third-world neighborhood in America." The director of the Blackfeet Housing Authority stated that: "It's not unusual to find a grandma who has 15 people in her home" (Murray. 2016). Dulcie Bear Don't Walk described a similar situation at Crow and



Northern Cheyenne: “...there is an extreme housing shortage... you could have four different generations living within the same household. We’ve run into it where there has been 20 people—20 people—in a household” (Bear Don’t Walk, deposition. 2021: 75). This has important implications for mail-in voting.

36. Given the high rates of poverty and the shortage of housing, owning a home on the reservation is difficult. Table 22 demonstrates that Native Americans have a considerably lower rate of home ownership (University of Wisconsin. 2019):

Table 22: Home Ownership, by Race/Ethnicity, in Montana



The “A” indicates American Indian; “H” is Hispanic, and “W” is White.

37. Another aspect of the housing situation on reservations is the need to move often. Native people have a high rate of mobility within the reservation. This may be due to

the housing shortage or simply lack of income for rent. Table 23 shows, in absolute numbers, how many people changed domiciles in recent years.

Table 23: Mobility, by Reservation

Tribe	Moved in 2017 or later	Moved in 2015 to 2016
Blackfeet	93	386
Crow	63	140
Flathead	1269	1798
Fort Belknap	57	67
Fort Peck	249	377
Northern Cheyenne	106	122
Rocky Boy	23	97
Turtle Mountain	159	314

Source: U.S. Census: "My Tribal Area," 2021

38. The lower rate of home ownership can cause problems with mail-in ballots because people who do not own homes or move often may not have a current physical address where they can receive a ballot. If voter registration requires a current address in order to vote, many tribal members will have to repeatedly go through the process of changing these documents before they vote. This could mean repeated lengthy trips into a border town. The registration form is available on-line:

Fill out a [voter registration form](#) if your name or address information has changed and has not yet been updated with the county election office (Secretary of State's website: <https://app.mt.gov/voterinfo/>)

But that requires internet service, which is a problem for many Native Americans (see data below).

39. If tribal members want to escape poor housing on the reservation, and move to an urban area, they may have difficulty finding a landlord who will rent to them:

In 2003, the U.S. Department of Housing and Urban Development (HUD) conducted a study in Montana, Minnesota, and New Mexico. This was the “first time that HUD has included Native Americans in a study of housing discrimination,” according to Gary Gordon, the executive director of the National American Indian Housing Council. The study sent test applicants of different ethnicities to multiple locations to apply for housing. The study was conducted in metropolitan areas, and Native American participants were members of various tribes who make up the largest populations in each region. The results determined that Native Americans are discriminated against more often than any other ethnic minority on the basis of rental housing. Of those surveyed, discrimination against American Indians occurred 28.5% of the time when families or individuals applied for rental housing (YWCA, 2017: 35).

Of course, inferior housing is better than no housing; 20 percent of Montana’s homeless population is Native American, even though they are only 6.7 percent of the population (YWCA, 2017: 34).

40. Poverty, discrimination, inadequate tribal housing budgets, and remoteness all contribute to the housing problems on Indian reservations in Montana. It is difficult to vote, especially with mail-in ballots, when you do not have a decent roof over your head or no home at all, or no viable mailing address.

#### **E. The Internet:**

41. One of the most important components of infrastructure in terms of accessing government services—including registering to vote and receiving information about voting,

candidates, and elections services—is the internet. But Native Americans are the least connected people in the U. S. An analysis conducted by the Government Accountability Office (GAO) found that 35 percent of households on Indian reservations did not have broadband service, compared to 8 percent for the nation as a whole (GAO. 2018). Having broadband service is only part of the equation; the other part is the ability to pay for a subscription service. Recent data from the American Community Survey show that the internet subscription rate for Native Americans is 67 percent, compared to 82 percent for non-Natives (Wang. 2018). The reasons for poor internet access are some of the same reasons why Native people have less access to the electoral process:

Tribal lands often present significant obstacles to deploying broadband and are expensive to serve. These challenges to deployment on Tribal lands include rugged terrain, complex permitting processes governing access to Tribal lands, jurisdictional issues involving states and sovereign Tribal governments, lack of necessary infrastructure, and a predominance of residential, rather than business customers. High poverty rates and low-income levels on Tribal lands, as well as cultural and language barriers, further inhibit the widespread availability of broadband to Tribal residents (Federal Communications Commission. 2019: 2).

The data on computer and internet connections in Montana are presented in Table 24:

Table 24: Computer and Internet Use in Montana and on Reservations

Geographic Unit	% Households w/ Computer	% Household w/ internet subscription
Montana	88.9	80.7
Blackfeet Reservation	65.4	60.3
Crow Reservation	71.9	59.3
Flathead Reservation	86.8	75
Fort Belknap	74.2	62.7
Fort Peck Reservation	74	60.6

N. Cheyenne Reservation	71.7	52.8
Rocky Boy's Reservation	58.8	47.9
Turtle Mt. Reservation	77.3	65.6

Source: U.S. Census, Montana Quick Facts, and My Tribal Area, SCS data, 2021

The same caveats apply to these data as the other tables in this report that compare the state to each reservation; the state data includes Native Americans, and would look appreciably better if that data was not included; and, some reservations, such as Flathead and Fr. Peck, contain significant numbers of non-Natives, which probably improves the data for those areas.

42. The lack of an internet connection is only part of the problem. A potential user must have the requisite computer, and if they are printing government forms, they need a printer. Assuming a Native voter has all of these components, it may be possible to access all of the services listed below provided by the Secretary of State's Office of Election and Voter Services (<https://sosmt.gov/elections/vote/#how-to-register-to-vote>)

- [Voter Registration Application](#)
- [Application for Absentee Ballot](#)
- [Check Your Voter Registration Status](#)
- [Reactivating Your Registration If You Are on the Inactive List](#)
- [Military and Overseas Voter](#)
- [Individuals With a Disability, click here for more information](#)

If an individual wants to, for example, register to vote via the application mentioned above, it requires a printer with paper and a postage stamp and access to postal services. If a Native voter wants to take advantage of the innovative services provided on the "My Voter Page,"

they will need an active internet connection, had paid their monthly bill to a subscription service, and a computer or smartphone (<https://app.mt.gov/voterinfo/>). Then, they can access:

Welcome to My Voter Page, the Secretary of State's voter information service.

Use this service to check

- If you are registered to vote
- Your voter registration address
- Location and directions to your county election office\*
- If you are on the list to have ballots mailed to you
- The status of your mailed ballot\*
- A sample ballot\*

If a citizen wants to register to vote, they have three choices:

- Visit your county election office Monday through Friday between the hours of 8 a.m. and 5 p.m. and complete a registration form. **Late registration closes at noon on the day before an election.**
- Fill out and sign a voter registration application and drop it off at your county election office, or mail it to the county election administrator. ID numbers provided on the voter registration card are kept confidential and are not available for public inspection.
- Fill out and sign a registration form when you apply for or renew your driver's license or Montana ID.

If a citizen lives in one of the many areas of a reservation without broadband service, or has service but cannot afford the monthly bill for a service provider, and does not have a working computer with printer, they cannot download the forms. The other option is to drive to the nearest county election office or a driver's license office, which are often in a border town. That drive, as described in the section above on distance, could present a significant investment in time, money, and risk.

43. If the Native voter wishes to renew their driver's license, which they will need if they have to drive to a polling place or post office, they can do that on-line:

1. For a standard Class D license, download the instructions page and Mail-in Renewal Standard License (form 25-0100).

2. Enclose a check or money order payable to MVD: Please use the age you will be on the expiration date. (<https://dojmt.gov/driving/driver-licensing/#DLID3>).

However, they will need the requisite on-line computer. To obtain a driver's license, they must do that in-person and travel to a driver's license station, but first they must schedule an appointment on-line. Many of these are in county courthouses, most are a long distance from reservation communities, and some are in border towns (see discussion below regarding discrimination in border towns). But without internet and a computer, they cannot access the map that shows the location of these stations (<https://dojmt.gov/driving/driver-exam-stations/>) and they cannot schedule an appointment.

44. The fee for getting a state ID card is \$16.48 if the applicant is over 21. The fee for obtaining a driver's license—necessary to drive to a polling place if ballot collection is not offered—varies with age, and ranges from \$5.67 (if the applicant is 74 years old) to \$71.59. The expenses to vote start to pile up. Even obtaining a tribal ID card can be challenging. A member of the Crow Tribe explained: "IDs are so hard to get; Big Horn County has only one location to get an ID, the county courthouse, by appointment only, and takes about 3-6 months based on personal experience. Everyone needs an ID. Tribal IDs are a form of federal ID, but they were hard to get, so people had outdated IDs. The machine that makes them broke down" (Kindness. 2021).

45. It is clear that the state of Montana relies heavily on the internet to convey information that is critical to the process of registering to vote, and finding information

regarding the location of driver's license offices and polling places. These on-line services are very convenient for people with internet; for those who do not, they are burdened with significant information costs. And it is not just state offices that depend on the internet to convey information to voters; counties also rely on the internet. One county clerk indicated recently that Facebook was a principal method of sharing information (Scribner. 2020: 83). Another indicated that "we communicate through our website" (Moore. 2020: 17).

46. The Data in Table 24 above clearly demonstrate a marked difference in internet accessibility between the state as a whole and Indian reservations. Many Native people cannot access the "My Voter" page, cannot register to vote on-line, and cannot access the basic information that is needed to register, get a driver's license, and vote. In short, to participate equally in the electoral process in Montana, it is very helpful if not a necessity to live in an area that has broadband service, the ability to pay the monthly bill for service, and have access to a computer and a printer. This leaves out a substantial portion of the Native American community.

#### **F. Crime:**

47. It is difficult to focus on civic duties when one is worried about being raped and/or murdered. Native people in Montana are four times more likely to be murdered than the population as a whole. The rate of violence against Native people, especially women, is stunning:



In Montana, Native Americans make up about 7 percent of the population, but they account for about 26 percent of missing persons. Between 2017 and 2019, nearly 80 percent of those reported missing were teenagers younger than 18 years of age. Native American Women face a murder rate 10 times higher than the national average, and 84 percent experience some form of violence in their lifetime (State Tribal Relations Report. 2021: 9).

Former Attorney General William Barr visited the Flathead Indian Reservation in 2019 to announce a new initiative to combat missing and murdered Native Americans called the “Missing and Murdered Indigenous Persons Initiative (Balsamo and Fonseca. 2019). He noted: “American Indian and Alaska Native people suffer from unacceptable and disproportionately high levels of violence, which can have lasting impacts on families and communities” (Reilly. 2019). Two statutes have been passed by Congress in an attempt to deal with this plague (Savanna’s Act. 2020; Not Invisible Act. 2020; Biden. 2021).

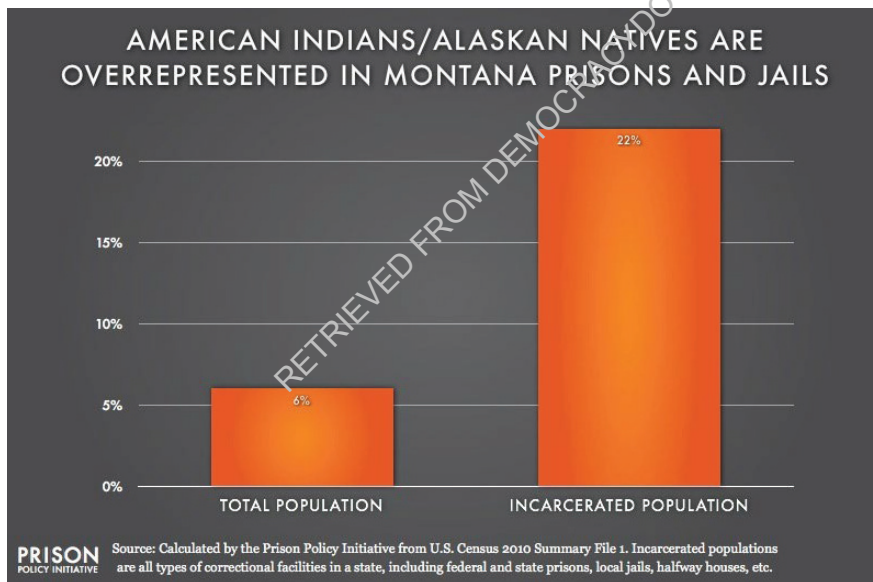
48. Unfortunately, Montana has become ground zero for crimes against Native women (Speier. 2019). Native women are only about 3 percent of the state’s population but they are about 30 percent of the people on the missing persons list (*Missoulian*. 2019). One out of every three Native women report being raped (YWCA 2017: 15). The problem became so severe that the state passed a law titled “Hanna’s Act” to fund a new position called a “missing persons specialist.” The bill was named after a Native woman who went missing on the Northern Cheyenne Reservation and was later found murdered (Woodel. 2019; Baker. 2019).

49. This stunning rate of rape and murder necessitate a different kind of voter calculus when voting. A Native American woman has to decide if it’s worth the risk to leave the

house and drive a long distance to the poll/post office and back, just to vote. The drive may be in the dark and she may have to do it alone. None of the rest of us carry a burden like that. Or, she can give her ballot to a paid ballot collector she trusts.

50. Native people in Montana are not only over-represented as victims of crime, they are over-represented in the criminal justice system (Tollefson. 2017). As a report from the Montana Budget and Policy Center states, “American Indians... are arrested and incarcerated at a disproportionately higher rate than white Montanans” (2018). Table 25 shows the disparity, according to data from the 2010 Census:

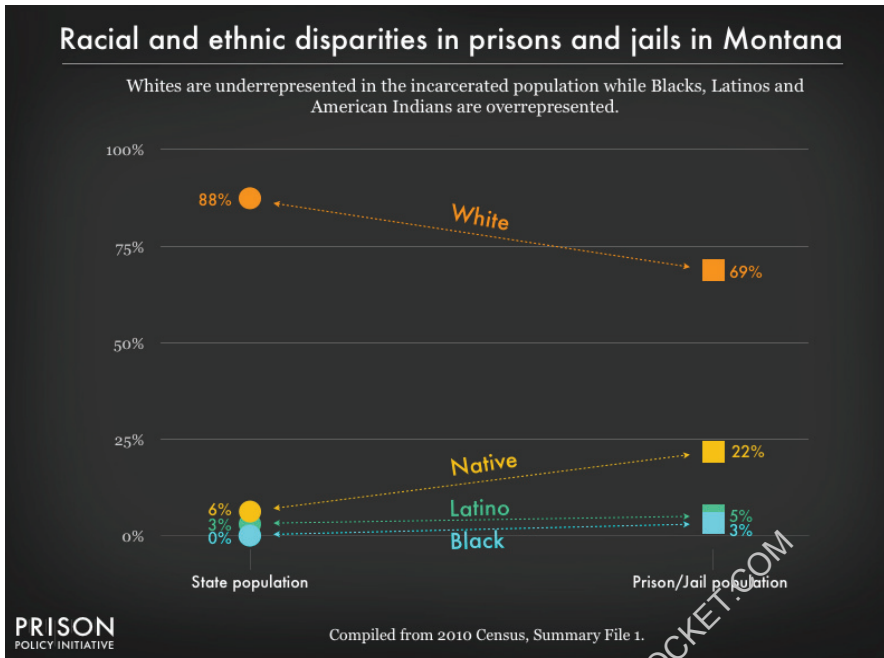
Table 25:



Source: [https://www.prisonpolicy.org/graphs/2010percent/MT\\_American\\_Indian\\_2010.html](https://www.prisonpolicy.org/graphs/2010percent/MT_American_Indian_2010.html)

In contrast, White Montanans are under-represented, as the data in Table 26 demonstrate:

Table 26:



Source: [https://www.prisonpolicy.org/graphs/2010percent/MT American Indian 2010.html](https://www.prisonpolicy.org/graphs/2010percent/MT%20American%20Indian%202010.html)

51. The data in the two tables above are based on the 2010 Census. Data from 2017 indicate that the problem had grown worse. The incarceration rate for Native women is especially high, as shown in Table 27, below, which is from a report by the Montana Tribal Relations Committee:

Table 27: Percent of Montana’s offenders that are American Indian by gender\*

	American Indian Women	American Indian Men
Prison	33%	20%
Alternate location+	31%	22%
MT parole and probation	20.5%	14.5%
Other jurisdiction custody or supervision^	9%	8%

All of state custody by gender	22%	16%
Percent of Montana's total population	~3.32%	~3.38%

\*As of 6/30/17

+Interstate compact supervision, federal custody, other state jail or prison

^ Prerelease, chemical dependency/alcohol treatment, assessment/revocation center, county jail

The most recent data available is from the 2021 biennial report of the Montana Department of Corrections; it indicates that 18 percent of the prison population is Native American; that is more than twice their proportion of the state's total population (Montana Department of Corrections. 2021: 7-8).

52. In Montana, there is a perception that the state's criminal justice system is not fair to Native people, and some people do not trust law enforcement off the reservation. Marci McLean said in an interview that: "[We are] not treated equally, and the criminal justice system is not good; a lot of racial profiling. The system is not set up for us culturally" (McLean. 2020). Ta'jin Perez reiterated that point: "There's the 'DWI' thing—driving while Indian. It's predatory, and that causes a lot of stress when tribal people leave the reservation" (Perez. 2020). Robert McDonald made a similar observation: "I work in a building of about 100 people, tribal employees, and almost everyone has a story about being followed in a store, or being stopped by cops for a low tire under suspicious circumstances, even my own son. He was stopped for swerving on a corner. That is not uncommon" (McDonald. 2020).

\*\*\*

53. In sum, people who are living in poverty, less educated, unhealthy, poorly housed or homeless, concerned with being raped or murdered, and intimidated about traveling to a border town that may be hostile (see section on border town discrimination below), may have difficulty prioritizing voting; they face a daunting set of voter costs. They may, instead, be focused on survival. These socio-economic voter costs were succinctly summarized by Andy Werk, the President of the Fort Belknap Indian Community: "...the higher unemployment, higher poverty, lack of working vehicles, lack of money for gasoline or car insurance, lack of a driver's license, lack of childcare, makes the long travel to the voting site off-reservation simply impossible for many" (quoted in Montana Advisory Committee Hearing Transcript. 2021: 12). In other words, it's a personal calculation—a "calculus of voting"—that every voter must make (Riker and Ordershook. 1968). For some Native people, these voter costs are so overwhelming that they do not vote.

54. Voter costs are cumulative, so these socio-economic disadvantages must be added to any additional voter costs that are incurred due to design features of the electoral process—such as those imposed by HB 176 and HB 530. "The logic is straightforward. People weigh the benefits of voting against the costs, and the higher the costs the lower the participation rate" (Ansolabehere and Konisky. 2006: 83). For a voter with high socio-economic voter costs, assistance from someone who is willing to deliver their ballot for them, which dramatically lowers their procedural voter costs, may be the only way they can participate in elections. HB 176 and HB 530 have a direct impact on these procedural voter costs; those

increased costs must be added to the socio-economic voter costs addressed in this section, as well as the historical factors and the long-standing problems with discrimination analyzed via research questions 4 and 5, below.

**III. QUESTION 2: Do HB 176 (the elimination of Election Day Registration), and Sec. 2 of HB 530 (the prohibition on paying ballot collectors) increase voter costs for Native voters and thus have a disproportionate and negative affect on Native American voters in Montana and deprive them of an equal opportunity to participate in elections?**

55. Every public policy creates both costs and benefits. Policy analysts evaluate public policies by comparing what is gained to what is lost to assess the impact of a particular policy. This balancing of costs and benefits is actually recognized in Montana law:

...sound public policy concerning the conduct of elections often requires the balancing of various elements of the public interest that are sometimes in conflict. Among these factors are the public's interest in fair and accurate elections, the election of those who will govern or represent, and cost-effective administration of all functions of government, including the conduct of elections (Mont. Code, 13-19-101. 2021).

Thus, the public policy advantages that accrue from HB 176 and HB 530 must be weighed against the disadvantages—the increases in voter costs for many voters, especially Native Americans. I will first analyze the voter costs associated with HB 176 and HB 530, and then analyze the claimed benefit.

## **A. The Voter Costs of HB 176:**

56. HB 176 excised the freedom to register on Election Day. This has significant ramifications for voter costs for all voters. However, those ramifications are felt most severely by Native American voters because of the distance they must travel to register and vote and because of the difficulties they face in securing transportation. In this section I will first review the political science literature on Election Day Registration (EDR), and then provide an analysis of the distances Native voters must travel to access voting sites. The issue of distance is exacerbated by the socio-economic factors analyzed in the previous section.

### **1. Election Day Registration and Turnout:**

57. The political science literature is amazingly consistent in regard to the relationship between Election Day Registration (EDR), the costs of voting, and the consequent impact on turnout. Findings from numerous studies indicate that EDR lowers voter costs and increases turnout:

> “Indeed, it is well established that a substantial reduction in registration barriers such as a state's adoption of election day registration (EDR) increases turnout...” (Brians and Grofman. 1999: 162).

> “The evidence on whether EDR augments the electorate is remarkably clear and consistent. Studies finding positive and significant turnout impacts are too numerous to list. Estimates of the size of this impact vary, but the most convincing studies—those incorporating a time-series dimension—produce estimates of three (Rhine, 1995) to five (Fenster, 1994) percentage points” (Knack and White. 2000: 30).

- > “We find that the very groups who would be expected to find election day registration an easier process, those who are younger, more residentially mobile, lower on the socioeconomic ladder, nonwhite, and newly naturalized citizens of the US would benefit in important ways from election day registration.... Groups with the lowest turnout rates see the most substantial gains under our national election day registration scenario” (Alvarez, Ansolabehere, and Wilson. 2002: 3, 16).
- > “Studies of voter turnout across states find that those with more facilitative registration laws have higher turnout rates. Eliminating registration barriers altogether is estimated to raise voter participation rates by up to 10%” (Ansolabehere and Konisky. 2006: 83).
- > “Election Day registration has a consistently positive effect on turnout... The only consistent way to increase turnout is to permit Election Day registration” (Burden, Canon, Mayer, and Moynihan. 2014: 95,108).
- > “Many studies conducted since the mid-1970s—when EDR was introduced in Wisconsin, Maine, and Minnesota—have produced varying and often sizable estimates of the increases in voter turnout attributable to EDR ” (Neiheisel and Burden. 2012: 637).
- > “We estimate that an additional 3-4 million Americans would have registered in time to vote, if deadlines had been extended to Election Day” (Street, Murray, Blitzer, and Patel. 2017: 225).
- > “Political scientists generally agree that EDR boosts turnout significantly; indeed, there is broader consensus among social scientists about the effect of EDR on turnout than there is with respect to any other voting reform” (Ho. 2019: 185-86).
- > “Reforms such as Online Voter Registration, Election Day Registration, youth pre-registration, as well as Automatic Voter Registration decrease the burden for prospective voters” (Merivaki and Smith. 2020: 59).
- > “Our analysis suggests that the most effective reforms are those that make registration easier” (Holbein and Hillygus. 2020: 156).
- > “Studies find that same day registration (SDR) laws increase turnout” (Grumbach and Hill. 2021).
- > “There is strong evidence that same-day and Election Day registration increases voter turnout” (National Conference of State Legislatures. 2021).



58. The reason why EDR directly affects voter costs, and thus turnout, is because it converts two processes—registration and voting—into one act: “registration and voting can be one essentially continuous act.” Otherwise, “participation in an American election requires two actions that are separate in time and space” (Wolfinger, Highton, and Mullin. 2005: 2). EDR also allows eligible voters who have not registered, or have been culled from registration lists, to register and have their vote count. Merivaki and Smith conclude: “Innovations by states, including Same Day and Election Day registration... directly resolve the voter registration deadline problem” (2020: 62). EDR is especially appealing to voters who have to travel long distances, have limited transportation options, do not have reliable internet, and have an income level that inhibits multiple trips to a distant location, i.e., Native Americans. As of 2021, 20 states offer same-day registration; of those, 18 offer Election Day Registration (National Conference of State Legislatures. 2021). There is no evidence that EDR in any of these states has led to voter fraud.

59. During the House hearings on HB 176, six people spoke in favor of the bill, including the sponsor and the Secretary of State, but 15 people spoke against it, arguing that the bill diminished the freedom to vote for Native Americans, people with disabilities, students, the elderly, low-income women, rural voters, and all citizens. In the Senate hearings, three people spoke in favor of the bill, including the sponsor, but 17 spoke against it, again pointing out the increased voter costs and the loss of the freedom to register on election day (HB 176. 2021. House Hearings, Jan. 21; HB 176. 2021. Senate Hearings, Feb. 15)

60. Election Day Registration has been quite popular in Montana since it was initiated in 2005, when it passed the legislature with overwhelming bipartisan support. It was the subject of a referendum in 2014, and again received wide support (Ballotpedia. n.d.). Table 28 indicates the number of people who have utilized this time-saving and cost-reducing feature of the Montana electoral system:

Table 28: Election Day Registrations

YEAR	Election Day Registrations
2020	8,172
2018	8,053
2016	12,055
2014	4,677
2012	8,053
2010	3,735
2008	7,547
2006	4,351

Source: Montana Secretary of State (<https://sosmt.gov/elections/latereg/>)

61. For the 2020 General Election, in the 16 counties that contain Indian reservations, nearly 3,000 people registered on Election Day. Most of these counties are sparsely populated, and a pandemic was raging. As a percentage of people who voted in-person on Election Day, that number is significant. Given the popularity of EDR, and the consistency in the political science research regarding the impact of EDR, it is obvious that the biggest result from passing this legislation will be to increase voter costs and depress turnout, especially among Native Americans. With limited travel options over long distances (see next section), making one trip to town to both register and vote is a way for Native voters to reduce their

voter costs. EDR also allows Native voters who did not realize they were not registered, perhaps because they don't have access to the internet or they are unfamiliar with state requirements, to register and vote on Election Day.

## **2. Distance:**

62. Montana is sometimes referred to the "Big Sky" state, but it could just as accurately be called the "Big Reservation" state. Some of the largest Indian reservations in the nation are in Montana, and some of them are located in large, sparsely populated counties. For example, the U. S. Court of Appeals in *U. S. v. Blaine County* noted: "Blaine County, located in north central Montana, is vast and sparsely populated. Its 7,009 residents are spread out over 4,638 square miles, which places the County in the top 5 percent of counties nationwide in terms of size" (363 F.3d 897, 2004: 900). There is a substantial body of academic literature that demonstrates that long distances and difficult travel reduce voter turnout even for groups that have a high turn-out rate (Brady and McNulty. 2011; McNulty, Dowling and Ariotti. 2009; Dyck and Grant. 2005; Gimple, Dyck, and Shaw. 2005). Stein, Mann, and Stewart note: "Previous research on polling places has identified access to the polling place, the quality of polling place facilities, and polling place operations as consequential to the voting experience" (2020: 84). This literature is succinctly summarized by Gimpel and Shucknecht: "Even after controlling for variables that account for the motivation, information and resource levels of local precinct populations, we find that accessibility does make a significant difference to turnout" (2003: 471). The effect of difficult access is mitigated somewhat by the choice of switching to mail-in

voting, but that assumes that the nearest post office is nearby and easily accessible, which is often not the case on Indian reservations (Tucker, De León, and McCool. 2020).

63. Most Montana reservations are sparsely populated and are characterized by large amounts of open space. Donovan Archambault from the Fort Belknap Reservation made this statement in the “Barriers to American Indian Voting in Montana” study conducted by the Montana State Tribal Relations Committee: “The barriers to access to voting places are basically long distances from the reservation and financial hardship” (2019). Mark Wandering Medicine is quoted in that same report: “My people can’t make it. Many of us don’t have cars, or don’t have gas money. In my village we don’t have a gas station. We can’t vote by mail because we don’t have a post office.” During the hearings on SB 352 in 2017, Senator Lea Whitford, from the Blackfeet Reservation, said to the sponsor of the bill: “I don’t know that you’re very familiar with the Native American communities [but being] able to get to the Post Office is kind of a difficult thing” (Committee on State Administration. 2017: 36). Another tribal member talked about the poor quality of some reservation roads: “I’ve been to places where you need a 4x4 pickup to get to some of these homes. Sometimes even then you can’t get to these places. All throughout this reservation getting access to transportation, especially with the distances, it’s really bad” (Yawakie. 2020).

64. Table 29, below, indicates the number of enrolled members for each reservation, how many of those enrolled members live on or near the reservation, the size of the reservation, and the Native population density per square mile.

Table 29: Native Population, Density

	Enrolled Members	On-Reservation	Acreage	Square Miles	Population Density
Blackfeet	15,560	7000	1.5 mil	2343.7	2.98
Crow	10,000	7500	2.2 mil	3437.5	2.18
Flathead	7753	5000	1.2 mil	1875.0	2.67
Fort Belknap	6693	3429	650,000	1015.6	3.38
Fort Peck	11,786	6000	2 mil	3125.0	1.92
N. Cheyenne	11,266	5012	444,000	693.7	7.22
Rocky Boy	6177	2500	122,000	190.6	13.11

Source: Montana Governor’s Office of Indian Affairs, 2019

This table reflects only tribal members living on their reservations, not Anglos, and not tribal members living off the reservation. Due to the Dawes Act, reservation lands were allotted and the “surplus” land sold to settlers (1887). As a result of that policy, a substantial number of Anglos live on reservations, as shown in Table 30 (Tribal Nations in Montana. 2016:12). The totals are different than the table above because these data are from the 2010 Census, not the more recent American Community Survey data.

**Population in Montana by Reservation, 2010**

Reservation	American Indian/Alaska Native Population	Total Population	Percentage American Indian/Alaska Native
Blackfeet	8,944	10,405	86%
Crow	5,322	6,847	78%
Flathead	7,042	28,359	25%
Fort Belknap	2,704	2,851	95%
Fort Peck and Trust Lands	6,715	10,021	67%
Northern Cheyenne	4,402	4,785	92%
Rocky Boy’s and Trust Lands	3,221	3,323	97%

Source: 2010 U. S. Census, Tribal Areas

65. The significant point is that tribal voters are dispersed over a large area, requiring significant driving distances to get to a post office, tribal offices, and election offices. To gain a better understanding of the distances across reservations, Table 31 presents a sample of distances that a hypothetical voter on a reservation would have to drive to get to either the tribal agency or the county courthouse. This is not a comprehensive listing of all possible driving distances—that would be nearly as numerous as there are tribal members. However, it does illustrate how far one must drive to cross a reservation. The mileage is for a roundtrip between the points listed. The source is Google maps.

Table 31: Sample Distances on Montana Reservations

<b>Reservation/Town</b>	<b>Reservation Agency</b>	<b>County Seat</b>
<b>Blackfeet 1</b>	Browning	Cut Bank, Glacier Co.
Babb	70	139
Big Sky	65	75
Heart Butte	52	117
Piegan	36	91
<b>Blackfeet 2</b>	Browning	Conrad, Pondera Co.
Heart Butte	52	115
<b>Crow</b>	Crow Agency	Hardin, Big Horn Co.
Pryor	148 mi	120 mi
Ft. Smith	86 mi	86 mi
Aberdeen	84 mi	108 mi
<b>Flathead 1</b>	Pablo	Polson, Lake Co.
Arlee	70	86
Ravalli	52	68
<b>Flathead 2</b>	Pablo	Thompson Falls, Sanders Co.
Lonepine	94	104
Perma	85	89

<b>Fort Belknap</b> Lodgepole Hays	Fort Belknap Agency 82 72	Chinook, Blaine Co. 131 121
<b>Fort Peck 1</b> Biem Bredette	Poplar 75 67	Wolf Point, Roosevelt Co. 118 93
<b>Fort Peck 2</b> Larslan Frazer Lustre	Poplar 179 80 110	Glasgow, Valley Co. 102 60 110
<b>Fort Peck 3</b> Pleasant Prairie	Poplar 78	Scobey, Daniels Co. 60
<b>N. Cheyenne 1</b> Ashland	Lame Deer 42	Forsyth, Rosebud Co. 157
<b>N. Cheyenne 2</b> Muddy Cr. Church Busby	Lame Deer 22 33	Hardin, Big Horn Co. 115 82
<b>Rocky Boy's 1</b> Azure St. Pierre	Rocky Boy's Agency 10 7	Havre, Hill Co. 52 60
<b>Rocky Boy's 2</b> Boneau	Rocky Boy's Agency 9	Ft. Benton, Chouteau Co. 114

66. If a voter has to work on election day, that means making this drive in the dark; the sun sets on Election Day in Montana about 6pm (5pm if DST has ended)—just when many people get off work (Time and Date. 2021). The drive may be in a snowstorm, which is what happened for the 2018 elections (KXLH Helena. 2019). If a Native voter lives in a high-crime area, traveling lonely country roads after dark could be very risky. At some point personal safety is compromised if the only way to vote is to deliver your own ballot.

67. Another method of assessing driving distances was utilized by Professor Gerald Webster for an expert witness report in the *Wandering Medicine* case. That case involved three counties: Big Horn (Crow), Blaine (Fort Belknap), and Rosebud (Northern Cheyenne). Using census data and a statistical directional test, he compiled the following table (Webster, 2012):

Table 32: Average Distance to the County Court House for Anglo and American Indian Voting Age Residents in Three Montana Counties

County	Mean Distance for Anglos	Mean Distance for American Indians	Absolute Difference
Big Horn	11.61 miles	22.02 miles	10.41 miles
Blaine	9.77 miles	31.45 miles	21.68 miles
Rosebud	16.79 miles	44.85 miles	28.06 miles

There is an obvious difference between how far Indians have to drive compared to Anglos. That means that the poorest people in the county have to drive the furthest to the county courthouse. Because they are poor, they often do not have a working vehicle, insurance, and gas money to get to the polls. Table 33, below, demonstrates the difference in vehicle availability between Indians and Anglos in three counties: Big Horn, Blaine, and Rosebud. The data is from the Census but this table was compiled by Professor Webster for his report in the *Wandering Medicine* case (Table 2, p. 80).



Table 33: Vehicle Availability by Housing Type for Big Horn, Blaine, & Rosebud Counties

County	Housing Type	Total Anglo	No Vehicle Available	American Indian & AK Native	No Vehicle Available
Big Horn	Owner Occupied	1285	23 (1.8%)	915	50 (5.5%)
	Renter Occupied	381	9 (2.4%)	663	53 (8.0%)
	Total	1666	32 (1.9%)	1578	103 (6.5%)
Blaine	Owner Occupied	1090	10 (0.9%)	371	28 (7.5%)
	Renter Occupied	325	48 (14.8%)	524	99 (18.9%)
	Total	1415	58 (4.1%)	895	127 (14.2%)
Rosebud	Owner Occupied	1770	27 (1.5%)	439	15 (3.4%)
	Renter Occupied	613	69 (11.3%)	313	51 (16.3%)
	Total	2383	96 (4.0%)	752	66 (8.8%)

SOURCE: U.S. Census Bureau, American Community Survey, Tenure by Vehicles Available, 2010, Table B25044.

68. Another method of documenting long distances, and the difficulties associated with lengthy travel, is through testimonials and public statements made by people who live or work on reservations:

> “My cousin, who is 12 miles north in Valley Creek is in Sanders County and she has a one hour 20 minute drive, 74 miles away to Thompson Falls, the Sanders County seat” (Shelley Fyant [Flathead], quoted in Montana Advisory Committee Hearing Transcript. 2021: 2).

> “...a lot of people were told, you got to go to Heart Butte to vote. And some people don’t have transportation. Some people don’t.....they decide, do we pay lights? Do they buy food? Do they go to town to pick up essentials, or do they go spend 130 mile round trip for casting their ballot?” (Timothy Davis [Blackfeet], quoted in Montana Advisory Committee Hearing Transcript. 2021: 8).

> “Poll ground registration services are only available in Chinook, at the County seat in Blaine County. For some of our members, that is over 120 mile round trip to get to Chinook. I do not know of any non-native person not living on a reservation, no matter how rural they are living, that has to travel 120 miles to get to registration services. 120 miles is not just a lot of time to travel, it is also a lot of gas. It requires a working car, it is expensive. That distance also sends a

message to all of our members that Native people are not welcome to vote” (Andy Werk [Ft. Belknap], quoted in Montana Advisory Committee Hearing Transcript. 2021: 12).

> “I think that our biggest barriers [in Big Horn County] are our distance. Our distance is a huge barrier for a lot of people, because some places are so far out from each other... some of our ballots have to come from over an hour away” (Bear Don’t Walk, deposition. 2021: 72).

> “We have these drop boxes but there are reservations with 30 to 120 mile trips, and for a lower income person, that is a financial barrier. The drop boxes are good, but we need access to ballot services. [Long distances require] gas, child care, days off work for people with hourly jobs. So, you’re losing money at work, losing money to pay for the trip. EDR meant you could just do one trip” (Sunchild. 2021).

> “Rocky Boy’s is split into two counties, and it takes a long time getting to the county election office; there’s definitely some barriers. Havre is 30 miles from my mom’s house, and Fort Benton, Choteau County, is about 45 miles.... Reservations don’t have a county election office, they have satellite voting offices, which are not permanent and don’t offer the same services and are not open as much.... There’s not a traditional residential address, and the post office is in Box Elder, which is 10-12 miles from Rocky Boy’s agency. There’s no post office at the agency” (Vazquez. 2021).

> “If you take Pryor to Hardin, it’s 60 to 70 miles; we went out to locations deep into the country to collect ballots for people who couldn’t make it to the polls. A call would come in for help, and we go. A lot of people didn’t want to be exposed to Covid. We were dispatching people to Pryor, and find the location, then receive the ballot, and time was the essence” (Kindness. 2021).

> “This has been why ballot collection is such an essential service to our communities. A lot of people don’t have transportation, even in the more urban areas. I’ve heard of people driving an hour away, and they have to figure out childcare and the cost of gas. That can be a deterrent. We have villages that are still miles away from the satellite site. Some people don’t have a driver’s license. And there’s systemic reasons too, like poverty” (Killsback. 2021).

In sum, long distances have a direct impact on voter costs, especially for remote Native

Americans with lower income and less access to transportation. This underscores the

importance of the location of polling sites. Political scientists Brady and McNulty, in an

important study of precisely that issue, concluded that the outcome of elections could be

changed by the “extensive manipulation of polling place locations” (2011: 115). That is, in effect, what HB 530 did by effectively eliminating the service of paid ballot collection; the polling place was effectively changed from someone’s front doorstep to a location that might be a considerable distance away and difficult to reach. This makes voting harder for the people in Montana who experience difficulty in accessing ballot boxes, and, for the reasons explained in this report, American Indians are disproportionately in that group.

69. In sum, Election Day registration provided a freedom to voters so they can more easily access the electoral system. HB 176 eliminated that freedom, and that loss will be most severely felt by Native voters living on distant reservations.

#### **B. The Voter Costs of HB 530:**

70. In states that allow unfettered ballot collection, an individual voter may, at their discretion, opt to have someone collect their ballot and deliver it to a mailbox or polling place. Thus, it is a voluntary act on the part of each voter as to whether they want to accept the services of a ballot collector. If a voter chooses to have their ballot collected by another person, they do not have to travel to a mailbox or polling site; this eliminates travel costs, and during a pandemic, protects them from potential exposure to Covid. Because ballot assistance has been effectively used in Hispanic neighborhoods and Indian reservations, there have been claims that ballot assistance bans or limitations are discriminatory (Re. 2020; *Los Angeles Times*. 2018; *Arizona Independent News Network*. 2014; *Democratic National Committee v. Hobbs*. 2020: 102; *Brnovich v. Democratic National Committee*. 2020; *Western Native Voice v. Stapleton*.

2020; *Driscoll v. Stapleton*. 2020). Ballot assistance in Montana and other states has also been utilized in low-income areas where people lack the time and financial resources to take time off work and travel to a polling place or post office because it lowers their voter costs (Hendley. 2014; Nevarez. 2016; *Democratic National Committee v. Hobbs*. 2020; Daley. 2020; *Western Native Voice v. Stapleton*. 2020; *Driscoll v. Stapleton*, 2020).

71. Ballot collection takes place on Indian reservations to help voters overcome long distances, poor roads, and limited ability to travel, as explained in the previous section on distance (Tucker, De León, and McCool. 2020: 113). One tribal member, from the Flathead Reservation, described the value of this service for tribal members, especially the elders: “We did ballot collection since 2016. Everyone appreciates the ability to not have to pay for postage and still get their voice counted. In some places we were the only people to visit them in nine months, and that included a lot of older people, and that promoted their engagement in the elections, so it is an appreciated service” (Yawakie. 2020). Marci McLean made a similar point: “Picking up ballots is a way of building community and helping others. A lot of elders, people who don’t have cars, or stamps, we help them. No one has stamps. Having someone pick up ballots is important for people in our communities” (McLean. 2020).

72. For example, the Blackfeet Reservation’s website informs voters that they should call Western Native Voice if they need help, and provides their number. It also advertises a “Ballot Drop Off” administered by Western Native Voice at the Babb Fire Hall (Blackfeet. 2021). If an employee of Western Native Voice picks up the ballots in that drop-off, it appears now

that they would be violating HB 530 and subject to a \$100 fine for each ballot, given that they are paid for their work. Another example comes from Big Horn County: "...a lot of our elderly voters who lived in the nursing homes, the staff there, one person would collect all the ballots, then just come and drop off all of the ballots. So they made sure that their vote was counted" (Bear Don't Walk deposition. 2020: 53). This staff person would be fined \$100 for each of those ballots under HB 530.

73. The importance and efficacy of ballot assistance on Indian reservations are affected by two additional factors: the challenges of vote-by-mail (VBM), especially on Indian reservatons; and the impact of the Covid pandemic.

### **1. Vote-By-Mail and Native Americans**

74. Understanding the relationship between VBM and Native Americans requires a brief review of the political science literature on VBM. This review is especially important because absentee voting, or VBM,<sup>5</sup> has become quite popular in Montana. In 2020, all but 10 counties opted for VBM. According to the Secretary of State's website, out of 612,075 votes cast, 604,042 were by absentee ballots (<https://sosmt.gov/elections/>). VBM offers significant advantages to many voters. During a pandemic, it has the added advantage of avoiding social

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<sup>5</sup> In the voting literature, these two terms are used interchangeably, but an absentee ballot or a mail-in ballot can be delivered in-person by the voter or a ballot collector, so in some cases, the mail is only involved in delivering the ballot to the voter.

contact and reducing the spread of the virus.<sup>6</sup> However, there is considerable variation in how mail-in voting systems are designed (Mann. 2014; Hassell. 2017; CALTECH. n.d.) Those design features affect two aspects of voting: turnout, and variation in voter costs across different groups of voters.

75. Research on the impact of VBM on turnout is decidedly mixed; some studies demonstrate an increase in turnout, some found it was neutral, and some studies indicate a decrease in turnout (Dyck and Gimpel. 2005; Baretto et. al. 2006; Kousser and Mullin. 2007; Gronke et.al. 2008; Hernandez. 2014; Menger, Stein, and Vonnahme. 2017). As Gerber, Huber and Hill note, “the effects of all-mail elections on turnout are ambiguous” (2013:91. Also see: Bergman and Yates. 2011; Burden, et. al. 2014; Gronke. 2008: 447). The most comprehensive review of the research on the relationship between mail-in voting and turnout was conducted by the U.S. Government Accountability Office in 2016. The GAO reviewed 400 sources and found that, in some cases, turnout increased with the advent of mail-in voting, but numerous studies found no impact or a negative impact on turnout (p.35). Of course, all of these studies were conducted prior to the pandemic, and the results from the 2020 election indicate an increase in turnout, part of which may be due to widespread use of VBM.

76. The reason why the impact of VBM varies dramatically is because for most voters it decreases voter costs, but for a minority of voters it increases voter costs. The latter is

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<sup>6</sup> Utah is one of eight states that use VBM state-wide. In 2020, the primary ballots contained a flyer headlined: “Stay Home—Stay Safe—Vote by Mail.” The flyer advises: “Due to COVID we are asking all voters to VOTE FROM HOME.”

especially true for low-income people, people with less education, and voters who live in remote areas with poor mail service. Native Americans reflect all of those demographic and geographic attributes at a rate far higher than the general population. In short, the advantages and disadvantages of VBM are not distributed equally across voting populations, and certain procedural aspects of VBM affect sub-populations of voters in different ways (See: Haspell and Knotts. 2005; Gronke, et. al. 2008; McNulty, Dowling, and Ariotti. 2009; Meredith and Malhotra. 2011; Brady and McNulty. 2011; Bergman and Yates. 2011; Burden and Neiheisel. 2013; Burden, et. al. 2014). One of those procedural aspects is the HB 530 prohibition against paying ballot collectors; it is a design feature of the VBM process that increases voter costs, decreases turnout, and has a disproportionate impact on Native voters and other groups of voters with similar demographic and geographic characteristics.

77. If VBM systems are designed without regard to the potential disadvantages, it can create a bias in the distribution of voter costs and thus affect turnout. In other words, VBM can disadvantage some groups of voters even while creating significant advantages for others: “VBM can advantage those groups that are advantaged in other elections” (Karp and Banducci. 2000: 234. Also see: Gronke. 2008; Leighley and Nagler. 2014; Berinsky. 2005; Stein and Vonnahme. 2008; Stewart. 2011; Suo. 2000). One analysis concluded: “[voting by mail] reinforces the stratification of the electorate” (Slater and James 2007: 4). The point is not that VBM works poorly—it works very well for most voters. But for the remaining voters who experience increased voter costs and less access to the electoral system, the negative and

unfair impacts of VBM can be reduced by designing the electoral system to reduce other voter costs and increase access. An effective way to do that, with virtually no cost to the state, is to allow for paid ballot delivery assistance.

78. There are a number of reasons why VBM is often ineffective on Indian reservations and reduces turnout in some situations. Native Americans face unique problems in accessing their mail and participating in elections via VBM (See: Tucker, De León, and McCool. 2020: 70-72, 93-102). That is why tribes in Montana fought to gain satellite polling locations (See: *Wandering Medicine v. McCulloch*. 2012). As a result of these difficulties, many Native Americans have preferred in-person voting in the past, but the health benefits of voting by mail may change that. However, the potentially negative impact on turnout caused by such a major shift in voting procedure can be ameliorated by eliminating the design features that increase voter costs and typically reduce turnout—features such as HB 176 and HB 530.

79. To fully understand the problems created by VBM on Indian reservations, it is necessary to understand changes that have happened to the USPS in recent years that have exacerbated the situation on reservations. In the last fifteen years, the volume of first-class mail has decreased so dramatically that the USPS was forced to downsize. The USPS downsizing and restructuring was referred to as network or plant “rationalization” (Bipartisan Policy Center. 2016: 6). As a result, mail takes longer to deliver, especially in rural areas, and it becomes more difficult to predict how long it takes for a mailed ballot to arrive at the county recorder’s office.



80. Starting in 2011, the USPS began closing post offices and processing centers, and in 2012 closed three processing centers in Montana (Assoc. Press. 2013; Scott. 2012). These cutbacks came at a time when VBM and absentee voting were growing dramatically in popularity, resulting in a potential mis-match between demand and capacity. This can result in a back-up in mail processing (Bipartisan Policy Center. 2016: 13). A Caltech/MIT study noted: “The closure of mail processing facilities will only serve to increase these numbers [of ballots rejected for being late]” (CALTECH. n. d.: 39). The Republican Secretary of State in Colorado explained: “The Postal Service is cutting back services for cost-cutting measures. You’re seeing some disenfranchisement of voters where the post office is just so slow” (Wilson. 2014).

81. The issues regarding USPS delivery times were exacerbated by the pandemic in 2020—precisely at a time when the USPS was unprepared to handle a sudden increase in demand. The Postmaster General noted this problem: “At a time when America needs the Postal Service more than ever, the reason we are so needed is having a devastating effect on our business” (quoted by Fandos and Tankersley. 2020). Due to these long-standing funding problems, the USPS has faced dramatic budgetary shortfalls, and some postal workers have been infected with Covid (Bogage. 2020; Goodkind. 2020; Pecorin. 2020). The issue is not whether the mail and VBM ballots will be delivered; the Post Office is not throwing away bags of mail. Rather, the issue is that it is more difficult than in the past to judge when a ballot must be placed in a mailbox so that it arrives on-time. This is especially true on Indian reservations.

82. Concern over the timely delivery of ballots led to a lawsuit filed by the NAACP in 2021. The NAACP accused the Postal Service of “failing to timely implement measures required to ensure timely and reliable mail delivery.” The parties settled, with the Postal Service committing to “good faith efforts to prioritize monitoring and timely delivery of Election Mail” in future election years (National Association for the Advancement of Colorado People. 2021: 1-2). This may resolve some of the problems in the U.S. generally, but that remains to be seen given the Postal Service’s funding problems. I note that paid ballot collectors have the option of taking ballots directly to an election office or drop box, and thus do not have to rely on the Postal Service.

83. Thus far I have been discussing problems associated with slow mail delivery to the general public, but those problems grow exponentially on Indian reservations. It is an understatement to say that mail service is often poor on Indian reservations; in places it is non-existent. Many reservation homes do not have physical addresses, and the Postal Service does not deliver mail to those homes. Most Native people do not have home mail delivery, and must use a PO box that may be a considerable distance from their home (Ferguson-Bohnee. 2020; Nilsen. 2020; Native American Rights Fund 2020b). Dulcie Bear Don’t Walk described this situation in Big Horn County:

There’s a limit of post offices. A very small amount of our communities are actually able to get rural mail, because we don’t have rural mail carriers. We have limited hours because of funding cuts to the post office.... I live down near Lodge Grass. I live a mile out. There’s a post office. I can’t check my post—my mail there. I can’t get a box, because there’s not one available. They don’t do

rural mail to my house, which is only a mile out. And I can't—even if I could get a box, I can't check it, because it's got, like, very limited hours, like 11:00 to 3:00. Just really odd hours. And so I actually have to check my mail 19 miles away in Crow Agency. And that's just the reality of what it is on the reservation (Bear Don't Walk, deposition. 2020: 76).

Dalayah Killsback made a similar observation: “There are less polling places and ballot boxes on reservations, and there's the issue with PO boxes rather than street addresses; a lot of houses don't have street names and they can't get a ballot mailed to them” (Killsback. 2021).

84. Another aspect of using PO boxes on reservations is that, due to costs and an inadequate number of available PO boxes, often several tribal members will use the same box, and pick up all the mail in the box. Marci McLean described how tribal members share PO boxes: “Some people have shared PO boxes; a relative may pick it up and they may not give you your mail quick; it may sit at someone at someone's house, or on their dashboard, until they can get to your house or you can get to theirs” (McLean. 2020). Shelly Fyant described the same situation on the Flathead Reservation: “A lot of people have a PO Box; Natives are all about extended families; sometimes there are two or three generations that get their mail at the same PO box or rural route box” (Fyant. 2020). This saves some tribal members from doing the long drive to a post office, and saves the money it takes to rent a box, but it adds an additional step to the delivery process and can slow the delivery of mail and make it even more unpredictable (Bear Don't Walk, deposition. 2020: 76; Tucker, De León, and McCool. 2020: 70-72, 93-102). The cost of PO boxes can also create problems. Marci McLean related this story in an interview: “My co-worker went to a satellite office on Fort Peck. The election worker

wouldn't give him a replacement ballot because he was locked out of his PO box and couldn't access the original ballot. He couldn't get into his PO box, where the ballot was, because he didn't have enough money to pay the fee for the PO box. So, she said she would not give him a replacement" (McLean. 2020).

85. Postal delivery on Indian reservations can be amazingly convoluted and inefficient; here's an example from Fort Belknap: "tribal members who get their mail through post office boxes in Lodge Pole have to use the address 'Lodge Pole Route,' their box number, followed by 'Dodson, Montana,' which is located in Philips County. However, the locations of their residences are in Precinct 15, which is in Blaine County" (Montana Advisory Committee. 2021: 9). The length of time it takes for a mailed ballot to arrive is critically important because Montana has a receipt deadline, not a postmark deadline for mailed ballots. The only advice they get as to how long that might take is an admonition in the instructions on their ballot to "if you mail your ballot make sure there is enough time for it to reach the election office" (Mail Ballot Written Plan, Timetable and instructions. Accessed 2021).

86. One of the advantages of using the voluntary services of a paid ballot collector is that, first, they understand the deadline regarding when ballots must be delivered, and second, they can make sure the ballots are delivered to a post office in time to ensure that they will arrive on-time and be counted. Or, they can take the ballots directly to a drop box or election office. This helps ameliorate the problems that are being experienced by the USPS.

87. However, Native people often do not trust the Postal Service or visit the post office often (Schroedel. 2021: 66-67). A recent poll of Native voters in four western states revealed the low level of trust Native people have in the mail; about 89 percent of Native respondents in the four-state survey somewhat trusted that their in-person ballot would be counted: “Vote by mail, in contrast, garnered much lower levels of trust. Only 24 percent had complete trust. And the same percentage, 24 percent, had no trust in voting by mail” (Tucker, De León, and McCool. 2020: 94).<sup>7</sup> Dulcie Bear Don’t Walk, the Elections Administrator for Big Horn County, noted this: “And a lot of our people will—literally don’t trust the post office, and so they—or they don’t want to waste money when they live... two blocks away, and they want to come in and turn in their ballots.... In our county people distrust the mail-balloting system” (Bear Don’t Walk, deposition. 2020; 63). The same point was made by a member of the Gros Ventre Tribe of Fort Belknap: “A lot of Indians do not trust mail.” (Nilsen. 2020). As a result, many Native voters prefer in-person voting.

88. This is part of the reason why many Native people prefer to vote in-person, but that presents a problem during a pandemic and because of long distances. In short, Native people are in a double-bind; they don’t trust the post office and there are significant problems with postal delivery, but to vote in-person they must absorb the significant voter costs caused by traveling long distances. These problems can be partially alleviated by allowing a paid ballot

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<sup>7</sup> The author of this report helped design the survey instrument for this survey. The four states are: South Dakota, Nevada, Arizona, and New Mexico. See: Native American Rights Fund (2020a): <https://vote.narf.org/wp-content/uploads/2018/10/2017NAVRCsurvey-full.pdf>.

collector, who is a trusted tribal member, to collect ballots for their fellow members, and take them directly to a county drop box or election office, bypassing the Postal Service. This also means that only a ballot collector has to intermingle with people at county offices, which has important implications during a pandemic and also means that tribal members do not have to interact with people that may harbor negative feelings for them (see section on discrimination below).

## **2. The Impact of Covid:**

89. It is impossible to predict what impact Covid may have on future elections, but the rise of new variants such as Omicron could mean that the problem will persist for some time and impact voting. Slightly more than half of Montana's population is fully vaccinated (vaccination rates are slightly higher on Indian reservations), so the potential for continuing problems is significant (Mayo Clinic. 2021a; Lutz. 2021). As of December, 2021, the state is experiencing numerous hot spots and the fatality rate has actually increased (Mayo Clinic. 2021b).

90. Ballot delivery assistance has an obvious advantage during a pandemic; it eliminates the need to come in contact with people at a post office or a polling place. In effect, the risk of coming in contact with infected individuals is transferred from the voter to the ballot collector. The voter only has to hand a signed and sealed envelope, from a safe distance, to the ballot collector, who is outside, and then retreat into the safety of their home. It is the ballot

collector who then bears the risk of mixing with people as ballots are delivered (perhaps another reason why they should get paid). But HB 530 effectively eliminates the advantage of using the services of a paid ballot collector, and forces all Native voter to travel to a point that may be quite distant and inaccessible, and potentially contaminated with coronavirus.

91. Avoiding risky contact is even more important on Indian reservations, where Covid has occurred at a higher rate than in the population as whole and has been characterized as “Smallpox 2020” (Mabie. 2020a). Research at the Centers for Disease Control and Prevention found that the Covid infection rates among Native Americans and Alaska Natives was 3.5 times higher than for non-Hispanic Whites; the mortality rate was 1.5 times higher. Many of the factors that led to these high rates are the same as those that inhibit participation in elections: “Long-standing inequities in public funding; infrastructure; and access to health de, education, stable housing, healthy foods, and insurance coverage have contributed to health disparities” (CDC Reports. Aug. 28, 2020, and Dec. 11, 2020). Other factors include:

...lack of access to clean water, overcrowded homes, intergenerational families living together, high rates of disease (diabetes, hypertension), remotely located communities, lack of access to health care, economic challenges, and more, Native People living on reservations in the intermountain west (Northern Rockies, Great Basin and Southwestern US) are especially vulnerable to the impacts of COVID (Native Waters. 2020).

In Montana, these conditions have created high-risk environments: “On reservations in the Dakotas and Montana where good housing is scarce, extended families have been forced to shelter together in tiny homes with no clean water and no internet.... [these conditions] have

prompted Native American leaders to warn that serious havoc may be ahead” (Romero and Healy. 2020).

92. One factor that has protected Montana tribes from a higher rate of infection is their isolation. Tribes have worked diligently to protect that advantage; they stayed closed longer than the state as a whole, and the Blackfoot Tribe closed the east gate to Glacier National Park for a year (Assoc. Press. 2021a). This was driven in part by tribes placing a priority on protecting tribal elders: “[Montana Natives’] protective attitudes toward elders and cultural heritage have shaped a pandemic response around defending the most vulnerable rather than prioritizing economics” (McLaughlin. 2020).

93. Perhaps most significantly in this pandemic, the co-morbidity factors that increase the mortality of Covid, such as diabetes, obesity, and substance abuse, are already elevated on Indian reservations, making them even more vulnerable to infection. These health factors are presented in Appendix A. It is clear from these data that Native people suffer from these debilitating conditions at a much higher rate than Whites, leaving them more vulnerable to Covid. These disparities in health “have existed among American Indian and Alaska Native populations since the time of first contact” (Sarche and Spicer. 2008). But now the differences are magnified by Covid, as a Native American explained: “COVID has highlighted the inequalities that persist in Indian Country today” (Benally. 2020).

94. In addition, the pandemic has had a significant impact on reservation economies, especially those that depend on tourism and casinos. There are ten Indian casinos in Montana,



operated by seven tribes (500 Nations. 2021). The drastic reduction in casino visits in 2020 had a dramatic impact on tribal incomes with enormous repercussions for the economic well-being and health of Indian people. Nationally, Indian casinos experienced a 19.5 percent decline in revenues in 2020 (National Indian Gaming Commission. 2021). This decline costs tribes an estimated \$10 billion dollars in lost income (500 Nations.2021). In an interview, the director of the Harvard University Project on American Indian Economic Development explained how this reduced revenue affects nearly every aspect of reservation life:

You shut the doors of that casino, and you basically are cutting off all your tax revenue. And so many tribes are now facing lay-offs, not just of the casino employees, but in the various programs that the revenues that the gambling business supports. So we're having people get unemployed, both Indian and non-Indian, in large numbers across the country. Second, you're having to in many cases cut way back or shut down basic programs ranging from health clinics to housing support to education programs (Kalt. 2020).

This stressed fragile reservation economies. On the other hand, open casinos represent a possible health threat to tribal members as long as the pandemic lasts (Siegler. 2020; Mabie. 2020a). And of course, all of these difficulties take place in an environment of mistrust and continued discrimination (Mabie. 2020b; Benally. 2020; Mabie. 2020c; Schontzler. 2020).

95. In sum, the pandemic has been something of a perfect storm for Native voters. They have poor to non-existent mail delivery, but must take a great risk if they vote in their usual way by going to an in-person poll. Their economic situation, already dire, is worse. Traveling long distances, which has always been a challenge for some, is dangerous during

Covid. Their poor health, already stressed by significant rates of life-threatening diseases, makes them a prime target for Covid mortality. And now state law prevents paid tribal workers from helping their neighbors by delivering their ballots. In the face of such dire health threats, the absence of ballot assistance becomes a daunting voter cost. Indeed, requiring all voters to deliver their own ballots could spread a disease that has so far killed over 817,000 Americans, including 2,899 in Montana (CDC. 2021).

96. And finally, HB 530's prohibition on paid ballot collection may make it impossible for counties to have unmanned drop-off locations—just as BIPA did (Moore. 2020:74, 80-81). At each drop-off location, an election official will have to be there to see who is dropping off more than one ballot. That election official must then assess whether that person has the requisite paperwork, and somehow determine if they have been paid. That is a tremendous burden to place on local election officials.

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97. The voter costs of the prohibition on paid ballot assistance imposes a direct cost on the voters that desire assistance. As a ballot collector noted in an interview, “For a lot of people, that [ballot assistance] is the only way they can vote” (Sunchild. 2021). In addition, the costs of HB 530 will be born, not just by voters who would like to have their ballot delivered, but also by those who work to deliver those ballots. HB 530 sets up a situation where people are expected to work without pay. No one else in society is expected to do that. HB 530, like HB

176, took away a freedom that existed in Montana prior to enactment; the freedom to be remunerated for work performed. This places a tremendous burden on any individual who would like to work for an organization that offers ballot assistance. All of the people I interviewed for this report described the “typical” ballot collector as a tribal member who works more than one job, is employed to do ballot assistance for only part of the year, and is not independently wealthy. These individuals cannot afford to work for weeks at a time without pay; a prohibition on paying ballot collectors effectively destroys ballot assistance in Montana, especially on reservations.

98. In the future, there may be other groups interested in offering ballot assistance, including both parties (this has already happened in California, where both parties engage in ballot assistance). However, all civic, advocacy, and partisan groups will be severely constrained in offering this service, and will have to rely on people who are independently wealthy or the rare individual who can afford, and is willing, to work for several weeks without pay. The net result is that engagement in the electoral process is significantly curtailed.

#### **IV. QUESTION 3: Do HB 176 and HB 530 render a public benefit and have a demonstrable impact on improving election integrity in Montana?**

##### **A. Alleged Voter Fraud in Montana:**

99. HB 176 and HB 530 are targeted diminutions of freedom associated with the electoral process. The usual rationale provided for requiring burdensome voting requirements such as these laws is to prevent voter fraud (Chaffetz. 2020; Blood and Ohlemacher. 2018;

Morefield. 2018; *The Federalist*. 2018; Eggers. 2018). And indeed, that is precisely how these bills were presented. The Secretary of State characterized these bills, and other new limitations on voting, as part of a promise of “improved election integrity” (Secretary of State Jacobsen, quoted in Wilson. 2021a). Thus, the only possible “benefit” from these laws is a demonstrable impact on reducing voter fraud and other illegal activities that impinge upon the integrity of the electoral process. To assess the benefits, it is necessary to know if there are substantial and verifiable threats to election integrity in Montana, and whether those threats are a result of permitting Election Day Registration and paid ballot assistance.

100. The issue of alleged voter fraud in Montana came to the forefront in 2012 when a strict voter ID bill was being considered. The Secretary of State at that time, Linda McCulloch, noted in an op-ed for the *Billings Gazette* that there was no voter fraud in Montana: “Voter fraud — votes knowingly cast by ineligible individuals — does not exist in Montana” (McCulloch. 2012). She cited a recent state audit that found no evidence of voter fraud (see: Tokerud. 2013). The issue re-surfaced in the 2016 election when the chairman of the Montana Republican Party claimed that Democrats might be collecting ballots and then throwing out the ballots that voted for Republicans, even though it is not possible to ascertain how the voter voted by looking at the envelope of a mail-in ballot (Cates-Carney. 2017). No evidence was presented that this actually happened.

101. The issue came up again in 2017 when a different Secretary of State, Cory Stapleton, issued a press release alleging that voter fraud occurred in the special election to

replace Congressman Ryan Zinke, who had resigned to become Secretary of the Interior. The *Great Falls Tribune* headlined; “Voter Fraud Allegations Roils Montana Elections Officials” (Associated Press. 2017). Stapleton claimed that “We had some issues last fall of the integrity of some of these mail ballots. In that case, it was a matter of people knocking on people’s doors and collecting them and there was [sic] issues of whether those actually got delivered” (Cates-Carney. June 16, 2017). Again, no evidence was offered to support that allegation. Also, it is worth noting that the state has a hot-line, and a website, that voters can contact to verify if their ballot was received and counted (<https://app.mt.gov/voterinfo/>; “call the Secretary of State’s toll free voter hotline at 888-884-VOTE (8683)”). A voter can even send them an email (email [soselections@mt.gov](mailto:soselections@mt.gov)). I am unaware of any allegations or evidence that a voter contacted the Secretary of State’s office and discovered her/his ballot, which had been collected by another person, was subsequently not delivered.

102. Stapleton’s allegations were challenged by county election officials, and he later retracted that claim (Hasen. 2017). News sources then reported that:

> “Montana does not have issues of coordinated voter fraud” (ABCFoxMontana. 2017).

> “Montana does not have widespread voter fraud in its elections system” (Montana Public Radio, Cates-Carney. Dec. 5, 2017).

> “Montana has no voter fraud issue” (*Great Falls Tribune*. Dec. 6, 2017).

> “Montana does not have issues of coordinated voter fraud” (*The Spokesman-Review*. Dec. 6, 2017).

In a correction, instead of claiming there was voter fraud, Secretary Stapleton said there was “voter misconduct.” The issue was that the signatures on 360 ballots appeared to not match the signature on file. Stapleton’s elections director explained that it may simply be a case of people signing “too quickly” or having an injury that affected their signatures” (*The Spokesman-Review*. Dec. 6, 2017). There was no indication that any of the suspected ballots were collected by a third party through “ballot harvesting” and subsequently altered. The only issues in the 2018 election were long lines and bad weather. Secretary Stapleton said he was not aware of any malicious voter fraud occurring (King. 2018).

103. Despite the complete absence of any evidence of voter fraud, it is not uncommon to hear such accusations when Native Americans vote—especially when they do so in sufficient numbers to actually affect the outcome of an election. For an example from a neighboring state, when the Native vote in South Dakota helped Senator Tom Daschle win reelection in 2002, the *National Review* ran a story titled: “the Democrats Stole a Senate Seat.” (York 2002). The state’s attorney general (a Republican) investigated the charges and proclaimed *The National Review* article to be “shoddy, irresponsible, sensationalistic garbage.” (Woster and Ross, 2002). He stated emphatically: “There was no widespread fraud and the election results are valid. No one stole the election.” (Associated Press. 2002).

104. The same thing happened in Montana; accusations were made that “suspicious voter fraud” occurred on Indian reservations in the 2006 senatorial election. The article claimed that Senator Tester is “notoriously a great friend of ‘Indian Country,’” and that “Hundreds of

absentee ballots are gathered every election, statewide and in tribal areas, often door to door by Democrat operatives, and bundled for counting. Many of these ballots have falsified names, whereabouts unknown, or using names of the deceased. This is called Voter Harvesting” (Whitelight and O’Neil. 2019). The article presented no evidence to substantiate those claims.

105. This raises the central question: is there any evidence whatsoever that voter fraud has occurred in Montana, especially fraud that is calculated and organized to give one party or candidate an advantage over another via “ballot harvesting”? The most complete compendium of actual voting fraud convictions is maintained by the conservative think-tank, the Heritage Foundation. They keep a running account of actual cases, and their data bank covers all local, state, and federal elections back to the early 1980s. Out of hundreds of millions of ballots cast, they have discovered 1,334 cases of “proven instances of voter fraud.” That list includes one case from Montana; a man mailed in his ex-wife’s ballot without her permission. Thus, it was more of a marital problem than a voter fraud problem (Heritage Foundation. 2021).

106. In each election in Montana, about a half-million people vote (more in presidential years, less in off-year elections). Thus, out of dozens of elections, with millions of votes cast, one guy has actually been convicted of voter fraud, and that case had nothing to do with ballot collection (Heritage Foundation. 2021). In 2020, Western Native Voice and Montana Native Vote collected 555 ballots on Indian reservations using paid ballot collectors (Sunchild. 2021). In 2018, nine percent of the absentee ballots returned from Indian reservations were through paid ballot collectors. There is no evidence of any voter fraud associated with that

effort. In 2020, the Secretary of State completed the required post-election audit, and concluded: “No discrepancies were found during the Post-Election Audit that exceeded the statutory limits as set by Sec. 13-17-507 MCA” (Stapleton. 2020).

107. Obviously, “voter fraud” has never changed the outcome of an election in the state, and there is no evidence of any systematic partisan scam. Existing safeguards are quite effective at preventing any significant problems. This point was made succinctly by the Cascade County Clerk/Auditor last year; when asked in a deposition how she would become aware of voter fraud, she replied:

Well, if there was voter fraud going on, number one, believe me, there is a thousand watchdogs out there that watch every move that we make and every move that the voters make in all of these counties. You can't even breathe without somebody finding something wrong with what you're doing. When we're verifying signatures, we're not seeing tons and tons of signatures that have mismatches on them, and on the occasion that we have found mismatches, those voters have come in and rectified the situation with us. Just because it's a mismatched signature doesn't mean that it is voter fraud, it just means that perhaps the voter changed his signature, added a stroke. I have three peoples' names behind me on my desk, that they've already called to inform us that they've broken their right arm or wrist and that their signatures aren't going to look similar when the ballots come in November, and so we follow up with those folks. But when you're verifying signatures, we're not seeing this huge amount of people that are trying to steal someone else's ballot, sign it like they sign it and then turn it in because there's always a challenged signature (Moore. 2020: 140-41).

108. When asked in her deposition if there was fraud in other counties, Clerk Moore replied: “No. None of us has ever had any cases of voter fraud” (Moore. 2020; 27). Her response was echoed by another county clerk, Nichol Scribner from Sanders County. When



asked in a deposition: “Are you aware of any instances of voter fraud related, in Sanders County, related to somebody bringing in another person’s ballot?” She answered: “No” (Scribner. 2020: 169). Sanders County includes part of the Flathead Indian Reservation. Similar views were shared with me by people who have worked as ballot collectors:

*Question: Are you aware of any voter fraud that has taken place when ballots are collected?*

*Answer:*

> “I just laugh at that question; that’s ludicrous. I’m a person of integrity. My team has a core value to do what is right. No one wants to defy the law; we’re worried about surviving day to day. To pick up these ballots is a huge process. No one says; oh let’s commit fraud. Integrity is vital to our process” (Kindness. 2021).

> “I have never heard of any voter fraud, other than people saying it exists. I have never encountered one instance of voter fraud” (Killsback. 2021).

## **B. The Alleged Link between Voter Fraud and Ballot Collection in the U.S.:**

109. It is clear that voter fraud is not a problem in Montana.<sup>8</sup> But is it a problem in other states, and is it associated with ballot assistance? A recent analysis of the total votes cast in the elections covered by the Heritage Foundation data set calculated that the occurrence of voter fraud was “about 0.00006 percent of the total votes cast” (McReynolds and Stewart.

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<sup>8</sup> This near-total absence of voter fraud is not limited to Montana. For complete nation-wide analyses see: Eggers, et. al. (2021); Chapter 1 of *Election Meltdown*, by Richard Hasen (2020); McReynolds and Stewart (2020); Barreto, et. al. (2020); Chapter 2 of *The Voting Wars*, by Richard Hasen (2012); chapter 6 of *Stealing Democracy*, by Spencer Overton (2006); and *The Myth of Voter Fraud*, by Lorraine Minnite (2010). Also see: Urbina (26 Oct. 2010) and Levitt (2007). Even the U. S. Justice Department under President George W. Bush could not find evidence of significant voter fraud; see: Lipton and Urbina (12 April 2007). One legal scholar calculated that the likelihood of voter fraud was more than 12 times less likely than being struck by lightning (Sobel 2014: 7)

2020). Another recent analysis of three states with all-VBM elections calculated that the number of “possible cases” of voter fraud was 0.0025 percent of all votes cast (Viebeck. 2020). The same conclusion was reached in an extensive review conducted by the Associated Press of voter fraud claims in six battleground states in the 2020 election, which found a total of 475 possible cases of individuals violating election laws (Associated Press. 2021). Is it possible that these exceedingly rare cases are associated with ballot assistance?

110. If permitting ballot assistance actually increased voter fraud, we would expect to see a dramatic difference in levels of fraud in those states that permit ballot assistance, compared to those that do not. To answer that question, I divided all 50 states into three categories:

1. Most Restrictive: Only the voter, a family member, or caregiver can deliver a ballot. There are 19 states in this category.
2. Restrictive: Only family, friends, or a designee can deliver a ballot, but there are additional requirements such as a signature, or a strict limit on the number of ballots an individual can deliver. There are nine states in this category.
3. Permitted: Ballot delivery assistance is permitted. This is the only category where third-party ballot assistance can effectively take place. There are 22 states in this category.

If the claim that ballot assistance leads to voter fraud is true, then we would expect to see a dramatic difference in levels of fraud between the first and third category. To test that, I used two data sets on voter fraud; the Heritage Foundation data described above, corroborated with another data base on voter fraud compiled by News21, a project of the Cronkite School of Journalism at Arizona State University. Their data includes a looser category of “alleged

election fraud,” and covers all elections from 2000 to 2012. Their total is 2,069 cases of alleged fraud out of the hundreds of millions of votes cast during that time period (News21. 2020). These data are presented in Tables 34 and 35. To effectively compare different states, I noted the population of each state, then calculated the number of fraud cases per 100,000 people. In reviewing these data, there are three important caveats to keep in mind. First, the Heritage Foundation data is for actual convictions, and the News21 data is for alleged fraud, so the latter is sometimes significantly higher than the former. That difference indicates that a lot of alleged cases do not actually result in a conviction. Second, these data include cases of registration fraud; we do not know from the data if people who were fraudulently registered actually voted or attempted to vote. If the data only included cases of actual voting fraud, the numbers would be significantly smaller.<sup>9</sup> Third, I provided the state population data for comparison purposes only. Population figures do not indicate how many people voted over the time period covered by the two data sets; that total would only include actual turnout but would have to be multiplied by the number of elections in the time period covered by the data, which varies according to the data set—the Heritage Foundation data covers all elections from the 1980s to present; the News21 data covers all elections from 2000 to 2012.<sup>10</sup>

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<sup>9</sup> Registration fraud is not the same as voter fraud. The *Washington Examiner* explained that “Trump seems to conflate voter fraud with voter registration fraud. They are different things” (Feb. 6, 2017).

<sup>10</sup> In 2016, News21 updated their data by looking at five states where there were widespread claims of voter fraud. For elections between 2012 and 2016, they found 38 cases out of the tens of millions of votes cast (Edge and Holstege. 2016).

111. Table 34 presents data for the 19 states that do not allow ballot collection, and Table 35 presents data for the 22 states that permit ballot collection. “H.F. Convict’s” is the number of convictions in that state according to the Heritage Foundation data. “H.F./100kPop” is the number of convictions per 100,000 thousand population. “N21Alleged” is the number of alleged cases according to the News21 data set, and “N21/100kPop” is the number of alleged cases per 100,000 population.

Table 34: States That Prohibit Ballot Collection (19)

State	Population	H.F. Convict’s	H.F./100kPop	N21 Alleged	N21/100kPop
Alabama	4,859,000	16	.32	16	.32
Arizona	6,828,000	20	.29	7	.10
Connecticut	3,590,000	26	.80	196	5.45
Georgia	10,215,000	20	.19	301	2.94
Indiana	6,619,000	43	.64	62	.93
Louisiana	4,671,000	4	.08	4	.08
Massachusetts	6,794,000	4	.05	1	.05
Michigan	9,922,000	11	.11	17	.17
Mississippi	2,992,000	31	1.03	74	2.47
Missouri	6,084,000	19	.31	17	.28
Nevada	2,891,000	6	.20	2	.07
N. Hampshire	1,330,000	15	1.12	20	1.50
N. Mexico	2,085,000	8	.38	10	.48
N. Carolina	10,043,000	31	.30	22	.22
Ohio	11,613,000	52	.44	77	.66
Oklahoma	3,911,000	3	.07	1	.02
Pennsylvania	12,802,000	22	.17	23	.18
Texas	27,469,000	86	.31	104	.37
Virginia	8,383,000	20	.23	35	.41
AVERAGE		23	.37	52	.87

Table 35: States That Permit Ballot Collection (22)

State	Population	H.F. Convict’s	H.F./100kPop	N21 Alleged	N21/100kPop
Alaska	739,000	3	.40	9	1.21
California	39,145,000	42	.10	56	.14
Delaware	946,000	0	0	1	.10

Florida	20,271,000	37	.18	39	.19
Hawaii	1,431,000	2	.14	NA	NA
Idaho	1,655,000	10	.60	12	.72
Illinois	12,860,000	45	.35	23	.17
Iowa	3,124,000	17	.54	49	1.56
Kansas	2,911,000	12	.41	216	7.42
Kentucky	4,425,000	30	.67	69	1.56
Nebraska	1,896,000	2	.10	2	.10
New York	19,796,000	20	.10	18	.09
N. Dakota	757,000	3	.39	3	.39
Oregon	4,029,000	15	.37	33	.82
R. Island	1,056,000	0	0	5	.47
S. Dakota	859,000	5	.58	1	.11
Tennessee	6,600,000	10	.15	14	.21
Utah	2,996,000	1	.03	51	1.70
Vermont	625,000	0	0	NA	NA
Washington	7,170,000	12	.16	270	3.76
Wisconsin	5,771,000	46	.79	57	.98
Wyoming	586,000	3	.51	4	.68
AVERAGE		14.3	.29	42.3	1.01

Two basic conclusions can be reached by examining the data in Tables 34 and 35. First, the number of cases of actual voter fraud, or even alleged voter fraud, is infinitesimally small compared to the number of votes cast. Second, there is no significant difference in the rate of voter fraud in states that prohibit ballot collection and states that permit ballot collection.

Indeed, the rate of voter fraud cases is slightly higher in states that ban ballot assistance. Claims that ballot assistance leads to voter fraud are not supported by the data.

112. It is important to make a distinction between *claims* of fraud, and actual *evidence* of fraud. The gap between evidence and claim is common. For example, Former Secretary of State “Stapleton acknowledged that no one in Montana has ever been convicted of voter fraud, but he *suggested* it routinely happens...” (Calvan. 2017). As Professors Hood and Gillespie note: “In contemporary U.S. elections there is no shortage of allegations concerning election fraud. These claims are, however, based in large part on anecdotal evidence, unsubstantiated assertions, or the study of reported complaints” (Hood. 2012: 76). A recent statistical analysis of the 2020 election reached the same conclusion: “For each claim, we find that what is purported to be an anomalous fact about the election result is either not a fact or not anomalous” (Eggers, Garro, and Grimmer. 2021:1).

113. The extremely rare cases of voter fraud occur in all types of voting systems, including traditional in-person polls, and sometimes involve election officials and not voters. There are numerous laws that can be used to prosecute these extremely rare cases of registration fraud and voter fraud. Voter fraud is a serious crime—a felony for most offenses—and should be fully and energetically prosecuted, but the data presented in this report reveal that there are many safeguards in place to protect the integrity of the electoral process without incurring the additional voter costs created by restrictive laws such as HB 176 and HB 530.

### **C. Election Integrity and the Claimed Purpose of HB 176 and HB 530:**

114. Given the extreme rarity of voter fraud in Montana and the U. S., it is worth examining the legislative history of HB 176 and HB 530 to determine the motivation and claimed objectives of these news laws. The 2021 legislative session saw multiple bills introduced that were billed as “election integrity” bills. Many of them increased voter costs for Native American voters. The Montana Advisory Committee to the U.S. Commission on Civil Rights noted in a 2021 report that “Members of the Montana Legislature introduced several bills during the 2021 legislative session that are likely to impact voting rights for Native Americans.” It then listed those bills:

1. HB 176 which eliminates election day registration;
  2. SB 169 which limits voter IDs;
  3. HB 406 which bans the practice of ballot collection and conveyance;
  4. HB 325 which divides up tribal reservations when creating seven districts across the state;
  5. HB 455 which eliminates the ability to receive a ballot at a PO box;
  6. HB 506 which allows an individual not yet eligible to vote to register if they will become eligible on or before Election Day;
  7. SB 196 which expands a range of low population polling locations that may open noon on election day instead of 7:00 AM;
  8. SB 335 which prohibits certain funding to be used for state or local elections;
- (Montana Advisory Committee, 2021: 11).

115. One of these bills, HB 406, would have effectively outlawed ballot assistance by requiring a long list of actions on the part of every ballot collector, and limited ballot collection to only a family member, narrowly defined (HB 406. 2021). HB 406 was the predecessor to HB 530 and was justified by the then Attorney General Tim Fox who claimed: “ballot harvesting [is a] large source of potential voter fraud” (Wilson. 2021b). This bill was titled as a revision of the

Ballot Interference Protection Act, which was found to violate the state’s constitution last year (*Western Native Voice v. Stapleton*. 2020; *Driscoll v. Stapleton*. 2020). It passed the House by a substantial margin (67 to 33), but failed narrowly in the Senate (23 to 27) (HB 406. 2021). The sponsor of the bill reiterated the arguments made on behalf of BIPA—that ballot collection could lead to voter fraud (Michels. 2021).

116. The purpose of HB 530 was quite clear; it is stated right in the bill: “for the purposes of enhancing election security” (HB 530, Sec. 2(a)). At the beginning of the House hearings on HB 530, Representative McKamey characterized the bill as being about the “security of our elections” (HB 530. 2021. House Hearings, at 8:05).

117. HB 176 was also claimed to be an anti-fraud measure. When Representative Sharon Greef introduced it in the House, she billed it as “the first of election integrity bills,” and then claimed its purpose is “to mitigate [sic] against voter fraud” (HB 176. 2021. House Hearing, Jan. 21, at 8:03 and 8:04). The next speaker at the hearing that day was Secretary of State Christi Jacobsen, who claimed the bill would “strengthen the integrity of elections” (House Hearing, Jan. 21, at 8:06). The next speaker, Director of Voter Services Dana Corson, claimed it would curtail “people waiting in line,” but provided no evidence that EDR has caused such a problem (House Hearing, Jan. 21, at 8:08). Then Senator Mike Cuff said the new law would “reduce the likelihood of errors,” but gave no evidence that errors had indeed been caused by EDR (House Hearing, Jan. 21, at 8:10). Another speaker billed herself as a poll watcher trainer,



and said EDR creates “chaos,” but provided no examples or evidence (House Hearing, Jan. 21, at 8:12).

118. During the Senate hearings, Representative Greef again claimed that HB 176 would “mitigate [sic] against voter fraud”, “ensure voter integrity,” and “reduce the opportunity for mistakes” (HB 176. 2021. Senate Hearings, Feb. 15, at 16:49). She provided no evidence of fraud, no threats to voter integrity associated with EDR, and no evidence of “mistakes.” During the question period, she was asked to provide an example of voter fraud; she replied: “When I talked about voter fraud I wasn’t talking about Montana specifically” (Senate Hearing, Feb. 15, at 17.35). She then claimed that voter fraud was a national problem, but provided no evidence to support that contention.

119. It is quite clear that HB 176 and HB 530 were passed based on a claim to reduce voter fraud, but there is zero evidence of a link between EDR, paid ballot collection, and voter fraud. Predictions of future behavior are always predicated on past trends, and there is no evidence in the past to support an assertion that paid ballot collection and EDR has any significant potential to lead to fraud in the future. Election integrity is certainly important, but is in no way threatened by Election Day Registration or having paid ballot collectors. Any element or procedure in the electoral process could conceivably result in the extremely rare case of voter fraud. Could the potential for voter fraud be reduced to absolute zero? Yes, but only by canceling all elections.

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120. In sum, there are no demonstrable public benefits that accrue from HB 176 and HB 530. The entire *raison d'être* for these laws—to prevent fraud—is specious because voter fraud is not a problem. There is no evidence that associates either Election Day Registration or paid ballot collection to voter fraud, or even the potential for voter fraud; they are not in any way a threat to “election integrity.” The electoral system in Montana is sound; it abounds with election integrity without the imposition of laws such as HB 176 and HB 530.

**V. RESEARCH QUESTION 4: Historically, have Native Americans in Montana been subjected to racism and discrimination? How has that historical discrimination and associated historical trauma impacted their current ability to participate equally in the political process and vote? Historically, have Native Americans been subjected to efforts to deny, abridge, or dilute their voting rights?**

**A. Historical Discrimination against Native Voters:**

121. It is important to understanding the historical relationship between Native Americans and Anglos in Montana because it is part of the larger context of discrimination, ill feelings, and historical trauma that still impact Native people today. HB 176 and HB 530 are simply the latest in a long series of actions by the state that make it difficult if not impossible for Native Americans to vote. As one of the Native people I interviewed put it, “A lot of native people don’t vote, even in my own family, because there’s a lot of distrust with government and governmental functions because of the history. You hear; my vote doesn’t matter, what have they ever done for me?” (Vazquez. 2021).

122. Montana has a long history of denying, abridging, or diluting the right of Native Americans to vote. The 15<sup>th</sup> Amendment did not ensure the right to vote, or guarantee that Native Americans and other minorities have an equal opportunity to participate in the electoral process (Grofman and Davidson. 1992; Keyssar. 2000). Nor did it automatically prevent states and local jurisdictions from engaging in election practices—what the U.S. Supreme Court recently labelled “a variety of notorious methods”—that “heavily suppressed” the Black vote (*Brnovich v. Democratic National Committee*. 2020: 2). Many of the same methods were also used in western states to suppress the votes of American Indians (McCool, Olson, and Robinson. 2007; McCool. 2012; McDonald. 2011; Schroedel. 2020).

123. The territory of Montana was no exception in discriminating against potential Indian voters. As soon as the Territory of Montana was created it passed a law limiting voting to “white male citizens” (First Legislative Assembly of the Territory of Montana. 1864: 875-76). Territorial law in 1871 prohibited establishing precincts “On any Indian reservations whatsoever” (Svinden. 2002: 269). The 1889 Montana Enabling Act specified that the state’s constitution must be “republican in form, and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed” (Montana Enabling Act. 1889: 677). This gave the state the imprimatur it needed to prevent Indians from voting. The new state immediately passed a law that limited voting rights to “resident freeholders,” or in other words, only men who owned property (Montana Laws. 1889: 124). This effectively excluded Indians living on reservations from voting. In 1897 the Montana Legislature prohibited Indians from

voting unless they were employed by the government or owned property outside the reservation (*U. S. v. Blaine County*. 2004: 913). In 1912, the Montana Attorney General issued an opinion that anyone who takes part in tribal affairs and receives tribal funds is not eligible to vote in general or school elections (*U. S. v. Blaine County*, Defendants' Finding of Fact. 2002: 64; *U. S. v. Blaine County*. 2004: 913). In 1919, the state forbade the creation of any precinct within an Indian reservation (*U. S. v. Blaine County*. 2004: 913). Professor Arlan Svingen succinctly summarized the state's actions: "Although certain American Indians could become citizens under the Dawes and Burke Acts of 1887 and 1906, Montana systemically denied voting rights to Indian people" (Svingen. 2002: 269-70).

124. After the passage of the Indian Citizenship Act in 1924 it became more difficult to prevent Indians from voting due to citizenship requirements. So, states found other ways to keep Native people away from the polls. The Montana Constitution was amended in 1932 to limit voting to taxpayers, unless those not paying taxes were state citizens at the time of statehood (Montana Constitution, Art. IX, Sec. 2). Indians living on reservations were not regarded as taxpayers and were not considered citizens in Montana in 1889, so this provision effectively excluded them from the electoral process. And the state maintained its prohibition against establishing voting precincts "within or at the premises of any Indian agency or trading post" (Revised Code of Montana. 1921, Sec. 552). As summarized by the 9<sup>th</sup> Circuit in *U. S. v. Blaine County*, "beginning in 1932 and continuing through 1963, the Montana legislature enacted various laws limiting voting to taxpayers, which served to disenfranchise many

reservation residents who were exempt from property taxes” (2004: 913). Professor Richmond Clow explains: “By eliminating non-taxpaying citizens’ names from the poll books for specific elections, the state’s voter eligibility law disenfranchised more tribal residents from all elections” (Clow. 2019: 53). This provision in the law was not repealed until 1971 (Clow. 2019: 54).

125. These efforts to deny or abridge Native voting rights still affect attitudes today. Native people in Montana had to start their quest for equal voting rights from a position of disadvantage and in the face of systemic resistance. With the passage of the 1965 Voting Rights Act (VRA), jurisdictions that wanted to deny or abridge the right of Native Americans to vote had to become more creative in inventing devices that impeded Indians from voting. These contemporary impediments, and the litigation they inspired, will be discussed in a subsequent section.

#### **B. The Socio-Political Context of Historical Discrimination:**

126. Contemporary issues of voting access have not occurred in an historical vacuum; the past is part of the present. This is especially for Native peoples with such a conflictual and difficult history with the dominant Anglo society; historical trauma, a deep distrust, and a sense of injustice still affect the attitudes and behaviors of Native Americans. The resulting impact on Native people sometimes creates barriers to equal participation in the electoral process. Thus,

it is necessary to understand the larger socio-political historical context in which the electoral process takes place.

127. Montana was the setting for some of the most dramatic military clashes between Native peoples attempting to protect their homelands, and incoming white settlers who coveted that land. Most of the battles of the Great Sioux War were fought in Montana (Greene. 1993). The most famous battle of the Indian wars--Custer's debacle on the Little Bighorn, occurred in Montana. Another battle in Montana that took place six years earlier was one of the worst atrocities committed by U. S. troops against Native people. Historian Peter Cozzens described what happened when troops under Major Eugene Baker attacked an innocent and unsuspecting group of Piegan (Blackfeet) Indians on the Marias River:

128. In thirty minutes of madness, women and children were shot or burned alive in their lodges.... Baker laughed as he walked through the smoldering wreckage and gazed upon the charred corpses.... Baker reported 173 Piegans killed and 140 captured at the cost of one man dead. He claimed that nearly all the Indian casualties had been warriors, when in fact he had murdered 90 women and 50 children (Cozzens. 2016: 116).

129. The war against Indians was a long, bitter, and bloody struggle, and it was not uncommon for Anglos in the western states to advocate for the total annihilation of Native people. General William T. Sherman, who was the commander of the U. S. Army at that time, opined: "we must act with vindictive earnestness against the Sioux, even to their extermination, men, women, and children" (quoted in Connell 1985: 132). That was not an uncommon sentiment. Colonel John Chivington, the officer responsible for the massacre of Arapahos and Cheyennes at Sand Creek, ordered: "Kill and scalp all, big and little; nits make

lice” (quoted in Svaldi. 1989: 9). The prevailing sentiment in the region was captured by a newspaper in North Dakota, just east of Montana: “The American people need the country the Indians now occupy.... An Indian war would do no harm, for it must come, sooner or later” (*Bismarck Tribune*. 1874: 99). After hundreds of Sioux, mostly women, children, and elderly were massacred at Wounded Knee in 1890, many western newspapers blamed the Indians and called for their removal or annihilation.<sup>11</sup> A truly vicious headline appeared in *The Union County Courier* in South Dakota: “300 Indians killed; Many Bad Redskins Made Good in a Very Few Moments” (Dec. 31, 1890). The *Argus-Leader* in Sioux Falls, South Dakota argued that “the rapid extinction of the Indians during the past century has been of great benefit to the American people,” but then admonished other western newspapers that had published sensational and inaccurate accounts of the massacre. “The papers have been filled lately with bitter denunciations of the Indians, with bloodthirsty wishes for their massacre and with threats of confiscations and annihilation” (Jan. 15, 1891). One of those Anglos making the argument for extermination was L. Frank Bauman (ironically, the famous author of *The Wizard of Oz*), who, in an editorial in the *Aberdeen Saturday Pioneer*, made this argument: “... our only safety depends upon the total extirmination [sic] of the Indians. Having wronged them for centuries

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<sup>11</sup> For an accurate account of the massacre and its political ramifications, see: Heather Cox Richardson, *Wounded Knee: Party Politics and the Road to an American Massacre* (2010). Her account of what happened is quite succinct: “...the soldiers hunted down and slaughtered all the Sioux they could find, riding them down and shooting at point-blank range as they tried to escape. One woman was murdered after she had run three miles from the camp. Soldiers shot babies in their cradle-boards. The only good Indian was a dead Indian, many of the troops had been taught, and they had just turned two hundred and fifty Sioux into good Indians.” P. 11.

we had better, in order to protect our civilization, follow it up by one more wrong and wipe these untamed and untamable creatures from the face of the earth” (Giago. 2014; Hines. 2010).

130. By the end of the Indian wars, Native people in Montana had endured decades of war with incoming settlers. Atrocities had been committed by both sides, and the animosity between the races was at a fever pitch. Perhaps no one captured that sense of mutual hatred better than the famous Lakota chief Sitting Bull: “The white man never lived who loved an Indian, and that no true Indian ever lived that did not hate the white man” (quoted in Cozzens. 2016: 283).

131. It was in this deeply troubled milieu that Native people entered into treaties with the federal government and were confined to the small remnants of their traditional homelands that are known today as reservations. According to the *Montana Post*, a treaty negotiated with the Blackfeet and Gros Ventre gave to the territory of Montana “all those portions of our territory that have proved to be of any worth,” and squeezed these tribes into successively smaller reservations (quoted in Ewers. 1958: 240). But even a reservation that severely restricted Native people provoked animosity from local Anglos. When a reservation was proposed in eastern Montana in 1867, the territorial assembly fiercely opposed it: “[This reservation] would be valueless to the barbarian excepting in so far as it would enable him to glut his vengeance upon the pioneers of the border settlements and arrest the *tide of empire*”



[emphasis mine] (Hoxie. 2000: 12).<sup>12</sup> Other Montanans wanted Native people removed entirely. The cry of “the Indians must go” (a headline in the *Yellowstone Journal* in 1884) was a common refrain. *The Yankton Press and Dakotan* opined that the only way to achieve a permanent peace was “to remove the Indians from their reservation altogether” (Jan. 2, 1891). The Northern Cheyenne, after returning to their homeland after several miserable years in Oklahoma, “lived under the constant threat of removal between 1884 and 1900” (Svingen. 1993: 157). In 1899, the Montana state legislature requested that the federal government pass a law that prohibited Indians from leaving their reservations, effectively turning them into open-air prisons (*U. S. v. Blaine County*. 2004: 913).

132. The “tide of empire” alluded to above and the resulting reservation policy were disastrous for Native peoples; broken treaties, corrupt Indian agents, and vociferous anti-Indian agitation from locals left Indians starving, destitute, and hopeless. For example, Granville Stuart, the Montana State Historian, described what happened to the Salish Tribe: “Without a shadow of right or justice and without warning or provocation these kindly peaceable Indians were to be driven from the home that had been theirs since the beginning of time” (quoted in Kittredge and Smith, 1988:385). Chief Eneas, a resident of the Flathead Reservation, complained bitterly in 1882 about broken promises:

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<sup>12</sup> Ironically, a year later the territorial assembly asked the government to create a reservation for the Blackfeet so that settlers could take the land the Blackfeet currently occupied, but they admitted that the Blackfeet had turned to war only because their 1855 treaty had been “utterly disregarded” by the government, and so the Blackfeet “accepted the alternative of war; their choice under the circumstances no one doubts, and but few can blame” (Indian and Aboriginal Law Commons. n.d.).

There are things that the government promised me in that treaty that I have never seen.... This is the reason we want that country [the northern half of Flathead Lake] back... we did not get one-half of the annuities that belonged to us. It was divided among yourselves. You told us that after a while we would be intelligent and rich and like white men. We are poor now. We try to have whites to assist us, and they won't because we are Indians. That is the reason we want to have the whites kept out of that Flathead Lake country (quoted in Kittredge and Smith. 1988: 357).

133. On the Fort Peck Reservation that same period of time was known as the "starving years," and the agent in charge tried to prevent "the hunger and deprivation which the Assiniboines and Sioux at the chronically underfunded agency faced almost every winter" (Smith. 2008: 111). On the Blackfeet Reservation a similar state of desperation existed: "The United States government had acknowledged responsibility for the Blackfeet in the 1855 and subsequent treaties, but agency supplies were inadequate to meet famine conditions. Up to one-quarter of the Piegan perished during the winter of 1883-1884" (McFee. 1972: 48). For the Northern Cheyenne, "reservation life proved difficult and degrading... they had great difficulty reorienting themselves" (Malone and Roeder. 1976: 108). In 1885 the Northern Cheyenne were described as "half-starved" (quoted in Svingen. 1993: 54). On the Fort Belknap Reservation, the Indian agent in 1884 described the Assiniboine and Gros Ventre people living there as a "horde of half-fed women and children" and demanded that the government "alleviate their suffering" (Hoxie. 2000: 9). In 1910, when yet again the government wanted more land excised from the reservation, a tribal leader protested: "We are dying off nearly every day, and the cause of it is that we are starving to death" (quoted in McCool. 1987: 65). In 1884 the Indian agent at the

Crow agency described the Crows as “pretty hungry,” but then added “A little starving will be good for them” (Hoxie. 1995: 139).

134. By the time Montana became a state in 1889, the relationship between Anglos and Native Americans was, to be charitable, extremely troubled. I quote from a history of the state of Montana that succinctly describes that relationship:

Except for perhaps black slavery, the white conquest of the Indian forms the most sordid chapter of American history. Historians have focused much attention upon the defeat of the Indians, but they have stressed too much the blood and thunder involved, too little the broader aspects of the question. From the Indians’ point of view, it was a genuinely tragic story, punctuated by war, disease, and fraud. But from the emotionless perspective of regional history, Indian removal marked a major turning point in the development of this area. The Indian’s loss became the white man’s gain. As the Indian lost the best of their lands, the vast reaches of Montana opened abruptly to white settlement and “development” (Malone and Roeder. 1976; 87).

135. Discrimination against American Indians in Montana would continue to be a recurrent theme throughout the state’s history, even if the Native was a war veteran. Timothy Davis, Blackfeet, described what happened to his grandfather: “My grandfather fought in World War One without even having that right to vote” (quoted in Montana Advisory Committee Hearing Transcript. 2021: 5). In 1945, U. S. Marine and code-taker Gilbert Horn returned to his home on the Fort Belknap Reservation, after fighting for his country in the Pacific. He was “treated like dirt” (Native American Code Talker. 2016). Donovan Archambault, from Fort Belknap, described what happened when he and Mark Wandering Medicine entered Judge Lynch’s chambers in an effort to settle the *Wandering Medicine* case:

Mark Wandering Medicine and I were proud to serve in our country's military. Mark saw combat as a Marine veteran in Vietnam and I was stationed with the army in Germany during the Cold War. We walked into the settlement conference as proud military veterans.... There was no respect. The judge bullied us and we got next to nothing. I thought the judge was supposed to be impartial. I thought we could get justice; instead, it appears discrimination is still alive and well in Montana and couched in the robes of justice. As soldiers and citizens we deserve better (quoted in: Schroedel. 2021: 217-219).

Laurie Kindness, a member of the Crow Tribe and currently serving in the U.S. Army, made a similar point: "when I returned from the military, I was shocked by it [the level of discrimination] and seeing what has happened.... Being a veteran, it bothers me. We Natives sacrificed our lives; we have a tradition of service and sacrifice, and this is the thanks we get? I'm going into my 21<sup>st</sup> year of service. It's [the discrimination] gotten worse recently" (Kindness. 2021).

136. In the 1970s, as Native people began to exercise their newly-won franchise, there was an "anti-Indian backlash against tribal members participating in elections... [leading to] a firestorm from Montanans who harbored anti-Indian sentiments" (Clow. 2019: 54). Timothy Davis of the Blackfeet Reservation experienced that first-hand: "They're saying there's not that racism in Montana. I recall, as a young boy going to Conrad, where it said no Indians or dogs allowed" (quoted in Montana Advisory Committee Hearing Transcript. 2021: 9). Janine Windy Boy, the President of Little Big Horn College, also experienced such treatment: "You just don't go where you aren't wanted... [being called a] "pagan, heathen, savage, or a blanket-assed Indian" (quoted in Svingen. 2002: 274). When Native voters on the Crow Reservation

filed a lawsuit in 1986, relying on the Voting Rights Act, a county commissioner made this comment: “The Voting Rights Act is a bad thing... things were fine around here, now they [Indians] want to vote. What next?” (quoted in the *San Francisco Examiner*. Oct. 5, 1986, and *The New York Times*. July 5, 1986). Timothy Davis, the chairman of the Blackfeet Nation, alluded to this: “We’ve always liked to vote in person, take it as our right, Native, first Americans, last Americans to get the right to vote” (quoted in Montana Advisory Committee Hearing Transcript. 2021: 5).

137. The 9<sup>th</sup> Circuit, in *Old Person v. Cooney*, noted: “There was a history of discrimination by the federal government and the State of Montana from the 1860s until as recently as 1971. American Indians have a lower socio-economic status than whites in Montana; these social and economic factors hinder the ability of American Indians in Montana to participate fully in the political process. These two findings are not contested by the State” (*Old Person v. Cooney*. 2000: 1129). In fact, as detailed in the next section, that discrimination did not magically stop in 1971, and continues to this day. It is a long-standing problem: “Historically, the Indian residents of eastern Montana have, individually or collectively, suffered from what has become the standard litany of abuses that may be found in most accounts of Indian history.... Discrimination and abuse are not just phenomena of the Old west---they have been and continue to be part of the Modern West” (Weber. 1989: 111).

138. This history of violent oppression, discrimination and the denial of voting rights is directly relevant to consideration of HB 176 and HB 530 because it forms the context for

contemporary voting rights and the socio-economic relationship between Native people and Anglos today. Historian Margaret Jacobs notes how the traumas of the past still shape attitudes and behaviors: “What would it be like to lose so much over so many generations? How would it feel to fear that there is no safe place, that one must always be on-guard against violence and abuse?... Many Indigenous people speak of ‘intergenerational trauma,’ as well as a fierce resilience, that passes down through the generations” (Jacobs. 2021: 9). This historical trauma, and the systemic resistance to Native voting rights, add to the long list of voter costs that Native Americans must confront to participate equally in the electoral process. These costs must be added to the socio-economic costs and the voter costs imposed by HB 176 and HB 530.

**VI. QUESTION 5: Does contemporary discrimination affect the ability of Native Americans to participate equally in voting? Do Native Americans in Montana continue to face unique obstacles that prevent them from having an equal opportunity to vote and participate in the political process?**

**A. Voting Rights Cases in Montana:**

139. One of the most effective ways to gage the fairness of elections is to examine the number of cases under the Fifteenth Amendment, the Voting Rights Act, and state law, especially those that were won by, or settled to the satisfaction of, the Native plaintiffs. Montana has a long string of such cases that reveal the continuing efforts by local Anglos to abridge or dilute the voting rights of Native Americans. This section lists 12 such cases.

a. *Simenson v. Bell* (1976). Certain counties in Montana have come under the coverage of the Voting Rights Act's Section 203, the language assistance provision (Tucker. 2009: 80, 339). Coverage is determined by the extent of non-English language use and the illiteracy rate. In *Simenson*, Roosevelt County, home of the Fort Peck Reservation, requested bail-out from Section 203 language coverage. Bailout is a provision in the VRA that allows a jurisdiction to escape coverage. In this case, the judge ruled that Roosevelt County failed to prove that illiteracy rates among Native people in Roosevelt were under the required standard, and denied bail-out.

b. *Windy Boy v. Big Horn County* (1986). Plaintiffs charged that Big Horn County, the location of the Crow Reservation and part of the Northern Cheyenne Reservation, violated Section 2 of the VRA by diluting the voting rights of Native American voters. The county used an at-large method of electing three county commissioners, so that the entire county voted for all three commissioners. This meant that, although Native voters were 41 percent of the population, they could never elect a county commissioner to represent them. The case also included two school districts. The district judge found in favor of the plaintiffs, and ordered the county to develop a district-based system of elections. He found that the evidence presented "tends to show an intent to discriminate against Indians," found evidence of discrimination against Indians, and concluded that elections in Big Horn County were "race conscious" and "racially polarized." Most importantly, he ruled that "official acts of discrimination... have interfered with the rights of Indian citizens [in Big Horn County] to register and vote." As a

result of the case, three new single-member districts were created and the county elected its first Native American to the Big Horn County Commission.

c. *Alden v. Rosebud County Board of Supervisors* (2000). Plaintiffs argued that the at-large districts for the county commission violated Section 2 of the VRA. The county agreed to a settlement that created three single-member districts.

d. *U.S. v. Roosevelt County* (2000). Plaintiffs from the Fort Peck Reservation argued that the at-large districts for the county commission violated Section 2 of the VRA. The county agreed to a settlement that created three single-member districts. In the settlement, the parties agreed that the plaintiffs “could present evidence sufficient to establish a *prima facie* showing the Indian citizens in Montana and Roosevelt County have suffered from a history of racial discrimination in voting and other areas” (Consent Decree. 2000: 3).

e. *Matt v. Ronan School District* (2000). Plaintiffs from the Flathead Reservation argued that the local school board’s at-large election system violated Section 2. The school board agreed to a settlement that created single-member districts.

f. *Old Person v. Brown* (2000, 2002). This case involved actions by the state’s Districting and Apportionment Commission. This was a very complex case that lasted six years, and the 9<sup>th</sup> Circuit began its decision with this statement: “We enter again the turbulent and at times turbid waters of voting rights litigation.” In 1990 the Commission consisted of five Anglos; no Native person had ever served on the Commission. The Commission’s deliberations included anti-Indian banter, and one of the commissioners issued a threat to the demographer who



developed a proposal on behalf of Native voters (*Old Person v. Clooney*, Plaintiffs Exhibit. 1992). The dispute was over whether the Commission should create additional Indian-majority districts in the state legislature. The Commission had adopted a redistricting plan “that ‘cracked’ the population from five different reservations,” including splitting the Flathead Reservation into eight legislative districts (Schroedel. 2020: 56).

140. The plaintiffs from the Flathead and Blackfeet Reservations claimed that the 1992 re-districting plan diluted Native voting strength. One of the commissioners admitted that voters were racially polarized: “There is polarization in almost everything we do” (Plaintiffs Exhibit 46, p. 10). The District Court dismissed the complaint, but noted that there was a “history of official discrimination against American Indians during the 19<sup>th</sup> century and early 20<sup>th</sup> century by both the state and federal government” (*Old Person*. 1998. Slip Op. p. 39). The 9<sup>th</sup> Circuit reversed much of the District Court’s decision and remanded it for further consideration. The District Court again dismissed the complaint, but noted the presence of official discrimination, and also noted that racial appeals in elections had occurred: “in at least two recent elections in Lake County, which is within the four districts challenged on appeal, there had been overt or subtle racial appeals” (*Old Person II*: 1129). This time the District Court’s decision was upheld by the 9<sup>th</sup> Circuit. However, the case was effectively rendered moot when a new Commission was seated in 1999 that included one Native member who was chosen by the Montana Supreme Court.

g. *U.S. v. Blaine County* (2004). This was a Section 2 case against the county's at-large voting system for county commissioners. Even though each of the three commissioners represented specific geographical areas, each had to stand for county-wide election. In an initial ruling on a request for summary judgment, the judge noted that "there is ample evidence that American Indians have historically been the subject of discrimination in the area of voting" (*U.S. v. Blaine County* 2001: 1152). In the Court's final ruling, which found in favor of the plaintiffs, the judge cited "extensive testimony at trial relating to the history of official discrimination" (*U. S. v. Blaine County* 2002: 15). The county appealed the verdict, claiming that Section 2 is unconstitutional. The Appeals Court rejected that argument and quoted Supreme Court Justice Sandra Day O'Connor: "[It] is the sad reality that there still are some communities in our Nation where racial politics do dominate the electoral process" (*U. S. v. Blaine County* 2004; 907). The case resulted in the county adopting a single-member district system, and the county's first Native American was elected soon thereafter.

h. *Wandering Medicine v. McCullough* (2014). This case arose from a request to the Montana Secretary of State to open one satellite voting office on three reservations (Fort Belknap, Crow, and Northern Cheyenne) to facilitate late in-person registration and early voting. The request was denied, and the Native plaintiffs filed suit in an effort to force the state to provide satellite offices. The plaintiffs based their claim on the 14<sup>th</sup> Amendment's equal protection clause, the Montana Constitution's Article II, which guarantees that "all elections shall be free and open," and the Voting Rights Act's Section 2 that prohibits the "denial or

abridgement of the right of any citizen of the United States to vote on account of race or color” (*Wandering Medicine v. McCullough*. 2012. Complaint). This case focused on the unique difficulties faced by Native Americans in accessing voting sites and thus is especially relevant to the case at-hand.

141. The U. S. Justice Department’s Voting Section filed a “Statement of Interest” in this case, pointing out that the Voting Rights Act prohibits “unequal access to voter-registration sites” (*U.S. v. Wandering Medicine* 2012: 5). Their brief quoted the 1982 Senate Report: “...the question whether the political processes are ‘equally open’ depends upon a searching practical evaluation of the ‘past and present reality’” (Statement of Interest, p. 6), and emphasized: “Native American voters in the three counties are *much* farther from the late registration and voting sites than their white peers, and they are *much* less likely to have the resources necessary to bridge the gap” (Statement of Interest, p.8).

142. District Court Judge Richard Cebull denied the plaintiff’s motion, but admitted that “It is undisputed that it [sic] Native Americans living on the three Indian Reservations face greater hardships to in-person absentee voting than residents of the three counties who do not live on the reservations” (*Wandering Medicine v. McCullough*. 2012. Order Denying, p. 2), and that “it is well established that there has been a history of official discrimination in Montana” (Order Denying, p. 9). The Court also found that “it is well-established... that poverty, unemployment, and limited access to vehicles render it difficult for residents of the three reservations to travel to the county seats to register late and cast in-person absentee ballots”

(Order Denying, p. 11). However, Judge Cebull denied the motion because “there is insufficient evidence of discriminatory intent” (Order Denying, p. 3), the fact that Native Americans had been elected to office, and the satellite offices would impose “great cost” on the defendants (Order Denying, pp. 18-19). The plaintiffs successfully appealed Judge Cebull’s decision to the 9<sup>th</sup> Circuit.

143. Not long after Judge Cebull issued his opinion he was forced to retire when it was discovered he had sent hundreds of racist and inappropriate emails to people using his court email address (*In Re: Complaint of Judicial Misconduct*. 2013; *In Re: Complaint of Judicial Misconduct*. 2014). Before the case could be re-tried in the District Court, the defendants in 2014 agreed to open an “alternate election administration office” on each of the three reservations involved in the litigation, for two days a week. These offices “will provide in-person late registration and in-person absentee voting” (*Wandering Medicine v. McCullough*. 2014).

i. *Jackson v. Wolf Point School District Board of Trustees* (2014). The principle of “one person, one vote” requires a roughly equal number of residents in each voting unit to achieve an equitable distribution of voting power. The Wolf Point High School District 45A, which is on the Fort Peck Reservation, deviated wildly from this standard. This deviation tended to favor that portion of the school district with a larger percentage of Anglo voters. The plaintiffs in the case were all American Indians (Plaintiff’s Complaint 2013). The defendants admitted the school district was malapportioned, and agreed to a settlement that reduced the deviation to

within a legally permissible 1.54 percent. This settlement eliminated two existing seats on the board, created one trustee position elected at-large, and five trustees elected from single-member districts (*Jackson*, Consent Decree. 2014).

j. *Western Native Voice v. Stapleton* (2020). This case, like the case for which this report is offered, concerned a state law that placed significant limits on ballot assistance via the “Ballot Interference and Protection Act” (BIPA). Native plaintiffs argued that BIPA violated the Montana state Constitution. The Thirteenth Judicial District Court noted that “reservations are home to thousands of Montana voters who lack equal access to the ballot and who experience greater barriers to casting mail ballots (both absentee and ballots in mail-only election) than do other Montanans” (2020: 6). The Court further noted that the plaintiff organizations collected 853 ballots on Indian reservations, which was “fully 9-10% of total absentee ballots cast in precincts targeted by Organizational Plaintiffs” (2020: 23-23). BIPA was passed based on the claim that it would prevent ballot fraud, but the Court found that “Voter fraud has historically been rare, if not nonexistent in Montana,” and noted that the Montana Commissioner of Political Practices, Jeff Mangan, only knew of one instance of voter fraud and that one case involved a signature, not ballot collection (2020: 28-29).

144. In finding for the plaintiffs, the Court found that “the facts presented at trial clearly demonstrate that the limitations, burdens and voter costs imposed by BIPA on Native American and rural voters in Montana are not reasonable, are discriminatory and are not justified by any documented regulatory interests” (2020: 47). The Court also found that BIPA

“violates Organizational Plaintiffs’ and Plaintiff CSKT’s fundamental right to freedom of speech” (2020: 48) and their “right to due process of law” (2020:61). The Court concluded: “BIPA is unconstitutional and is hereby permanently enjoined” (2020:61).

k. *Driscoll v. Stapleton* (2020). This case also involved BIPA, and was brought by the Montana Democratic Party, but included claims regarding Native American voters. The plaintiffs won in district court and the Secretary of State appealed to the Montana Supreme Court. In its ruling, the Supreme Court provided a succinct summary of the barriers to voting faced by Native Americans in Montana:

Democrats also presented evidence to demonstrate that the importance of absentee ballots and ballot-collection efforts is more significant for Native American voters than for any other group. Disregarding BIPA’s possible impact, Native American voters as a group face significant barriers to voting: many live far away from county elections offices and postal centers; many have limited access to transportation; many have limited access to postal services, lacking residential mailing services and using Post Office boxes instead, which brings associated costs and travel; mail for those living on reservations may take longer to reach its destination than for other voters in the state; some reservations lack a uniform and consistent addressing system, which makes it difficult for residents to register to vote; and many experience higher rates of poverty. Further, despite satellite voting locations on some reservations, this requires tribes to submit annual written requests, a significant administrative hurdle, and typically those locations still are located quite far from many Native American voters. (2020: 4-5).

The Court then noted that Secretary Stapleton “has pointed to no evidence in the preliminary injunction record that would rebut the District Court’s finding of a disproportionate impact on Native American voters, and he leaves the contention largely undisturbed in his briefing on appeal” (2020: 14).

145. The Montana Supreme Court also investigated the claim that BIPA was justified due to concerns about voter fraud: “The Secretary asserts on appeal, as he did before the District Court, that the State has important interests to ensure voter confidence in the electoral process and to guard against abuses of that process. But he did not present evidence in the preliminary injunction proceedings of voter fraud or ballot coercion, generally or as related to ballot-collection efforts, occurring in Montana” (2020: 14).

146. The Supreme Court concluded that the “District Court did not err in finding prima facie evidence that BIPA may unconstitutionally burden the right of suffrage, particularly with respect to Native American communities” (2020: 14).

I. *Blackfeet v. Stapleton* (2020). The Blackfeet Nation sued the Montana Secretary of State because of “Defendants’ refusal, despite timely requests, to establish a site that provides in-person voter registration, in-person early voting, and Election Day voting (hereinafter “satellite office”) on the Blackfeet Indian Reservation” (Complaint, 2020: 2). Pondera County only offered in-person voting at the county seat in Conrad, a drive that can be quite lengthy and dangerous for some reservation voters. Three days after the suit was filed, the defendants agreed to the plaintiffs’ request to place a satellite office on the reservation, and the case was dismissed (Justia Oct. 14, 2020; Bolton. 2020).

147. Together, these cases demonstrate that Montana has a long history of discrimination against American Indians that continues to this day, and that discrimination has

a direct impact on their right to vote and participate in the political system. Discriminatory laws and actions, by design, make it harder for Native people to vote. This history of institutional discrimination is part of the political milieu that Native voters must enter when they visit border towns and other off-reservation sites to register and vote. The freedoms that were eliminated by HB 176 and HB 530—making one trip to town to both register and voter, and the use of a paid ballot collector—were effective ways for tribal members to reduce their interaction with a system that has not always treated them fairly or with open arms. These cases also demonstrate that tribal members often have to resort to litigation to make elections fair for all voters, including Native Americans.

#### **B. The Socio-Political Context of Contemporary Discrimination:**

148. Today, racism is often expressed in a much more subtle way than in the past (Dick and Wirtz. 2011; Hills. 2008). However, there are exceptions--Judge Cebull's emails, for example (Adams. 2014). And some overt expressions of racism, such as a swastika painted on a historic sign about Native people, or a man costumed in a KKK robe at a bar in a border town, may seem trivial, but each one sends a message, and those messages accumulate over time (Mabie. Nov. 2, 2020d; Maki. 2021).

149. There is a long and troubling history of Native Americans being exposed to racism in "border towns"—Anglo communities that are in, or near, Indian reservations. This is not a new problem. The U. S. Supreme Court made note of this in the famous case of *U. S. v.*

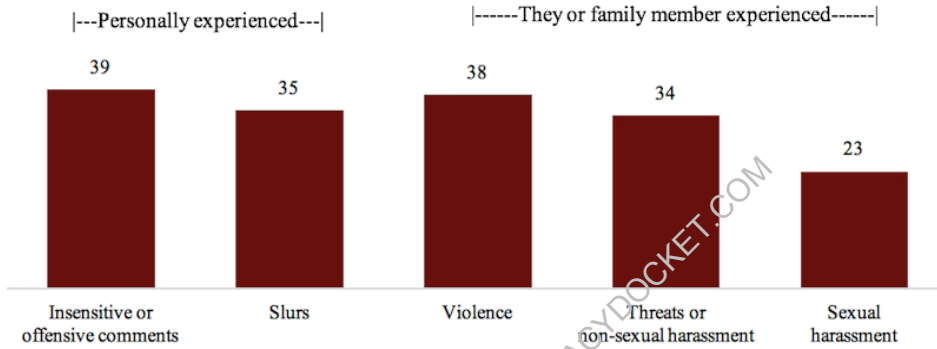


*Kagama*: “They [Indian tribes] owe no allegiance to the states, and receive from them no protection. Because of the local ill feeling, the people of the states where they are found are often their deadliest enemies” (1886). The 1961 U. S. Commission on Civil Rights Report, “Justice,” noted that: “The degree of hostility in communities adjoining Indian reservations is usually in inverse proportion to the distance of the locality from reservation boundaries” (U. S. Commission on Civil Rights 1947: 135). In 1994, anthropologist David Brugge also commented on border towns: “The role of prejudice as a political weapon derives, of course, from its potency in society at large.... In the present century, in the reservation border towns, such stereotypes are especially pervasive....” (Brugge. 1994: 252).

150. A recent national opinion survey confirmed the claim regarding border towns; it found that, the closer non-Indians live to Indian reservations, the less sympathy they have for positive Native narratives: “Proximity to Indian Country is also an indicator of attitude and perception. In focus groups, people living near Indian Country freely admitted their biases” (Reclaiming Native Truth. 2018: 23). Support for a positive narrative regarding Native people was fairly even across the U.S., except western regions: “People living in the Plains and the Southwest region were least likely to report recognizing that Native Americans face ongoing discrimination and ranked as least supportive of issues facing Native Americans.... [V]oters in rural parts of a state with a relatively high percentage of Native Americans showed less respect for tribal sovereignty and rights than did voters in more urban parts of the same state” (2018: 49-50).

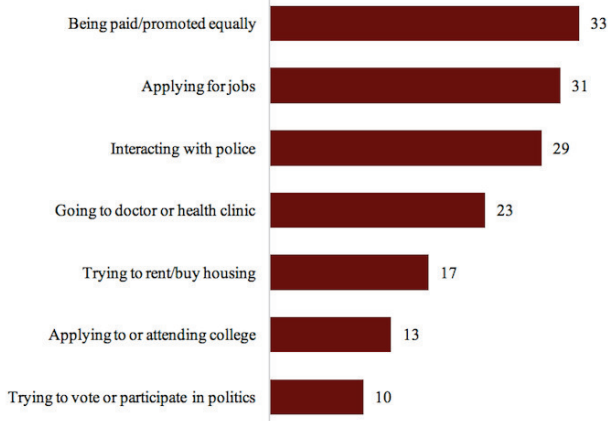
151. A recent study conducted by the Harvard School of Public Health found that one in three Native Americans has experienced racism (Harvard. 2017). The results of that study are presented in the following two charts:

Chart 1:  
Percent of Native Americans Reporting Various Forms of Individual Discrimination Because of Their Race or Ethnicity



The Harvard study also examined specific situations where discrimination occurs, including voting (Harvard. 2017):

Chart 2:  
Percent of Native Americans Saying They Have Ever Been Personally Discriminated Against in Each Situation Because They Are Native



This study indicates that 10 percent of Native people have experienced discrimination when attempting to vote or participate in political activities; that is a substantial number that could affect the outcome of local and state races where there is a significant number of Native voters and the elections are competitive.

152. Montana is not an exception to this phenomenon. A 2019 report by the Montana Advisory Committee to the U.S. Commission on Civil Rights documented border town discrimination. The Commission hearings revealed “anecdotal evidence suggesting continued disparity and or discrimination in the area of education, health care, voting, and the administration of justice.... The perception of unfairness among Native Americans is so pervasive that it negatively affects Native Americans’ experiences in border towns” (Montana Advisory Committee. 2019: 1). A subsequent report by the Montana Advisory Committee, which focused specifically on voting, found that “Relationships between tribal governments and county government agencies range from good to contemptuous” (Montana Advisory Committee. 2021: 13). These county government are often in border towns.

153. This is critically important because border towns are where Native people go to register to vote, to pick up election materials, and to cast in-person absentee ballots. This could have a suppressive effect on voters who are reluctant to enter social spaces where they feel unwelcome or unwanted. One tribal member described how hostility in border towns suppresses Native participation in elections: “The native population turns its back on systems that are hostile to it. It’s incredibly hard to get them engaged” (McDonald. 2020). Overcoming

such hostility is an additional burden of voting in such circumstances. Tribal members have expressed their frustration, and poor relations with, county government in border towns:

> “some border towns are still not friendly and welcoming and they slander. Politics is now very tense. We still have that judgment placed upon us. If you see the comments on news articles [about Native people], they’re negative” (Sooktis. 2020).

> “And border towns are unfriendly. An example was when we were doing GOTV, the way the county people treated people who are Native” (McLean. 2020).

> “I believe that the elected administrator in Glacier County, who refused to provide drop boxes and the County commissioners in Pondera County, who refused to engage with us and who tried to obstruct our access to the means of our vote, were very discriminatory” (Timothy Davis, quoted in Montana Advisory Committee Hearing Transcript. 2021: 9).

> “Lake County, which is the majority of the reservation, ultimately we have a pretty contemptuous relationship.... The counties, in my opinion, it’s kind of a hostile environment there” (Shelley Fyant, quoted in Montana Advisory Committee Hearing Transcript. 2021: 21, 24).

> “...in our county [Big Horn], yes. And that’s... just a reality [racial tension]. We’re—you know, this is a border town. Hardin’s a border town. There’s been a lot of racial tension since people were put on reservations. So, yeah, there is racial tension here still to this day” (Bear Don’t Walk, deposition. 2021: 71).

154. Every Native person I interviewed indicated that discrimination is a persistent problem, including its impact on voting, and it is not limited to border towns. The president of Lame Deer College, when interviewed for the Montana Advisory Committee, said that all of Montana is a border town because “discrimination and profiling happens from one end of the state to the other” (Montana Advisory Committee. 2017: 5). Mark Wandering Medicine, the lead plaintiff in the eponymous lawsuit, said, “The intimidation I faced as a lead plaintiff, I

wouldn't want to wish it on anybody" (Montana State Tribal Relations Committee. 2019). And complaints have been filed regarding discrimination in Montana's public schools (Waldman. 2018; Title VI Complaint Fort Peck Tribes. 2017).

155. It is not always easy to judge who is a racist and what organizations are racist, given the more nuanced language that is employed by many groups these days. Often racist groups develop a patina of respectability by couching their prejudice in language that incorporates social ideals such as equality and freedom. Rebecca Anderson, the former president of the First Nations Development Institute, wrote that: "Indian hatred nowadays is faceless, oblique, bureaucratic. It comes at us from strange angles, the edges rounded with reasonability" (Quoted in Montana Human Rights Network. 2000: 10). A case in point is a group called Citizens for Equal Rights Alliance (CERA), which organized a conference in 2019 in the small Montana town of Whitefish. They pointedly claim they are not racist, but advocate to "change federal Indian policies that threaten or restrict the individual rights of all citizens living on or near Indian reservations" (Citizens for Equal Rights Alliance. 2021). The group is associated with far-right conspiracy theories. For example, Elaine Willman, a board member and former chair of the group claimed that the proposed water settlement for the Flathead Indian Reservation is a "template for implementing communalism and socialism consistent with Agenda 21, and that it is intentionally aligned to spread tribalism as a governing system while eliminating State authority.... It is my belief that Montana is Ground Zero for test-driving this

model” (Southern Poverty Law Center. 2016; Montana Human Rights Network. 2000: 7).<sup>13</sup>

Despite the group’s disavowal of racism, it is certainly *perceived* to be racist by the Native American community, and the group has had a long and controversial presence in Montana (see: Smith. 2018; Tanner. 2016; Devlin. 2015; Native News Online. 2015; Chavers. 2011).

156. The presence of groups that are overtly racist, or at least perceived to be anti-Indian, has been documented for nearly three decades. In 1994, the Montana Advisory Committee to the U. S. Commission on Civil Rights published a report titled “White Supremacist Activity in Montana” (1994). The Report lists 22 organizations it identifies as white supremacist. That list includes CERA, All Citizen’s Equal (ACE), and Protect American Rights and Resources (PARR), which the report described as “alleged to have specifically engaged in anti-Indian activities” (1994: 2). The report contains a section titled “The Native American Perspective,” which begins with this claim: “Indian nations located in the Pacific Northwest have been the target of increased challenges from right-wing and extremist groups. They have had to contend with racial attacks, organized efforts at political destabilization, and increasing incidents of individual harassment, destruction of property, and public misinformation” (1994: 30). On page 30, the report introduces a new group that it considers anti-Indian: Montanans Opposed to Discrimination (MOD).

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<sup>13</sup> The Confederated Salish and Kootenai Tribes Compact can be viewed at: <http://dnrc.mt.gov/divisions/reserved-water-rights-compact-commission/confederated-salish-and-kootenai-tribes-compact>

157. Six years later another report on anti-Indian groups was published by the Montana Human Rights Network (2000). Titled “Drumming Up Resentment,” it begins with a story about a woman attending a class at a technical college. When the subject of American Indians came up, she said, according to the author of the report, “Why is it that we taxpayers have to give Indians money just for being Indians?... They’re all lazy drunks anyway.” (Montana Human Rights Network. 2000: 3). This report also refers to CERA and MOD as anti-Indian groups, along with the Interstate Congress for Equal Rights and Responsibilities (ICERR), and a group called Totally Equal Americans (TEA) (2000: 7). The remainder of the report details the establishment, growth and multiple name-changes of several groups it labels anti-Indian. Montanans Opposed to Discrimination (MOD) was particularly active around the Flathead Reservation, and then opened a chapter near Fort Peck (2000: 16). The report quoted a letter (from May 10, 1990) to the *Ronan Pioneer* to illustrate some of the attitudes: “The Indians are conquered people and I don’t owe any of you anything” (2000: 17).

158. Another study was published in 2018 by the Montana Human Rights Network. It makes the argument that groups such as CERA, and a similar Montana-based group called All Citizens Equal, are hate groups and should be declared as such. To make their point, the report includes statements made by members of CERA and other groups they perceive to be racist. I include a few them in this report with the disclaimer that I cannot independently verify them:

> “When you compare the characteristics of an addictive organization to the characteristics of tribal government, they are the same: confusion, dishonesty, control, and abnormal thinking processes.” CERA News, Feb. 2001.

> “The UN is using tribes as pawns to facilitate the dismantling of our country, and of course, tribes are ever so willing...” Elaine Willman, former CERA chair, Jan. 27, 2017.

> “We have 270 sanctuary cities fully infiltrated by the Muslim Brotherhood. We now have 340 Indian reservation targets, soft quiet spaces, to further infiltrate this country with Muslims.” Elaine Willman, in a video posted by the Montana chapter of Oath Keepers.

> “When is White History Month? 100% White. 100% Proud.” The Facebook page of Skip Palmer (for verification, see: Martin. 2016).

It is beyond the scope of this report to determine conclusively who is right in the conflict between tribes and CERA and other “citizen rights” organizations. But it is relevant that such conflict creates an environment of mutual hostility and polarization between Anglos and Indians. As Dulcie Bear Don’t Walk explained, “...distrust of the system is a big thing” (Bear Don’t Walk, deposition. 2021: 68). And Native Americans, like all people of color, are potential victims of white nationalists; the state of Montana’s official “Brief History of Montana” noted that, while the state has “experienced the building of bridges with Indian communities,” it also has to deal with “the emergence of white-supremacist cells” (Montana Brief History. n. d.).

159. Another method of assessing the extent of discrimination is to simply ask Native people:

> “It [the HB 530 prohibition on paying ballot collectors] makes us feel sad, makes us feel like we’re missing out.... I almost feel like we’re going back into a century where, next thing they’re going to say is, ‘Indians can’t vote’” (Laura Roundine, quoted in Trevellyan. 2021).

> “Like when you go into a store and they follow you around to see if you’re going to shoplift, that’s the way I felt when I went to vote. I prefer to vote absentee ballot because of that reason” (Rhonda Sweeney, quoted in Montana Advisory Committee Hearing Transcript. 2021: 4).



> “Voter suppression is alive and well in Montana. Montana has long been resistant to protecting the rights of Native Americans to vote” (Andy Werk, President of Fort Belknap Indian Community, quoted in Montana Advisory Committee Hearing Transcript. 2021: 12).

> From Dulcie Bear Don’t Walk, Elections Administrator for Big Horn County: “I had Native voters who refused to give their ballots to my deputy because she wasn’t Native. And I had non-Native voters who refused to give their ballots to me because I was Native. So it’s...sad to say that that’s still something that exists here, but it does. That is a difficulty in rural Montana that there’s distrust between everybody” (Bear Don’t Walk, deposition. 2020:70).

> “There’s just a lot of discrimination here, let’s be honest [on the Flathead Indian Reservation]” (Fyant. 2020).

> “Since 1910, we became a minority on our own reservations. We have a long history of being pushed around and being powerless.... My son is a senior in that school district [on the Flathead Indian Reservation]; he hears the n----- word every day. He also hears prairie n-----; the teachers don’t acknowledge a problem.... The ether of this community that surrounds Polson is racially tinged; Indian people believe there is tons of racism in Polson. That affects attitudes; very few Native people feel comfortable there.” (McDonald. 2020).

> “Discrimination is heavily prevalent, especially on this reservation. We have a history of KKK and white nationalists. But it’s also in government and policy and local county commissioners” (Yawakie. 2020).

> “The political system, the benefit system, has taken more of a discriminatory turn; it’s getting worse.... When I ran for state legislature, in Great Falls, I was having a conversation with a guy on his front porch; he said: I can’t vote for you because your Native and I only vote for white people. I know there are people where I’m from, Rocky Boy’s, that when they go into Havre and the border towns, they make them prepay at gas stations, they follow them in stores, even in Great Falls when Native people come to town there, they run into hotel managers who say they don’t rent rooms to Natives, or they’ll set higher rates” (Sunchild. 2021).

> “Yes, there is discrimination. There’s systemic and structural racism, not very blatant, but the laws discriminate. Border towns, there is some awful types of discrimination that take place.... It’s just the general interactions that make them [Native Americans] feel uncomfortable. For example, people don’t trust the hospital in Havre, so they go to Great Falls” (Vazquez. 2021).

> “Without a shadow of a doubt, discrimination is still prevalent in Montana. I live it every time I step out of the reservation lines.... Especially during my service to my people for voting [as a ballot collector and in election services] I’d see it, and store attendants following me, racial

slurs at basketball games. We have a Lodge Grass team and a Hardin time of Crow people; the fans on the other side will make fun and say things such as prairie n-----. That is heard often. That hurts me; we're supposed to be living in a place on one plane, equal. Things are worse in the border towns. We've had issues, we call them the sundown towns—like Hardin; you don't want to go there at night, especially if you have 22 plates; you might be profiled. I got stopped for a cracked tail light, a hairline crack.... Going into the legislative session, the environment is hard to deal with; you can feel it, the discrimination" (Kindness. 2021).

> "During high school games that my cousins told me about, when a Native team is playing and the other team is white, they would be called prairie n-----. Billings is kind of a border town, although it's an hour away because a lot of people from the reservations shop there because the reservation is a food desert. I was heckled in a park there while walking my dog. A lot of those people are feeling emboldened. I've heard some negative encounters at the satellite offices. I think some of that is racially motivated" (Killsback. 2021).

160. What is clear is that racial polarization, discrimination, and racism work against the goal of equitable access to the political process. Voting requires Native people to interact with non-Native people who may be prejudiced, either overtly or subtly. The goal of fair elections that offer an equal opportunity for all citizens, regardless of race, to participate and elect candidates of their choice are affected by the history and discriminatory attitudes analyzed in this report; they add to the calculus of voter costs. Those costs must be added to the additional voter costs imposed by HB 176 and HB 530 to gain a full understanding of their full impact. By adding together all of these costs, it becomes obvious why these new laws have a disproportionately negative impact on Native American voters.

## VII. CONCLUSION

161. Native peoples have inhabited the region that is now known as Montana for "six hundred generations" (Davis. 2019). But for the last 130 years they have been forced to "adopt

the habits of civilized life” (Dawes Act, 1887). One of those “habits” is participation in a republican form of government, including voting for one’s choice of candidates. A central pillar of our way of life, the “habit” of participating equally in elections, would prove to be extremely difficult for Native people to adopt because of resistance from the white community. However, with the passage of the Fifteen Amendment, the equal protection offered by the Fourteenth Amendment, and legislation such as The Voting Rights Act, Native people have worked to gain an equal right to vote and elect candidates of their choice. This report chronicles the difficulties of that effort.

162. In the famous case of *Reynolds v. Sims*, the U. S. Supreme Court noted the significance of the right to vote in free and fair elections: “The right to vote freely for the candidate of one’s choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government” (*Reynolds v. Sims*. 1964: 555).<sup>14</sup> It is obvious from the materials gathered for this report that an important element in that “vote freely” concept is the right to freely choose how one’s ballot gets delivered. The freedom to choose to rely on a paid ballot collector who comes to a voter’s door is part of that freedom. Depriving a ballot collector of their income makes that exchange nearly impossible.

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<sup>14</sup> Montana case law also recognizes the centrality of the right to vote in our way of life, referring to the right to vote as a “fundamental right” (Johnson, 271 Mont. at 4, 894 P.2d at 273-74). Indeed, many states recognize that “free and open” elections are a fundamental right; see: Douglas (2014).

163. At the heart of the issue being considered here is the nexus between *access* to the ballot box and the denial of the right to vote. This connection has long been at the center of the struggle for equal voting rights. In the 1950s and early 1960s, Black citizens in the South technically had the right to vote, but when they went to the polls they encountered hostile law enforcement, violent mobs, and racist election officials. They had the technical *right* to vote, but they could not *access* that right to vote. Native Americans in Montana face a daunting list of voter costs when they attempt to vote and overcome problems of access; the state legislature just added two more with HB 176 and HB 530.

164. The evidence that I have compiled for this report leads me to conclude that Native Americans in Montana have the right to vote, but they face significant problems of *access* due to distance, poverty, racism, discrimination, and electoral design features such as HB 176 and HB 530. These are very real barriers. If a voter cannot take his/her ballot to a mailbox or an election office, and others are effectively prohibited from assisting them by collecting and delivering that ballot, they effectively cannot vote; a ballot that is not delivered is a ballot that does not count. A person who is eligible to vote but faces significant barriers to registration and voting is effectively denied the right to vote.

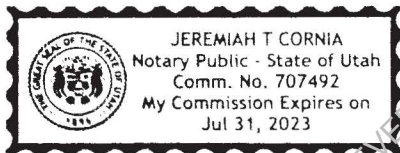
165. It is my professional opinion, after having consulted 336 sources, that the most significant impact of HB 176 and HB 530 will be to increase voter costs and lower turnout, and the impact will be felt mostly heavily by Native Americans and other groups that share some of the socio-economic factors that are typical of Indian Country. In short, these new laws will

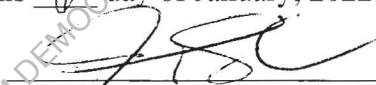
make it harder for people to vote. Both laws are a targeted diminution in freedoms associated with elections; each law deprives citizens of an option that is helpful to Native American voters. The claimed benefit is a chimera; there is absolutely no evidence that these laws improve election integrity or reduce voter fraud. In terms of traditional policy analysis, the voter costs of HB 176 and HB 530 are significant and the benefits are zero. The costs of these laws will also be felt by the elderly, students, people with disabilities, and all people who live in remote rural areas. However, it is the Native American citizens of Montana who will bear the greatest burden created by HB 176 and HB 530, due to the factors outlined in this report.

  
Daniel Craig McCool, Ph.D.

STATE OF Utah  
COUNTY OF Weber

DATE: Signed and sworn to before me on this 6 day of January, 2022.



  
Notary Public

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APPENDIX A  
MORTALITY DISPARITY RATES  
American Indians and Alaska Natives (AI/AN) in the IHS Service Area  
2009-2011 and U.S. All Races 2010  
(Age-adjusted mortality rates per 100,000 population)

	AI/AN Rate 2009-2011	U.S. All Races Rate - 2010	Ratio: AI/AN to U.S. All Races
<b>ALL CAUSES</b>	999.1	747.0	1.3
<b>Diseases of the heart (Heart Disease)</b>	194.7	179.1	1.1
<b>Malignant neoplasm (cancer)</b>	178.4	172.8	1.0
<b>Accidents (unintentional injuries)*</b>	93.7	38.0	2.5
<b>Diabetes mellitus (diabetes)</b>	66.0	20.8	3.2
<b>Alcohol-induced</b>	50.0	7.6	6.6
<b>Chronic lower respiratory diseases</b>	46.6	42.2	1.1
<b>Cerebrovascular diseases (stroke)</b>	43.6	39.1	1.1
<b>Chronic liver disease and cirrhosis</b>	42.9	9.4	4.6
<b>Influenza and pneumonia</b>	26.6	15.1	1.8
<b>Drug-induced</b>	23.4	15.3	1.5
<b>Nephritis, nephrotic syndrome (kidney disease)</b>	22.4	15.3	1.5
<b>Intentional self-harm (suicide)</b>	20.4	12.1	1.7
<b>Alzheimer's disease</b>	18.3	25.1	0.7
<b>Septicemia</b>	17.3	10.6	1.6
<b>Assault (homicide)</b>	11.4	5.4	2.1
<b>Essential hypertension diseases</b>	9.0	8.0	1.1



	AI/AN Rate 2009-2011	U.S. All Races Rate - 2010	Ratio: AI/AN to U.S. All Races
* Unintentional injuries include motor vehicle crashes.			
<i>NOTE: Rates are adjusted to compensate for misreporting of American Indian and Alaska Native race on state death certificates. American Indian and Alaska Native age-adjusted death rate columns present data for the 3-year period specified. U.S. All Races columns present data for a one-year period. Rates are based on American Indian and Alaska Native alone; 2010 census with bridged-race categories.</i>			

Source: Indian Health Service. <https://www.ihs.gov/newsroom/factsheets/disparities/>

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## Appendix B

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### EDUCATION

Ph.D. (1983) University of Arizona (Political Science)

Dissertation: "Indian and Non-Indian Water Development."

Independent Doctoral Minor: Latin American Studies, Latin American Area Center, University of Arizona.

M.A. (1978) University of Arizona (Political Science)

M.A. Thesis: "The Budgeting Problems of the National Park Service."

B.A. (1973) Purdue University (Sociology).

Major Fields of Research: voting rights, water resources, public lands, American Indian policy

Language Training: Spanish

### WORK EXPERIENCE

2017-present

Professor Emeritus, Political Science, University of Utah

1996-2017

Professor of Political Science, University of Utah

2003-2015

Director, Environmental and Sustainability Studies Program

2011-2014

Co-Director, University of Utah Sustainability Curriculum Development

1998-2007

Director, American West Center

1989-1996

Associate Professor of Political Science, University of Utah

1990-1993

Associate Dean, College of Social and Behavioral Science

1987-1990

Director of Public Administration Education, Center for Public Policy and Administration, University of Utah

1987-1989	Assistant Professor of Political Science, University of Utah
1983-1987:	Assistant Professor, Texas A&M University
1982-1983:	Visiting Lecturer, Texas A&M University
Spring, 1981:	Lecturer for the American Indian Education Program, University of Arizona
1978-1982:	Research and Teaching Associate, Political Science Department, University of Arizona
June--Oct., 1978:	Volunteer English Instructor for Project Ayuda in Cunen, Guatemala (7th, 8th, and 9th grade Mayan Indian students).
1976-1978:	Research Assistant, Political Science Department, University of Arizona.
1973-1974:	Research Assistant, Southwest Indian Youth Center, Tucson, Arizona.

## PUBLICATIONS

### *Books:*

**Vision and Place: John Wesley Powell & Reimagining the Colorado River Basin** (edited), with Jason Robison and Thomas Minckley. University of California Press, 2020. This book is divided into three parts: water, public lands, and Native Americans. Each chapter is divided into three sections: historic, contemporary, and prospective. The editors wrote an introductory chapter to the book and an introduction to each of the three parts.

**River Republic: The Fall and Rise of America's Rivers.** Columbia University Press, 2012 (paperback 2014). This book tells the story of America's rivers and the movement to bring them back to health and vigor. I develop the theme of a "river republic" by focusing on citizens who become politically active to save a local river.

Runner-up, Science Category, Green Book Festival.

**The Most Fundamental Right: Contrasting Perspectives on the Voting Rights Act** (edited). Indiana University Press, 2012. The book is a "debate in print" over the future of the Voting Rights Act. The chapter authors are the leading voices in that debate.

**Native Vote: American Indians, the Voting Rights Act, and the Right to Vote**, with Susan Olson and Jennifer Robinson. Cambridge University Press, 2007. This book provides a history and analysis of Indian voting rights, with emphasis on cases brought under the Voting Rights Act. Three case studies are used to illustrate the legal issues in such cases. The final chapter describes contemporary efforts by American Indians to participate in the political system.

**Native Waters: Contemporary Indian Water Settlements and the Second Treaty Era.** University of Arizona Press, 2002. This book analyzes the first fourteen negotiated settlements that attempted to resolve conflicts over Indian water rights. I argue that these water settlements constitute a second treaty era, analogous to the first treaty era of the Nineteenth Century.

**Contested Landscape: The Politics of Wilderness in Utah and the West**, with Doug Goodman. University of Utah Press, 1999. This edited book consists of chapters written by graduate and undergraduate students from the University of Utah. My contributions include the Preface, co-authorship of the final chapter ("The Community Context Approach"), and an introduction to each of the four sections of the book.

**Staking Out the Terrain: Power Differentials Among Natural Resource Management Agencies**, second edition, with Jeanne Nienaber Clarke. SUNY Press, 1996. This book formulates a model of agency power focusing on the ability of agencies to expand resources and jurisdiction. A detailed analysis of seven federal agencies provides support for the model. They are: the Army Corps of Engineers, the Forest Service, the Bureau of Reclamation, the National Park Service, the Fish and Wildlife Service, the Natural Resource Conservation Service, and the Bureau of Land Management. We are currently working on a third edition.

**Public Policy Theory, Concepts, and Models: An Anthology**. Englewood Cliffs, NJ: Prentice Hall, 1995. This semi-edited book provides a comprehensive overview of the most influential theories, concepts, and approaches in policy studies. It is an anthology of previously published work arranged into conceptual categories. My contributions include: Section One: "The Theoretical Foundation of Policy Studies;" Section 6: "Conflict and Choice in Policy Theory;" and an "Introduction" and "Discussion" to accompany Sections Two through Five.

**The Waters of Zion: The Law, Policy, and Politics of Water in Utah**. University of Utah Press, 1995. This edited book consists of chapters written by graduate and undergraduate students from the University of Utah. My contributions include: Chapter One: "Politics, Water And Utah;" Chapter Nine: "The CUP Completion Act of 1992;" and an "Introduction" to each of the four sections of the book.

**Command of the Waters: Iron Triangles, Federal Water Development, and Indian Water**. University of California Press, 1987, re-issued in paperback with a new chapter, 1994, by the University of Arizona Press. This book is concerned with differential rates of water development on Indian and non-Indian lands. Chapter one identifies factors that affect the political viability of iron triangles. The book then examines a traditionally weak iron triangle -- the water development program of the Bureau of Indian Affairs, and a traditionally powerful iron triangle-- the federal water development program.

#### **Journal Articles:**

"Collaboration and the Criteria for Success: A Case Study, and a Proposed Framework for Analysis." With Marian L. Rice. *The Journal of Administration & Society*, 2021.  
<https://doi.org/10.1177/009539972111042564>

"Evolution of Water Institutions in the Indus River Basin: Reflections from the Law of the Colorado River." With Erum Sattar and Jason Robison. *Michigan Journal of Law Reform* 51 (Issue 4 Summer 2018): 715-776 (ranked #94 out of 1,549 law journals).

"Indigenous Water Justice." With Jason Robison, Barbara Cosens, Sue Jackson, and Kelsey Leonard. *Lewis and Clark Law Review*: 22 (No. 3, 2018): 841-922 (ranked #40 out of 1,549 law journals).

"Integrated Water Resources Management and Collaboration: The Failure of the Klamath Water Agreements." *Journal of Policy History*. 30, Issue 1 (Jan. 2018): 83-104.

"The Power of the Woods: A Memoir." *The Trumpeter: Journal of Ecosophy*. 32, No. 2 (2016).

“Social Science Expert Witness Testimony in Voting Rights Cases,” with Richard Engstrom, Jorge Chapa, and Gerald Webster. *National Political Science Review*. 17, No. 1 (2015).

“Institutionalizing Interdisciplinary Sustainability Curriculum at a Large, Research-intensive University: Challenges and Opportunities,” with M. Ward, A. Cachelin, B. Bowen, and S. Burian. *Journal of Environmental Studies and Sciences* (Aug. 2015).

“Creating a “Water BRAC” Commission to Evaluate Existing Water Projects.” *Water Resources Impact* (Vol. 17, No. 5, 2015).

“Campus Sustainability in the U. S.: A Comparison of a Research and a Teaching University” with Janet Winniford. *International Journal of Environmental, Cultural, Economic, and Social Sustainability* (Vol. 6, No. 4, 2010).

“Rivers of the Homeland: River Restoration on Indian Reservations.” *Cornell Journal of Law and Public Policy* 16 (Summer 2007 No. 3): 539-561.

“The River Commons: A New Era in U. S. Water Policy.” *University of Texas Law Review*. 83 (June 2005): 1903-1927.

“Two Cultures, One County: Devolution and Indian Sovereignty,” with F. Ted. Hebert and Doug Goodman *American Indian Culture and Research Journal* 29 (No. 2, 2005): 15-34.

“Grand Staircase-Escalante National Monument: Lessons for a Public Lands Peace Process in Utah.” *Journal of Land, Resources, and Environmental Law* 21 (No. 2b, 2001): 613-618.

"Field Essay: The Subsystem Family of Concepts: A Critique and A Proposal," *Political Research Quarterly* 51 (Number 2, 1998): 551-570.

"Indian Water Settlements: Negotiating Tribal Claims to Water." *Water Resources Update* (Spring, 1997): 28-32.

"Implementing Public Action: Populist Bureaucracy and Program Politicians," *International Journal of Public Administration* 20 (4&5, 1997): 935-937.

"Indian Water Settlements: The Prerequisites of Successful Negotiation," *Policy Studies Journal* 21 (#2, 1993): 227-247.

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"Subgovernments: Determinants of Political Viability," *Political Science Quarterly* 105 (Summer, 1990): 269-93.

"Marketing of Water from Indian Lands," *Forum for Applied Research and Public Policy* 5 (Spring, 1990): 73-78.

"Subgovernments and the Impact of Policy Fragmentation and Accommodation," *Policy Studies Review* 8 (Winter, 1989): 264-87.

"Precedent for the Winters Doctrine," *Journal of the Southwest* 29 (Summer, 1987): 164-78.

"Voting Patterns of American Indians in Arizona," *The Social Science Journal* 19 (July, 1982): 101-13.

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### **Book Chapters:**

"Searching for Equity, Sovereignty, and Homeland." In *Cornerstone: The Next Century of the Colorado River Compact*. Edited by Jason Robison. University of Arizona Press, forthcoming.

"We Must Either Protect Him or Destroy Him." With Weston C. McCool. In *Vision and Place: John Wesley Powell & Reimagining the Colorado River Basin*. University of California Press, 2020.

"The Politics of Dam Removal and River Restoration." In *Environmental Politics and Policy in the West*, rev. ed. Edited by Zachary Smith and John Freemuth. University Press of Colorado, 2016.

"A New Water Ethic." In *Desert Water: The Future of Utah's Water Resources*, ed. by Hal Crimmel. University of Utah Press, 2014.

"Voting Rights and Electoral Representation in the United States." *The Oxford Handbook of Indigenous Peoples' Politics*, Oxford University Press, 2014.

"Meaningful Votes." Chapter One of *The Most Fundamental Right: Contrasting Perspectives of the Voting Rights Act*, 2012, Indiana University Press.

"Accomplishing the Impossible: Implementing River Restoration Projects." In *Greening History: The Presence of the Past in Environmental Restoration*, edited by Marcus Hall. Routledge Press, 2010.

"As Dams Fall, A Chance for Redemption." *Water in the 21<sup>st</sup> Century West*, edited by Char Miller. Oregon State University Press, 2009: 65-70.

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"Negotiated Water Settlements: Environmentalists and American Indians," with Laura Kirwan. In *Trusteeship in Change: Toward Tribal Autonomy in Resource Management*, edited by Richmond Clow and Imre Sutton. University Press of Colorado (2001): 265-280.

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"The CUP: A Project in Search of a Purpose," "Welcome, Floaters, to River City," and "The Northern Utes Long Water Ordeal." In *Water in the West*, edited by Char Miller. Oregon State University Press (2001).

"Contemporary Treaties: Indian Water Settlements." In *Fluid Arguments: Water in the American West*, edited by Char Miller. University of Arizona Press (2001): 120-138.

"Negotiating Water Settlements: Ten Common Themes," in *Indian Water in the New West*, edited by Thomas McGuire, William Lord, and Mary Wallace. University of Arizona Press (1993): 88-102.

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"Indian Voting," in *American Indian Policy in the Twentieth Century*, edited by Vine Deloria, Jr. University of Oklahoma Press (1985): 105-134.

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**Report:**

"Obstacles at Every Turn: Barriers to Political Participation Faced by Native American Voters," with James Tucker and Jacqueline De León. Published by the Native American Rights Fund. 2020. [https://vote.narf.org/wp-content/uploads/2020/06/obstacles\\_at\\_every\\_turn.pdf](https://vote.narf.org/wp-content/uploads/2020/06/obstacles_at_every_turn.pdf)

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"Dam Removal and River Restoration." *Encyclopedia of Water Politics and Policy in the United States*. CQ Press, 2011.

"Applied Behavioral Science." *The International Encyclopedia of Public Policy and Administration*, edited by Jay Shafritz. Westview Press (1997).

#### **MEDIA PUBLICATIONS**

"As Climate Changes Parches the Southwest, Here's a Better Way to Share Water from the Shrinking Colorado River." *The Conversation*, Nov. 17, 2021. <https://theconversation.com/as-climate-change-parches-the-southwest-heres-a-better-way-to-share-water-from-the-shrinking-colorado-river-168723>

"I Thought I Knew a Lot: Contemplations on SCREE." In: *A River Out of Time*, edited by Thomas Minckley, Patrick Kikut, and Jessica Flock. <https://www.blurb.com/b/10871283-a-river-out-of-time> 2021.

Utah's Outstanding Rivers Deserve Recognition," with Tim Palmer. *The Salt Lake Tribune* (Sept. 9, 2017). <http://www.sltrib.com/opinion/commentary/2017/09/09/commentary-utahs-outstanding-rivers-deserve-recognition/>

"Choose to Be Powerful." *Field Report*, Southwest Region, National Parks Conservation Association (Summer/Fall 2017). <https://www.npca.org/resources/3094-southwest-regional-office-field-reports>

"Op-Ed: We've Been Here Before, and the Result Was Devastating." *The Salt Lake Tribune* (Oct. 30, 2016). <http://www.sltrib.com/opinion/4515090-155/op-ed-weve-been-here-before-and>

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"Utah Rules of the Road." *Salt Lake City Weekly* (Oct. 28, 2015). <http://www.cityweekly.net/utah/utah-rules-of-the-road/Content?oid=3047281>

"3 Myths Power Effort to Give Federal Lands to Utah." Op-Ed, *Salt Lake Tribune* (July 3, 2014) <http://www.sltrib.com/csp/cms/sites/sltrib/pages/printerfriendly.csp?id=58143192>

"What Gettysburg Means to America Today." Op-Ed, *Salt Lake Tribune* (July 12, 2013).

"The Big Shakeout and a New Water Ethic." *RMS Journal* 26, No. 3 (Fall, 2013): 18-19. <http://www.river-management.org/assets/Journals-Newsletters/2013fall.pdf>

"A Coalition to Stop Water Grab." Op-Ed, *Salt Lake Tribune* (April 2, 2013).

"Saving for the Future: Making a Commitment Now to Preserve Great Salt Lake." *Friends of Great Salt Lake Newsletter* (Fall, 2011, # 4): 7.

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"If I Were President...." *The Canyon Country Zephyr* vol. 20, no. 4 (Oct/Nov 2008): 18.

"Native Vote in 2008." ACLU Blog of Rights, Voting Rights Symposium, October 17, 2008.



- "Perfect Moments." *The Canyon Country Zephyr*, vol. 19, no. 5 (Dec/Jan): 14.
- "A Walking Tour of Washington's Civil War Statuary." *Civil War Historian* 3 (March/April 2007): 20-25.
- "As Dams Fall, a Chance for Redemption." *High Country News* (June 21, 2004): 12.
- "Funding the Water System with Property Taxes Is Unfair." *Salt Lake Tribune*, editorial (Sept. 2, 2001): AA2.
- "Indian Reservations: Environmental Refuge or Homeland?" *High Country News* (10 April 2000): 10.
- "Learning Vision." *Continuum* (Winter, 1998-99): 54.
- "Want Less Government and Lower Taxes? Stop the Spanish Fork-Nephi Irrigation Project." *The Salt Lake Observer* (July 17-30, 1998): 6.
- "Wasteful Irrigation Subsidies Are All Wet." *Salt Lake Tribune*, editorial (February 15, 1998): AA8.
- "A River Between Two Cultures." *Catalyst* (August, 1997): 14-15. (Awarded second place, "Excellence in Journalism Award," by the Utah Society of Professional Journalists, 1998).
- "Salt Lake's Water Needs are Real, but Let's Think Before Paying More." *Salt Lake Tribune*, editorial (August 3, 1997): AA6.
- "Indian Water Settlements: Negotiating Tribal Claims to Water." *Red Ink* (Spring, 1996): 10-14.
- "Utah and the Ute Tribe are at War." *High Country News* (June 27, 1994): 12. Reprinted in the *Ute Bulletin* (July 26, 1994): 5, and again (September 5, 1995): 4.
- "Return to Bittersweet Memories: A Family Vacation to WWII." *The Purdue Alumnus*, (Summer, 1993): 24-29.
- "Welcome Floaters, to River City." *High Country News* (Dec. 30, 1991): 15.
- "The Northern Utes' Long Water Ordeal." *High Country News* (July 15, 1991): 8-9. Reprinted in the *Ute Bulletin* (Aug. 13, 1991): 6.
- "The New Politics of the Environment and the Rise of 'Green Pork'," *Free Perspectives IV* (Dec., 1990): 5-7.
- "Indians Defend Tribes from Attack," *High Country News* (May 21, 1990): 14. Reprinted in the *Ute Bulletin* (June 27, 1990): 4.
- "New Coalition Lobbies for Indians," *High Country News* (Feb. 26, 1990): 3.
- "Pilgrimage to the Sacred Mountain," *Ascent: The Mountaineering Experience in Word and Image*, Sierra Club Books, 1989.
- "Let Taxpayers Devise Budget," *Salt Lake Tribune*, Common Carrier column (Mar. 26, 1989): A18.

"Who's to Blame for \$3.12 Trillion Debt Limit? Look in Mirror," *Salt Lake Tribune*, editorial (Dec. 16, 1989): A14. Also published in *The Park Record* as "The Debt-Makers: Who Are Those Guys?" (Dec. 28, 1989): A20.

"To Save a Sacred Mountain," *The Canyon Echo* (April, 1982): 4.

"Climbing Tongue-in-Cheek," *Summit* (April-May, 1980).

"Baboquivari Endures as Center of World," with Richard Harding, *The Indian Trader* (Aug., 1979): 3, 16.

"Orizaba: The Other Side of the Mountain," *Summit* (June-July, 1979).

#### EXPERT WITNESS REPORTS IN VOTING CASES

- > *U. S. v. South Dakota*. 615 NW 2d 590 U.S. Dist. Ct. SD (2000)
- > *U.S. v. Blaine County*. 157 F. Supp. 2d 1145 U.S. Dist. Ct. MT (2001)
- > *Bone Shirt v. Hazeltine*. 336 F. Supp.2d 976 U.S. Dist. Ct. SD (2004)
- > *Cottier v. City of Martin*. No. CIV. 2002-5021 U.S. Dist. Ct. SD (2005)
- > *Koyukak v. Treadwell*. Case No. 3:13-cv-00137-JWS U.S. Dist. Ct. AK (2014)
- > *Navajo Nation v. San Juan County, Utah*. Case No. 2:12-cv-00039-RJS-DPB. U.S. Dist. Ct. UT (2016)
- > *Brakebill v. Jaeger*. I. Civ. 1: 16-CV-08 U.S. Dist. Ct. ND (2016)
- > *Brakebill v. Jaeger*. II. Civ. 1: 16-CV-08 U.S. Dist. Ct. ND (2018)
- > *Sanchez et. al. v. Cegavske*. Case No. 3:16-cv-00523-MMD-WGC U.S. Dist. Ct. NV (2016)
- > *Navajo Nation Human Rights Commission v. San Juan County, Utah*. Case No. 2:16-cv-00154-JNP-BCW U.S. Dist. Ct. UT (2017)
- > *Voto Latino v. Hobbs*. CV-05685-PHX-DWL. U.S. Dist. Ct. AZ (2019)
- > *DSCC v. Simon*. 2<sup>nd</sup> Jud. Dist. Minn. (Jan. 2020, Supp Rept. April, 2020)
- > *Western Native Voice v. Stapleton*. Mont. 13<sup>th</sup> Jud. Dist. (March, 2020, Supp. Rept. Aug. 2020)
- > *Corona et. al. v. Cegavske et. al.* I. 1<sup>st</sup> Jud. Ct. in and for Carson City, NV (April, 2020)
- > *Crossey v. Bookckvar*. In the Commonwealth Court of Pennsylvania (May, 2020)
- > *LaRose v. Simon*, 2<sup>nd</sup> Jud. District of Minnesota (July, 2020)
- > *Corona et. al. v. Cegavske et. al.* II. 1<sup>st</sup> Jud. Ct. in and for Carson City, NV (July, 2020)
- > *League of Women Voters v. LaRose*. U.S. Dist. Ct. Southern Dist., Eastern. Div. OH (Aug., 2020)
- > *A. Philip Randolph Institute of Ohio v. LaRose*. U.S. Dist. Ct. Northern Div. OH (September 2020)

#### BOOK REVIEWS

*Public Waters: Lessons from Wyoming for the American West*, by Anne MacKinnon. *New Mexico Historical Review*, 2021.

*Unredeemed Land: An Environmental History of Civil War and Emancipation in the Cotton South*, by Erin Stewart Mauldin. *Journal of American History*, 2020.

*Water: Abundance, Scarcity, and Security in the Age of Humanity*, by Jeremy Schmidt. *The American Historical Review*, 2018.

*The Blue, The Gray, and the Green*, edited by Brian Allen Drake. *Journal of American History*, 2015.

- Integrating Climate, Energy, and Air Pollution Policies*, by Gary Bryner with Robert Duffy. *Perspectives in Politics*, 2013.
- The New Politics of Indian Gaming*, by Kenneth Hansen and Tracey Skopek. *American Review of Politics*. 2012.
- Stealing the Gila*, by David DeJong. *Pacific Historical Review*, Vol. 80, No. 1, 2010.
- Dividing Western Waters*, by Jack August. *Western Historical Quarterly*, 2009.
- The Silver Fox of the Rockies: Delphus E. Carpenter and the Western Water Compacts*, by Daniel Tyler. *The Journal of American History*. June 2004.
- Fuel for Growth: Water and Arizona's Urban Environment*, by Douglas Kupel. *The Journal of American History*. June 2004.
- Indian Reserved Water Rights: The Winters Doctrine in Its Social and Legal Context*, by John Shurts. *Pacific Historical Review* (Nov. 2001).
- The Struggle for Water: Politics, Rationality, and Identity in the American Southwest*, by Wendy Nelson Espeland. In *The American Political Science Review*, (Fall, 1999).
- A Sense of the American West: An Anthology of Environmental History*. Edited by James E. Sherow. In *Utah Historical Quarterly*, (1999).
- The Weber River Basin: Grass Roots Democracy and Water Development*, by Richard Sadler and Richard Roberts. In *The Journal of American History*, (Sept., 1995).
- The Last Water Hole in the West*, by Daniel Tyler. In *Western Historical Quarterly*, ( Aug., 1993).
- Senate Elections and Campaign Intensity*, by Mark Westlye. In *Political Studies*, (1993).
- Water Resources Management*, by David Feldman. In *Policy Currents* (Aug., 1992).
- American Indian Water Rights and the Limits of Law*, by Lloyd Burton. In *Pacific Historical Quarterly* (May, 1992).
- The Logic of Congressional Action*, by R. Douglas Arnold. In *Political Studies* (1992).
- Breaking the Iron Bonds*, by Marjane Ambler. In *Natural Resources and Environmental Administration* (June, 1991): 6-7.
- Environmental Politics and Policy: Theories and Evidence*, edited by James P. Lester. In *Journal of Politics* (Aug., 1991): 889.
- A Budget Quartet: Critical Policy and Management Issues*, by Donald Axelrod. In *Western Governmental Researcher* (1990).
- Envisioning a Sustainable Society*, by Lester Milbrath. In *Rivers*, (1991).

*Native American Estate: The Struggle Over Indian and Hawaiian Lands*, by Linda S. Parker. In *The National Political Science Review* (1992).

*A Life of Its Own: The Politics and Power of Water*, by Robert Gottlieb. In *American Political Science Review* (Dec., 1989): 1382-83.

*As Long as the Rivers Run: Hydroelectric Development and Native Communities in Western Canada*, by James B. Waldrum. In *Western Historical Quarterly* (Feb., 1989): 87-88.

*Controversies in Environmental Policy*, edited by Sheldon Kamieniecki, Robert O'Brien, and Michael Clarke. In *The American Review of Public Administration* (June, 1988).

*Water in New Mexico*, by Ira G. Clark. In *New Mexico Historical Review* (1989).

## INVITED TALKS

Invited Speaker, Duke University Law School, Discussion on Race and Voting, September 7, 2021. Zoom.

Invited Speaker, Pacific Summit, "Water in the West" Symposium sponsored by the Waterkeeper Alliance, April 28, 2021. Zoom.

Invited Speaker, Symposium on John Wesley Powell and the Future of the Colorado River Basin, Stegner Center, University of Utah, Feb. 18, 2021. Zoom.

Invited Speaker, "Fighting for the Franchise: Native American Voting Rights in Arizona and Beyond." Arizona Historical Society Conference. Oct. 29, 2020. Zoom.

Invited Participant, "Colorado River Conversations: Integrating Science and Identifying Solutions Conference." University of Arizona, Oct. 28-30, 2019.

Invited Speaker, "The Arid Lands and the Legacy of John Wesley Powell." The Biennial Conference on the Science and Management of the Colorado Plateau & Southwest Region, Flagstaff, AZ, Sept. 9, 2019.

Invited Speaker, "John Wesley Powell Sesquicentennial Symposium." Page, AZ, July 10, 2019.

Invited Speaker, "John Wesley Powell Sesquicentennial Symposium." Moab, UT, June 21, 2019.

Invited Speaker, Groundwater Management Districts Association, Summer Conference, Salt Lake City, June 6, 2019.

Keynote Speaker, "John Wesley Powell Sesquicentennial Symposium." Green River WY, May 23, 2019.

Invited Speaker, "Native American Participation in U. S. Elections." The Carter Center, Atlanta, GA, Dec. 11-12, 2018.

Invited Testimony, The Native American Voting Rights Coalition, public hearing, Phoenix, AZ, Jan. 11, 2018.

Participating Scientist, "The Colorado River Basin Workshop: Building a Science Agenda" Funded by the National Science Foundation and the Janet Quinney Lawson Foundation, Tucson, AZ, Oct. 12-14, 2017.

Keynote Speaker, Constitution Day, East Central University, Ada, OK, Sept. 17, 2017.

Invited Speaker, Symposium on Native Voting Rights, the Carter Center, Atlanta, GA, Dec. 4-5, 2016.

Speaker, Restoring the West Conference, Utah State University, October 18, 2016.

Speaker, Martz Summer Conference, panel on Indigenous Water Justice, University of Colorado, June 9, 2016.

Moderator, Indigenous Water Justice Symposium, University of Colorado, June 6, 2016.

Participant, "Upstream Downstream Voices: Protecting the Colorado River, Moab, UT, May 24, 2016.

Speaker, Utah History Symposium, Salt Lake City, UT, May 12, 2016.

Speaker, Great Salt Lake Issues Forum, Salt Lake City, UT, May 11, 2016.

Speaker, Interagency Regional Wilderness Stewardship Training, St. George, UT, April 26, 2016.

Speaker, Spring Runoff Conference, Utah State University, Logan, UT, April 5, 2016.

Speaker, State of the Rockies Annual Speaker Series, Colorado College, Colorado Springs, CO, Mar. 28, 2016.

Speaker, Intermountain Sustainability Summit, Weber State University, Nov. 24, 2016.

Keynote speaker, Salt Lake County Water Symposium, Nov. 18-19, 2015.

Speaker, Native Symposium, Weber State University, Ogden UT. Nov. 4, 2015.

Plenary Speaker, National Congress of American Indians, National Conference, San Diego, CA. Oct. 2015.

Keynote Speaker, Indian Voting Rights Symposium. Washington, D.C. May 27-28, 2015.

Debate on Public Lands. Speaker of the House Rebecca Lockhart and Representative Ken Ivory vs. Robert Keiter and Daniel McCool. Southern Utah University, Sept. 18, 2014.  
<https://www.youtube.com/watch?v=1m631pbW6iU&feature=youtu.be>

Debate on "Who Should Manage Utah's Public Lands?" Speaker of the House Rebecca Lockhart and Representative Ken Ivory vs. Pat Shea and Daniel McCool. Salt Lake City, May 14, 2014.  
<https://www.youtube.com/watch?v=GEoEgBkotvA>

Speaker, National Commission on Voting Rights, Las Vegas, NV, April 26, 2014.

Speaker, River Rendezvous, Moab, UT Nov. 9, 2013.

Speaker, Upper Colorado River Conference, Colorado Mesa University, Nov. 7, 2013.

Guest Speaker, Texas Tech University, Lubbock, TX, April 17, 2013.

Keynote Speaker, River Management Society annual conference, Grand Junction, CO, Mar. 12, 2013.

Guest Speaker, the Wild and Scenic Film Festival, Nevada City, CA. Jan. 11-13, 2013.

Guest Lecturer, Carleton College, April 19-20, 2011.

Speaker, League of Women Voters, Panel on the proposed Las Vegas Pipeline, Salt Lake City, UT, Sept. 15, 2010

Speaker, Utah State History Conference, panel on Oral History, Salt Lake City, UT, Sept. 10, 2010.

Speaker, Redistricting Institute, Duke University, July 28, 2010.

Census and Redistricting Institute, Participating Scholar, Atlanta, GA, July 20, 2009

Spring Runoff Conference, Keynote Speaker, Utah State University, April 3, 2009.

Law and Justice Center, Salt Lake City, UT, Feb. 5, 2009.

Special Collections Omnibus Lecture, Brigham Young University, Provo, UT, Nov. 5, 2008

Salt Lake Countywide Watershed Symposium, Salt Lake City, Oct. 29, 2008.

The *Winters* Centennial, Tamaya Resort, Santa Ana Pueblo, NM June 11, 2008.

Panel on Indian voting rights, National Indian Gaming Association, annual conference, San Diego, CA, April 22, 2008.

Panel on "Voting Rights in Indian Country," at the Indigenous Law and Policy Center, Michigan State University College of Law, Jan. 31, 2008.

Conference, "Overview of the Reauthorization and Amendment of the Federal Voting Rights Act." University of California, Los Angeles, Jan. 25-26, 2008.

Symposium on the future of the Colorado River, College of Law, University of Utah, Oct. 25, 2007

Water Resources Seminar, Oregon State University, Corvallis, OR, Oct. 10, 2007.

American Comenius, University of Groningen, the Netherlands, U. S. program, Oct. 2, 2007.

"Native Water Law & Public Policy: Critical Issues in the Great Lakes and St. Lawrence Watersheds." Keynote Speaker, Cornell University, School of Law, Ithaca, NY, Nov. 17-18, 2006.

American Comenius, University of Groningen, the Netherlands, U. S. program, 2006.

Harvard University Law School symposium, "Preserving and Promoting the Native American Vote: A New Look at the Voting Rights Act Renewal Process." Cambridge, MA, April 5, 2006.

American Comenius, University of Groningen, the Netherlands, U. S. program, 2005.

Testimony before the National Committee for the Voting Rights Act, Rapid City, SD, September 9, 2005.

River Management Society, annual conference, Keynote speaker, Salt Lake City, UT May 10, 2005.

Colorado Plateau River Guides, annual conference. Cataract Canyon, May 2-5, 2005.

Invited speaker, National Congress of American Indians, national convention , panel on Native Voting Rights, Tulsa, OK, November 2005.

Invited speaker, Biannual Symposium on the Colorado River, sponsored by the Water Education Foundation. Bishop's Lodge, Santa Fe, NM. Sept. 29, 2005.

Symposium: "Changing Directions in Water Law." University of Texas School of Law. Feb. 4-5, 2005.

Mni-Sose Intertribal Water Coalition, board of directors meeting, Rapid City, SD. September 2004

"Water in Utah," sponsored by the Utah Science Center, Public Dialogue Series, September 2004 (aired on KCPW radio, September 20, 2004).

BLM Recreation/Wilderness/Cultural/VRM Workshop, Moab, Utah. September 2004.

Utah State Historical Society, annual meeting, panel on Lake Powell. September 2004.

Mni-Sose Intertribal Water Coalition, Annual conference, Denver, CO. January 2004.

The Utah Environmental Symposium, Salt Lake City, UT. Nov. 2003.

Utah State University, Natural Resources and Environmental Policy Program, November 28, 2001.

U. S. Department of the Interior, Office of Indian Water Rights, annual negotiation teams meeting, Seattle, WA, November, 2000.

Conference on "Rivers, Dams and the Future of the West." Sponsored by the Utah Wetlands and Riparian Center, Salt Lake City, UT, November, 1999.

Symposium on "Where the Rivers Flow," sponsored by the Wallace Stegner Center, Salt Lake City, Utah, April, 1999.

Symposium on Tribal Survival, sponsored by Dine' College, Flagstaff, Arizona, April, 1999.

Symposium on "Changing Water Regimes in Drylands," sponsored by the Desert Research Institute. June 10-12, 1997, Lake Tahoe, CA.

Indian Water Rights Symposium sponsored by the All-Indian Pueblo Council, Indian Pueblo Cultural Center, Albuquerque, NM, April, 1994.

Symposium on the Future of the Colorado River Plateau, University of Utah School of Law, Sept., 1993.

"Arizona Water 2000," sponsored by the Commission on the Arizona Environment, Sedona, Arizona, Sept. 1992.

Invited Speaker, conference titled "A River Too Far: Water in the Arid West." Sponsored by the Nevada Humanities Committee, Reno, Nevada, 1991.

Symposium on "Water in the 20th Century," Phoenix, Arizona, 1990.

Bureau of Land Management, "Image Enhancement Seminar," Park City, Utah, 1989.

Workshop on Indian Land and Water Rights sponsored by the American Indian Lawyer Training Program, Albuquerque, N. M., 1987.

### Conference Papers

"Integrated Water Resources Management: A Typology of Collaborative Processes, Applied to the Utah Governor's Water Strategy Advisory Team." International Conference on Interdisciplinary Social Science, Hiroshima, Japan, July 2017.

"Indigenous Water Justice in the Colorado, Columbia, and Murray-Darling Basins." With Jason Robison and Kelsey Leonard. The Waterkeeper Alliance, Park City, UT, June 2017.

"The Voting Rights Act and the Potential for "Bail-in" After *Shelby County v. Holder*." The Midwest Political Science Association, Chicago, IL, April 2016.

"Pockets of Discrimination: The Voting Rights Act and the Role of 'Bail-in' After *Shelby County v. Holder*." The International Social Sciences Conference, Split, Croatia, June 2015.

"Creating a 'Water BRAC' Commission to Evaluate Existing Water Projects." American Water Resources Association, Vienna, VA, November, 2014.

"River Policy in Crisis: the Klamath River." American Political Science Association, Washington, D. C. August, 2014.

"Social Science Expert Witness Testimony in Voting Rights Act Cases." With Richard Engstrom, Jorge Chapa, and Gerald Webster. Eighth International Conference on Interdisciplinary Social Science, Charles University, Prague, The Czech Republic, August, 2013.

"Campus Sustainability in the U. S.: A Comparison of a Research and a Teaching University," with Janet Winniford. 2010 Conference on Environmental, Cultural, Economic and Social Sustainability University of Cuenca, Cuenca, Ecuador January 5-7.

"Rivers of the Homeland: River Restoration on Indian Reservations." International Congress of Americanists, Sevilla, Spain, July, 2006.

"From Insanity to Enlightenment: Changing Perceptions of River Restoration and River Restorationists." Transatlantic Workshop on "Restoring or Renaturing." Zurich, Switzerland, July, 2006.

"The Community Context Approach: Cross-Boundary Management and the Protection of Parks and Wild Lands." International Symposium on Society and Resource Management, Sardinia, Italy, 2002.

"The Wilderness Debate in Utah: Using Community Values and Education to Resolve Conflict." International Symposium on Society and Resource Management. Indiana University, 2002.



"Evolving Political Institutions: A New Water Policy and its Impact on the Border Region" Southwest Center for Environmental Research and Policy, Bi-National Water Program. Rio Rico, AZ, 2002.

"Indian Water Rights in the Settlement Era." American Political Science Association, Washington, D. C. 2000.

"Land Use, Borders, and Environmental Policy: Tribal Autonomy and Ecosystem Management." International Conference on "Nature, Society and History," Vienna, Austria, 1999.

"Two Cultures, Two Communities, One County: Devolution and Retrenchment in Indian Country." With F. Ted Hebert and Doug Goodman. American Political Science Association, 1998.

"Subsystem Theory and the Hierarchy of Conflict." Western Political Science Association, 1997.

"Environmentalists, Tribes, and Negotiated Water Settlements," with Laura Kirwan. American Political Science Association, 1995.

"Successes and Failures of Policy Theory." Western Political Science Association, 1992.

"Indian Water Rights: The End of the Negotiation Era?" Western Political Science Association, 1991.

"Indian Water Rights: Negotiation; Agreement; Legislative Settlement." American Water Resources Association, 1989.

"Using Measures of Budgetary Success to Evaluate Subgovernment Theory: The Case of Federal Water Resource Development." Western Political Science Association, 1988.

"Policy Theory, Policy Typologies, and Decision-making." Midwestern Political Science Association, 1987.

"Federal Water Development: Changing Theoretical Assumptions." Western Political Science Association, 1987.

"Subgovernments, Political Viability, and Budgetary Constraints." Western Political Science Association, 1986.

"Subgovernments, Autonomy, and Stability: The Case of Federal Water Resource Development." Western Social Science Association, 1986.

"Western Water Policy and Federalism: Two Conflicting Doctrines." Southwestern Social Science Association, 1984.

"Contemporary Federal Water Policy: The Battle Over Water Project Expenditures During the Carter and Reagan Administrations." Western Social Science Association, 1983.

"Indian and Non-Indian Water Development: Competition for Water and Water Projects." Western Social Science Association, 1983.

"The Theoretical Origins of the *Winters* Doctrine." Southwestern Social Science Association, 1982.

"For Richer or for Poorer: A Comparative Approach to the Study of Bureaucracy," with Jeanne Nienaber. Western Political Science Association, 1981.

"Indian Water Rights: The Bureaucratic Response." Arizona Section of the American Water Resources Association, 1981.

"Indian Water Rights, The Central Arizona Project, and Water Policy in the Lower Colorado River Basin." Western Social Science Association, 1980.

"Federal Indian Policy and the Sacred Mountain of the Papago Indians." Southwestern Social Science Association, 1980.

#### **OTHER CONFERENCE ROLES**

Roundtable participant, "John Wesley Powell and the Colorado River Basin." Western History Association, Las Vegas, October, 2019.

Discussant, panel on "The Most Fundamental Right: Voting Now and Then, Here and There." The Midwest Political Science Association, Chicago, IL, April 2016.

Moderator, panel on "Flood Management." American Water Resources Association, Vienna, VA, November 2014.

Delegate, NASPA Exchange Program with Deutsches Studentenwerk (Germany), February 2014, focusing on campus sustainability.

Presenter, American Water Resources Association, annual meeting, panel on dam removal and river restoration, Seattle, WA, November 2005.

Discussant, panel on "Native Americans in the Twenty First Century." Western Social Science Association. April 2005.

Chair, panel on "Revisions in Policy Subsystem Theory." Western Political Science Association, 1997.

Invited Participant, Moscow State University Symposium on Training Public Administrators, Moscow, Russia, March 1993.

Chair, panel on "Public Policy Theory: Past, Present, Future." Western Political Science Association, 1992.

Invited Discussant, conference on "Innovation in Western Water Law and Management," University of Colorado School of Law, 1991.

Delegate, Citizen Ambassador Program, Environmental Technology Delegation to the Soviet Union, 1990.

Organizer and Moderator, panel on "Hosting the Olympics," National Association of Schools of Public Affairs and Administration, 1990.

Invited Discussant, Symposium on "Indian Water Rights," University of Colorado School of Law, 1990.

Invited Discussant, Arizona Historical Society, symposium on Water, Tucson, Arizona, 1989.

Chair, panel on "Executive MPA Programs," National Association of Schools of Public Affairs and Administration, 1989.

Discussant, Sixth Annual Women in Public Administration Conference, Salt Lake City, Utah, 1989.

Chair, panel on "Models of Policy Analysis." Western Political Science Association, 1989.

Discussant, panel on "Natural Resource Management in the Post-Reagan Era." American Society for Public Administration, 1989.

Convener and discussant, panel on "Administrative Practice and Organization Theory." Public Administration Theory Symposium, American Society for Public Administration, 1989.

Participant, Minnowbrook II Conference on the Future of Public Administration, Syracuse University, Sept., 1988.

Discussant, panel on "Limited Perspectives: Traditional Methods and Models and the Study of Native American Political Participation." American Political Science Association, 1988.

Chair, panel on "Alternative Models of Environmental Policy Formulation and Implementation." Western Political Science Association, 1988.

Chair, panel on "Policy Models and Theories." American Political Science Association, 1986.

Chair, panel on "Environmental Policy," Western Political Science Association, 1986.

Chair, panel on "Subsystems and Natural Resource Policy." Western Social Science Association, 1986.

Discussant, panel on "Environmental Politics and Policy: A Synthesis and Critique." Western Political Science Association, 1985.

Discussant, panel on "The Political Context of Environmental Policy." Western Political Science Association, 1984.

Chair, panel on "Indian Water Rights and Water Development." Western Political Science Association, 1982.

## **PUBLIC COMMUNICATIONS**

Quoted interview, *The Arizona Daily Star*, Nov. 27, 2021 (topic: The Colorado River)

Quoted interview, *Gizmodo*, November, 2021 (topic: The Colorado River)  
<https://gizmodo.com/its-time-to-drain-lake-powell-1848003413>

On-air guest, Radio West, KUER, Sept. 3, 2021 (topic: Drought in the American West)

Quoted interview, *Science Magazine*, July 1, 2021 (topic: The Colorado River)

Quoted interview, *Salt Lake Tribune*, April 11, 2021 (topic: Bears Ears National Monument).

Quoted interview, *Inside Climate News*, April 11, 2021 (topic: Bears Ears National Monument).

Quoted interview, *High Country News*, Jan. 8, 2021 (topic: public land extremists).

Quoted interview, *The Washington Post*, Nov. 1, 2020 (topic: Native American voting rights).

On-air interview, Native America Calling. Oct. 6, 2020 (topic: Native American voting rights).

On-air interview, KCPW radio, Sept. 9, 2019 (topic: Colorado River Basin).  
<http://kcpw.org/blog/in-the-hive/2019-09-12/unquenchable-3-the-fate-of-the-colorado-river/>

Quoted interview, Utah Public Radio, Aug. 21, 2018 (topic: Lake Powell Pipeline).  
<http://www.upr.org/post/loving-our-lands-thirsty-cities-and-lake-powell-pipeline>

Quoted interview, *Outside Magazine*, Aug. 14, 2018 (topic: Lake Powell Pipeline).  
<https://www.outsideonline.com/2333236/utah-pipeline-water-shortage-st-george>

On-air interview, Native America Calling Radio Program, Aug. 14, 2018 (topic: Native American voting rights).

Quoted interview, *ThinkProgress*, June 20, 2018 (topic: Native American voting rights).

Quoted interview, *Arizona Republic*, Jan. 24, 2018 (topic: public lands).

On-camera interview, America Divided TV show, Jan. 19, 2018 (topic: San Juan County, UT).

Quoted interview, *The New York Times*, Jan. 4, 2018 (topic: American Indian voting rights).  
<https://www.nytimes.com/2018/01/04/us/native-american-voting-rights.html>

Quoted research, *Governing Magazine*, July 2017 (topic: Navajo water development).

Quoted interview, *High Country News*, Sept. 4, 2017 (topic: The Bear River Project).

Quoted interview, *Salt Lake Tribune*, April 28, 2017 (topic: American Indians and the Census).  
<http://www.sltrib.com/news/5216761-155/does-the-us-census-undercount-utah>

Quoted Interview, Colorado Pubic Radio, Feb. 23, 2017 (topic: public lands).

Quoted interview, *Mother Jones*, Mar. 25, 2016 (topic: Indian voting rights).

NPR, All Things Considered, recorded interview, Jan. 18, 2016 (topic: Marketing Indian water).  
<http://www.npr.org/2016/01/18/463503934/arizona-tribes-wade-into-the-water-business>

Market Place, Oregon Public Broadcasting, quoted interview, Jan. 4, 2016 (topic: public lands).  
<http://www.marketplace.org/2016/01/04/world/how-feds-came-own-west>

KRCL, Radioactive Show, on-air interview, Sept. 20, 2015 (topic: Navajo water).  
<http://www.krcl.org/tag/dan-mccool/>

CBS Sunday Morning, on-camera interview Aug. 15, 2015 (topic: Navajo water).  
<http://www.cbsnews.com/news/the-water-lady-a-savior-among-the-navajo/>

BYU Radio, on-air interview. May 15, 2015 (topic: river restoration and water management).  
<http://www.byuradio.org/episode/b98b846e-fcea-4401-a14f-c288370763f4/top-of-mind-with-julie-rose-the-river-republic-straight-talk-parenting>

KSRW Radio, Santa Monica, CA. on-air guest, April 3, 2015 (topic: western water).  
<http://kcrw.com/news-culture/shows/to-the-point/a-parched-west-struggles-to-adapt-to-the-realities-of-drought>

Trib Talk, on-air interview. Mar. 10, 2015 (topic: Utah water policy).  
<http://www.sltrib.com/blogs/tribtalk/2270151-155/trib-talk-is-bear-river-project>

Quoted interview, *Salt Lake Tribune*, March 9, 2015 (topic: The Bear River Project).  
<http://www.sltrib.com/csp/mediapool/sites/sltrib/pages/printfriendly.csp?id=2230808>

Quoted interview, *Environment*, Dec. 11, 2014 (topic: Utah water).

KSUB, Cedar City, UT, Sept. 18, 2014 (topic: public lands).

KUER, Radio West, Salt Lake City, on-air guest, April 23, 2014 (topic: public lands grazing).  
<http://radiowest.kuer.org/post/cliven-bundys-range-war>

On-film interview for movie, "Black Hawk." Mar. 2014.  
<https://www.youtube.com/watch?v=liLXujigjPY>

KUER, Radio West, Salt Lake City, on-air guest, Sept. 3, 2013 (topic: Colorado River).  
<http://radiowest.kuer.org/post/sharing-colorado>

Quoted interview, *Anchorage Press*, July 18, 2013 (topic: The Voting Rights Act).

Blog post for Indiana University Press, June 28, 2013 (topic: The Voting Rights Act).  
<http://iupress.typepad.com/blog/2013/06/how-does-shelby-county-v-holder-impact-the-voting-rights-act.html>

*Indian Country Today*, quoted interview, June 28, 2013 (topic: The Voting Rights Act).

Quoted interview, *DebtWire*, May 1, 2013 (topic: Las Vegas pipeline).

Quoted interview, *Huffington Post*, April 8, 2013 (topic: Las Vegas pipeline).  
[http://www.huffingtonpost.com/mobileweb/2013/04/08/utah-nevada-water-deal-colorado-river\\_n\\_3038477.html](http://www.huffingtonpost.com/mobileweb/2013/04/08/utah-nevada-water-deal-colorado-river_n_3038477.html)

KUER, Radio West, Salt Lake City, on-air guest, April 4, 2013 (topic: Las Vegas pipeline).  
<http://radiowest.kuer.org/post/protecting-snake-valley>

*New York Times*, quoted interview, Mar. 26, 2013 (topic: the Pecos River and western drought).  
<http://www.nytimes.com/2013/03/27/us/new-mexico-farmers-push-to-be-made-a-priority-in-drought.html?pagewanted=all&r=0>

New Books in Political Science, blog, interview with Heath Brown. Feb. 26, 2012 (topic: *The Most Fundamental Right*).

<http://newbooksinpoliticalscience.com/2013/02/27/daniel-mccool-the-most-fundamental-right-contrasting-perspectives-on-the-voting-rights-act-indiana-up-2012/>

*Albuquerque Journal*, quoted interview, Feb. 10, 2013 (Topic: Navajo water settlement).

*River Management Society Journal*, book review of *River Republic*, Winter, 2012 (Topic: *River Republic*).  
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Suburban Wildlife Magazine Blog, interview, January 13, 2013. (topic: *River Republic*).  
<http://blog.suburbanwildlifemagazine.com/2013/01/13/daniel-mccool.aspx>

KDVS Radio, Davis, CA, interview, Jan. 5, 2013 (topic: The Wild and Scenic Film Festival).

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*Salt Lake Tribune*, Editorial, "Protect our Rivers." Dec. 22, 2012.

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KCPW Radio, interview, Oct. 23, 2012 (topic: *The Most Fundamental Right*).  
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The King's English Bookstore, reading, Oct. 18, 2012 (topic: *River Republic*).

*Salt Lake Tribune*, featured column, Oct. 4, 2012 (topic: *River Republic*).  
<http://www.sltrib.com/sltrib/entertainment2/54996363-223/rivers-america-mccool-utah.html.csp>

On-air Interview, Radio West, KUER Radio, Sept. 10, 2012 (topic: *River Republic*).  
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Interview, The Park Visitor, Sept. 10, 2012 (topic: *River Republic*).  
<http://parkvisitor.com/blog/2012/09/10/daniel-craig-mccools-outdoor-adventure-and-conservation-tips/>

Page 99 Blog, September, 2012 (topic: *River Republic*).  
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KCPW Radio, interview, Aug. 20, 2012 (topic: *River Republic*).

*Indian Country Today*, quoted interview, June 15, 2012 (topic: Indian voters).

*Salt Lake City Weekly*, quoted interview, May 9, 2012 (topic: Las Vegas Pipeline).

*The New York Times*, quoted interview, April 11, 2011 (topic: Indian water rights).

*KSL TV News*, interview, April 1, 2011 (topic: Colorado River).

*Associated Press*, quoted statement, Sept. 29, 2010 (topic: Navajo water settlement).

*Salt Lake Tribune*, quoted statement, Sept. 17, 2010 (topic: proposed Green River pipeline).

*Tooele Transcript Bulletin*, quoted statement, Sept. 16, 2010 (topic: proposed Las Vegas pipeline).

*USA Today*, quoted statement, Aug. 24, 2010 (topic: Grand Canyon). This article was picked up by 75 newspapers.

*The Salt Lake Tribune*, quoted statement, Aug. 24, 2010 (topic: Grand Canyon).

KUER Radio, quoted statement, Aug. 23, 2010 (topic: Grand Canyon).

KSL TV news, interview. April 21, 2010 (topic: reservoirs in Utah).

Fox News Utah, news coverage, Feb. 14, 2010 (topic: climate change).

*Indian Country Today*, quoted interview, Feb. 4, 2010 (topic: Indian voting rights).

*Indian Country Today*, quoted interview, Oct. 20, 2009 (topic: Indian voting rights).

*High Country News* blog, quoted interview. Oct. 15, 2009 (topic: Indian voting rights).

KUED “Utah Now” television program, August 21, 2009 (topic: western water policy).

*Salt Lake Tribune*, quoted interview, Nov. 28, 2008 (topic: Navajo water rights).

*Indian Country Today*, quoted interview, Oct. 26, 2008 (topic: American Indian voting).

KCPW Radio, interview, Oct. 22, 2007 (topic: western water policy).

KUER Radio, interview, Oct. 2, 2007 (topic: water policy in Utah).

*Calibre*, quoted interview, June 11, 2007 (topic: Indian voting rights).

*Los Angeles Times*, quoted interview, April 22, 2007 (topic: federal public lands)

*The New Standard* (national on-line news publication), quoted interview, January 22, 2007 (topic: American Indian water rights).

*Salt Lake Tribune*, quoted interview, Oct. 30, 2006 (topic: global warming and water).

KUSU Radio interview, August 31, 2006. (topic: Utah water).

*Salt Lake Tribune*, quoted interview, August 8, 2006. (topic: Utah water).

KUER, Radio West program, live interview, March 7, 2006 (topic: Women war veterans).

KCPW Radio, live interview, March 7, 2006 (topic: Women war veterans).

*Salt Lake Tribune*, quoted interview, February 16, 2006 (topic: American Indian voting rights).

*Native American Times*, secondary quote, November 1, 2005 (topic: American Indian voting).

*Time Magazine*, quoted interview, July 18, 2005 (topic: dam removal).

*Salt Lake Tribune*, quoted interview, June 23, 2005 (topic: river restoration).

*Los Angeles Times*, quoted interview, April 26, 2005 (topic: National Park Service).

Associated Press, quoted interview, October 25, 2004 (Nov. 2 in *Tri-Valley Central*) (topic: dam removal).

*Deseret Morning News*, quoted interview, Aug. 8, 2004 (topic: the law of the river).

*East Valley Times (Arizona Tribune)*, secondary quote, June 4, 2004 (topic: the drought).

*Los Angeles Times*, quoted interview, May 22, 2004 (topic: American Indian voting rights).

Weather Notebook, Public Radio program, Boise, ID, interview, May 24, 2004 (topic: the impact of drought on western water policy).

Airtalk, KPCC Southern California Public Radio, interview, May 6, 2004 (topic: western water policy).

*New York Times*, quoted interview, May 2, 2004 (Topic: western water policy).

*Rapid City Journal*, quoted interview, April 12, 2004 (Topic: Indian voting rights).

*High Country News*, quoted interview, March 2004 (Topic: Indian water settlements).

Fox News, interview, Sept. 2, 2003 (Topic: Leavitt's appointment to EPA).

KUED Public Affairs Television presentation, "The Price of Water," April 22, 2003.

AP Wire Service, interview, Aug. 29, 2003 (Topic: Leavitt's appointment to EPA).

KSL TV News, interview, Aug. 28, 2003 (Topic: water use in Salt Lake City).

*City Weekly*, interview, Feb. 13, 2003 (Topic: water policy).

High Country News Radio, interview, Aug. 19, 2002 (Topic: wilderness policy).

Associated Press, June 1, 2002, feature story (Topic: irrigation subsidies).

KSL TV News, May 6, 2002, interview (Topic: water use in Salt Lake City).

KUED Radio interview, April 17, 2002 (Topic: water policy in the Salt Lake Valley).

KUED Radio interview, Nov. 19, 2001 ("Radio West" special program on water policy in Utah).

KRCL Radio interview, Sept. 13, 2001 (topic: Utah water policy).

KCPW Radio interview, Aug. 23, 2001 (topic: Utah water policy).

KCPW Radio interview, August 27, 1999 (topic: BLM wilderness policy).

KUER Radio interview, August 20, 1999 (topic: Utah water policy).



KUED, Civic Dialogue, televised interview, June 20, 1997 (topic: Utah water policy).

ABC Evening News, televised interview, June 4, 1997 (topic: The CUP).

KUER Radio interview, May 23, 1997 (topic: Poverty on Indian reservations).

KRCL Radio interview, January 8, 1996 (topic: Utah water policy).

KCPW Radio interview, January 2, 1996 (topic: Utah water policy).

KRCL Radio interview, August 20, 1995 (topic: American Indian Resource Center).

KUER Radio interview, August 14, 1995 (topic: Northern Ute tribal government).

KTALK Radio interview, May 6, 1995 (topic: taxes).

KCPW Radio interview, July 6, 1994 (topic: the Northern Ute jurisdiction case).

KUER Radio interview, Feb. 16, 1994 (topic: the Northern Ute jurisdiction case).

Special Feature article in the *Utah Government Connection* titled: "The Moscow Kremlin: Closed for Cleaning." Oct., 1993.

*Deseret News*, quoted interview. April 18, 1993 (topic: Russia).

*The Public's Capital*, quoted interview, April, 1993 (topic: federal water policy).

*Las Vegas Review -Journal*, quoted interview, Oct. 31, 1992 (topic: Western Water Policy).

Testimony before the State and Local Affairs Interim Committee of the Utah State Legislature, Jan. 8, 1992 (topic: Utah Navajo Royalty Trust Fund).

*Los Angeles Times*, quoted interview, Aug. 27, 1990 (topic: Navajo voting rights).

*Congressional Quarterly Weekly Report*, quoted interview, Jan. 13, 1990 (topic: federal Indian policy).

*High Country News*, quoted interview, July 30, 1990 (topic: Navajo voting rights).

"The Central Utah Project: A Legacy of Promise and Controversy." *Public Policy Perspective* (newsletter of the Center for Public Policy and Administration, University of Utah), Spring, 1990.

"Recent Events in Treaty Rights." *Native American Policy Network Newsletter*, July, 1990.

KRCL Radio interview, June 5, 1990 (topic: The Central Utah Project).

KSL Radio interview, Sept. 5, 1989 (topic: Indian water rights).

KTKT Radio interview, Dec. 27, 1989 (topic: taxes).

KUED Television, "Civic Dialogue," Dec. 19, 1989 (topic: Indian water rights).

## GRANTS

Co-Principle Investigator, U. S. Geological Survey, Small Grants Program. 2015-18. \$31,480.

Senior Consultant, USAID-funded Pakistan Centers for Advanced Studies in Water, 2014-2016. \$10,000.

Faculty Consultant, "The Western Waters Digital Library: The Foundations of American Water Policy." National Endowment for the Humanities, 2007-2009. Funding = 5% time

Tanner Humanities Center, University of Utah. Research Interest Group grant to create a "Nuclear Utah" educational forum, 2006-07. Funding = \$1,200.

Applied Ethics and Human Values, University of Utah. 2005-06. Grant proposal: "Environmental Ethics and the Costa Rican Model of Ecotourism." \$6,200. With Professor Anya Plutynski.

National Endowment for the Humanities, program to create and preserve access to Humanities Collections, to digitize and archive 1,814 oral history interviews of American Indians, 2005-06. \$127,518 matching grant.

Quality Initiative Grant, University of Utah. To perform a complete program assessment of the Environmental Studies Program. 2003-2004. Funding = \$14,200.

Southwest Center for Environmental Research and Policy, Border Tribes Program. Co-P.I. This federally funded project developed a GIS Environmental Baseline for the Tohono O'odham Nation. 1999-2002. Funding = \$140,000.

Quality Initiative Grant, University of Utah. To create a new curriculum and program for the Red Rock Institute. 2001-2002. Funding = \$17,000.

U.S. Geological Survey, Water Resources Research Act Grant Program. Principle Investigator. "Negotiating Indian Water Rights Settlements: The Efficacy of Negotiation as a Dispute Resolution Strategy." 1992-1995. Funding = \$189,394.

University of Utah Teaching Committee. Awarded in 1996 to fund field trip for Wilderness Policy Class, \$1,200.

College of Social and Behavioral Science, University of Utah. Proposal Initiative Grant. \$4,000. Awarded summer, 1995.

University of Utah Research Committee. Grant to facilitate research on Indian Water Settlements: \$4,409. Awarded 1992.

Rural Utah Grant Program, Center for Public Policy and Administration, University of Utah. Project Title: "Ute and Navajo Water Rights: The Impact on Rural Utah." \$10,000. Awarded 1992-1993.

National Institute for Dispute Resolution, Higher and Professional Education Program, research grant for comparing negotiation and litigation as dispute resolution forums for Indian water rights: \$4,000. Awarded 1990.

University Teaching Grant to develop new course on water policy. University of Utah. Awarded 1989.

The Dean's R&D Fund. Project Title: "Conflict over Western Water: The Impact of 'Landmark' Decisions." College of Social and Behavioral Science, University of Utah. Awarded 1988.

Texas A&M University, Summer Research Grant, for project entitled "Water on the Hill: Subcommittees, Subgovernments, and Federal Water Development": \$5,000. Awarded 1986.

## AWARDS

Runner-up, Science Category, Green Book Festival, for *River Republic: The Fall and Rise of America's Rivers, 2013*.

Finalist, College of Social and Behavioral Science, Superior Research Award, 2008, 2009

Finalist, College of Social and Behavioral Science Superior Teaching Award, 2011

Indigenous Day Dinner, Annual Awards, 2007, for "providing leadership for the American West Center on behalf of American Indians in the State of Utah."

University of Utah 2004 Diversity Award, presented to the American West Center.

Second place, "Excellence in Journalism Award," by the Utah Society of Professional Journalists, 1998 for "A River Between Two Cultures." *Catalyst* (August, 1997): 14-15.

Superior Research Award for Junior Faculty, College of Social and Behavioral Science, University of Utah, 1989.

## ADMINISTRATIVE INITIATIVES

As co-Director of Sustainability Curriculum Development at the University of Utah:

- Created, with my co-directors, the Undergraduate Certificate in Sustainability
- Created, with my co-directors, the Graduate Certificate in Sustainability
- As Director of the Environmental and Sustainability Studies Program:
  - Created a new Environmental and Sustainability Studies Minor
  - Directed the administration of an extensive program assessment and evaluation
  - Redesigned the Introductory course, ENVST 2100, required of all majors
  - Designed a new introductory field course, ENVST 2000, now required of all majors
  - Initiated the first Study Abroad program (Costa Rica) for Environmental and Sustainability Studies
- Developed a new teaching curriculum, the Red Rock Institute, which explores environmental issues in the West.
- Led the development of five new courses that focus on: sustainability science, environmental justice, global sustainability, leadership, and a senior capstone course

As Director of the American West Center:

- Organized the 2006 Siciliano Forum. Topic: The Reauthorization of the Voting Rights Act
- Negotiated numerous contracts for studies of Indian hunting and fishing rights and tribal archives.
- Organized an annual conference called "Women at War," that featured female veterans.
- Initiated a new oral history project of Utah's WWII veterans, "Saving the Legacy," with over

500 interviews completed.

- Wrote a successful NEH grant application to digitize the entire oral history collection of the Center—approximately 3,000 tapes.

As Associate Dean:

- Initiated the effort that led to the establishment of the American Indian Resource Center on campus.
- Created a new College grants program, the Proposal Initiative Grant, to help generate externally funded grants for College faculty.
- Implemented a computerized search process to help College faculty find potential sources of external funding.
- Created a Faculty Research Compendium that identified the major research activities of college faculty.

As Director of Public Administration Education:

- Executive MPA: designed a new MPA program for middle- and upper-level administrators.
- Public Administration Workshop for the Ute Indian Tribe: designed and implemented an annual intensive-session workshop for Ute tribal administrators.
- Conference for Minority Public Administrators: designed and implemented Salt Lake City's first conference for minorities in the public sector work force.

#### COMMUNITY SERVICE AND CONSULTING

Regional Council, National Parks Conservation Association, Southwest Regional Office, 2009-present.

Member, Governor's Water Strategy Advisory Team, 2013-2017.

[http://www.envisionutah.org/images/FINAL\\_Recommended\\_State\\_Water\\_Strategy\\_7.14.17\\_5b15d.pdf](http://www.envisionutah.org/images/FINAL_Recommended_State_Water_Strategy_7.14.17_5b15d.pdf)

Co-author, *amicus* brief, in *Northwest Austin Municipal Utility District Number One v. Holder*, U. S. Supreme Court, No. 08-322, 2009.

Volunteer Tutor, Guadalupe Schools, 2007-2009.

Advisor, Rocky Mountain American Indian Economic and Education Foundation, 2003-2006.

Member, National Council of Scholars, Presidents Park, Williamsburg, VA. 2002-2004.

Consultant, National Oceanic and Atmospheric Administration, research project investigating the use of long-range weather data in water management planning for water conservancy districts and Indian reservations, 1999-2002.

Participating author and consultant, contract to facilitate meetings and research a proposal to divide San Juan County, UT. Final Report titled: "San Juan County Division Study," Prepared by the Center for Public Policy and Administration, University of Utah, 1997.

Member, Board of Directors, the Indian Walk-In Center, Salt Lake City, Utah, 1994-2000.

Advisory Committee for the American Indian Resource Center, University of Utah, 1990-2000.

## CERTIFICATE OF SERVICE

I, Alexander H. Rate, hereby certify that I have served true and accurate copies of the foregoing Affidavit - Affidavit to the following on 01-12-2022:

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Dated: 01-12-2022

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MONTANA THIRTEENTH JUDICIAL DISTRICT COURT  
COUNTY OF YELLOWSTONE

WESTERN NATIVE VOICE, Montana )  
Native Vote, Blackfeet Nation, Confederated )  
Salish and Kootenai Tribes, Fort Belknap )  
Indian Community, and Northern Cheyenne )  
Tribe, )

Plaintiffs, )

v. )

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

Defendant. )  
)  
)  
)

Consolidated Case No. DV 21-0451

Judge Michael G. Moses

**AFFIDAVIT OF RYAN D.  
WEICHEL, Ph. D. IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

I, Ryan D. Weichelt, Ph.D., depose and say the following:

1. I am a Professor of Geography at the University of Wisconsin-Eau Claire (UWEC). I have been employed at UWEC since August 2009 to the Present at UWEC. I received a BS in geography from the University of Wisconsin-Eau Claire, a Master of Applied Geography in geography of Texas State University, and a Ph.D. in geography from the University of Nebraska-Lincoln. My primary research and teaching emphases are in political and quantitative geography. I have published over 15 articles in journals, book chapters, and edited volumes. I am currently under contract with the publisher Rowman and Littlefield to publish a book on geography, redistricting, and gerrymandering to be completed August of 2023 as well as a co-editor of the 2016 Atlas of Elections and the forthcoming 2020 Atlas of the Elections. I am also the current Co-Chair of Research Council 15 (Cultural and Political Geography) for the International Political Science Association (IPSA) and the Second Vice President of the international geography honors society, Gamma Theta Upsilon.

2. My full analysis is included in my expert report, which is attached as Exhibit 1 to this affidavit.

3. This report analyzes if Montana's HB 530 and HB 176, passed by Montana the legislature in September of 2021, pose differential obstacles to participation for potential Native American and Non-Native American voters. I specifically assessed differences between the location of post offices and the potential distances voters from communities without post offices would have to travel to utilize postal services. I also determined the hours of operation for post offices found both on and off Native American Reservations across the state of Montana. Finally, I measured and compared the distances both Reservation communities and non-



Reservation communities would have to travel to nearest Department of Motor Vehicles and the nearest County Seat.

4. It is my professional opinion HB 176 and HB 530 add further impediments for Native Americans on reservations in Montana to participate in the electoral process.

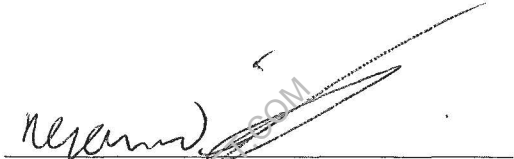
5. Specifically, statewide communities off-reservation have a shorter average travel distance to the post office as well as slightly longer hours open compared to Native Americans communities on-reservation. This is especially true in the largest cities where citizens have a variety of very close post offices with services offered for longer hours Monday through Saturday. Within reservations the results are also varied, but in general, potential voters on-reservation face greater distance and time obstacles than the broader Montana population.

6. Additionally, statewide communities off-reservation have a shorter average travel distance to the DMV compared to Native Americans communities on-reservation. Within reservations the results are also varied, but in general, potential voters on-reservation face greater distance and time obstacles than the broader Montana population in obtaining a driver's license or state issued ID.

7. Finally, statewide communities off-reservation have a shorter average travel distance to county seats compared to Native communities on-reservation. Due to the fact county seat election offices are the only places that late voter registration can occur, Native American populations on a whole must travel farther distances to meet the noon deadline compared to off-reservations communities.

8. In sum, even before HB 176 and HB 530 were enacted Native American populations on reservations across Montana faced greater obstacles to participate in elections. The high levels of poverty on reservations and decreased access to vehicles already disadvantage

Native American voters from voting. When these realities are compounded by decreased access to the post office via longer distances and lack of postal services, voters are left with limited options. Though DMVs and county seat election offices provide additional opportunities to register to vote, distance once again adds increased burdens to Native American populations compared to white populations throughout Montana. The results of HB 176 and HB 530 add further impediments for Native Americans on reservations in Montana to participate in the electoral process.

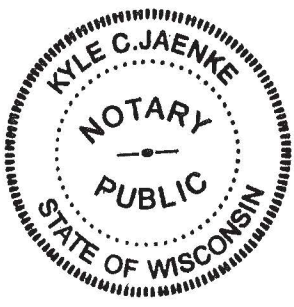
  
\_\_\_\_\_  
Ryan Weichel, Ph.D.

STATE OF Wisconsin  
COUNTY OF Fau Claire

Signed and sworn to before me on this 11 day of January, 2022.

  
\_\_\_\_\_  
Notary Public

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My commission expires 10/12/2025

Report of Ryan D. Weichelt

in the case of Western Native Voice v. Jacobsen

January 11, 2022

I, Ryan D. Weichelt, declare as follows:

1. I am a Professor of Geography at the University of Wisconsin-Eau Claire (UWEC). I have been employed UWEC since August 2009. I have personal knowledge of the facts set forth in this declaration and could and would competently testify to those facts if asked to do so.
2. The following is a true and correct copy of the document titled "An Analysis of Post Office, Department of Motor Vehicle (DMV), and County Seat Locations on Native and Non-Native Lands and the Potential Effects on Native and Non-Native Voters." I prepared the document for the plaintiffs in this action. I declare under penalty of perjury that the report is true and correct to the best of my knowledge.

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An Analysis of Post Office, Department of Motor Vehicle (DMV), and County Seat Locations on Native and Non-Native Lands and the Potential Effects on Native and Non-Native Voters

Dr. Ryan D. Weichelt  
Eau Claire, Wisconsin

## INTRODUCTION

3. I am a Professor of Geography at the University of Wisconsin-Eau Claire (UWEC). I have been employed at UWEC since August 2009 to the Present at UWEC.
4. My formal education includes a BS (2000) in geography from the University of Wisconsin-Eau Claire, a Master of Applied Geography (MAG, 2002) in geography of Texas State University, and a Ph.D. (2008) in geography from the University of Nebraska-Lincoln.
5. My primary research and teaching emphases are in political and quantitative geography. I have published over 15 articles in journals, book chapters, and edited volumes. I am currently under contract with the publisher Rowman and Littlefield to publish a book on geography, redistricting, and gerrymandering to be completed August of 2023 as well as a co-editor of the 2016 Atlas of Elections and the forthcoming 2020 Atlas of the Elections. I am also the current Co-Chair of Research Council 15 (Cultural and Political Geography) for the International Political Science Association (IPSA) and the Second Vice President of the international geography honors society, Gamma Theta Upsilon.
6. I have been asked by the Plaintiffs' Counsel, the American Civil Liberties Union (ACLU) and the Native American Rights Fund (NARF) to determine if Montana's HB 530 and HB 176, passed by Montana the legislature in September of 2021, poses differential obstacles to participation for potential Native American and Non-Native American voters. I have been specifically asked to assess the location of post offices and the potential distances voters from communities without post offices would have to travel to utilize postal services. I was also asked to determine the hours of operation for post offices found both on and off Native American Reservations across the state of Montana. Furthermore, I was also asked to measure the distances both Reservation communities and non-Reservation communities would have to travel to nearest Department of Motor Vehicles and the nearest County Seat.
7. To complete this report, data were primarily obtained from the United States Census, specifically the 2019 American Community Survey Five-Year Estimates ("ACS") and the 2020 Decennial Census. Data were also collected regarding the specific addresses of official United States Post Offices via [www.postallocations.com](http://www.postallocations.com) and then verified on the United States Postal Service ("USPS") website ([www.usps.com](http://www.usps.com)). Furthermore, both websites were used to verify the hours of operation for each post office across Montana. Locations and distances traveled by automobiles for all cities, towns, and Census Designated Places (CDP) were obtained via Google Maps and verified using data from the State of Montana ([www.mt.gov](http://www.mt.gov)) and the Montana Association of Counties ([www.mtcountries.org](http://www.mtcountries.org)). DMV office locations were verified using the Montana Department of Justice's website (<https://dojmt.gov/driving/locations/>)

8. All mail ballots require stamps. In Montana, ballots must be received at the election or polling place by 8:00 PM on Election Day (Montana Secretary of State). Therefore, it is likely voters will need in-person postal services available to purchase stamps and a postal worker to discuss whether their ballot will be timely received. The post offices identified for this report are defined, by the USPS, as “. . . staffed by a Postal Service employee and has window service hours. Many Post Offices have open, after hour lobbies with kiosk and PO Box access” (www.usps.com). This report also identified, in communities with no “official” post office, USPS identified places as National Retailer post offices. While the services provided by National Retailers varied, I verified that places designated as National Retailers by the USPS provided similar services as an “official” post office, including access to P.O. Boxes. Though after-hours access to PO boxes varied among all locations. Through this process I identified 316 “official” post offices and 12 National Retailer Post Offices.
9. The Montana Secretary of State’s website (<https://sosmt.gov/elections/vote/#how-to-register-to-vote>) identifies three ways to register to vote in Montana. Registration must be done thirty days before an election, though late registration is allowed, via HB 176, at a county election office at the county seat until noon the day prior the election. To register to vote, Montana residents can visit county election offices Monday to Friday between the hours of 8 a.m. and 5 p.m. Voters can also fill out and sign a voter registration application downloaded via the Internet. These applications can then be dropped off at a local county office or placed in the mail.
10. Voters can also register to vote when they apply for or renew a driver’s license or Montana ID at a designated Department of Motor Vehicles (DMV) office. Those that register to vote via a DMV office must register 30 days before the election or drop the form off at the county election office or place it in the mail also 30 days before an election. It is of note that while there are limited exceptions to renew via the mail, most persons are required to renew a driver’s license in person.
11. The collection of all data, the calculations for distances from places to post offices, to DMV offices, and county seats, and the creation of all maps were done by myself with no assistance.
12. This report includes multiple sections. Immediately following is an “Executive Summary” stating the report’s primary findings, followed by a section that provides an overview of the demographics of Native American populations for Montana counties and a brief synopsis of recent voter turnout of Montana counties. The next section includes the methods and analysis used to determine if Native and non-Native access to posts offices differs in Montana, including both distances and hours of operation. Specifically, this section will identify geographic differences in access to post offices among the seven Native American reservations across the state compared to non-Native areas. The next two sections perform a similar analysis as completed for access to post offices, for access to the nearest DMV site and the distances to county seat election offices by comparing Native and non-Native places throughout Montana. The final section includes the report’s conclusions.
13. In August of 2020 I testified as a rebuttal witness and was qualified as an expert witness in geography and geospatial technologies for the case *Western Native Voice v Stapleton (2020)*

in the state of Montana. In this case I was asked to write a report comparing the socio-economic differences between White and Native American populations throughout Montana. Furthermore, I was asked to identify post office locations and then compare the access to post offices by both Native American communities and non-Native communities. This required an extensive geospatial analysis, using a Geographic Information System, identifying the nearest post office calculating the distance for over three hundred communities throughout Montana.

14. I have been retained by Plaintiffs in this case and am being paid \$175 an hour with a minimum of \$15,000 in the creation of this report, testimony preparation, testimony, and any other needed duties.

### **Executive Summary**

15. Participation in the political system, including voting, has costs in terms of time and money, with any additional costs leading to decreased rates of participation. Higher costs most affect those living in poverty.
16. Native Americans in Montana have poverty rates nearly three times those of white residents, and Native American household units are more than twice as likely to not have access to a motor vehicle.
17. Native Americans in Montana have been victim to several attempts to stymie voter turnout in elections. This coupled with mixed interactions with the post office, DMVs, and county seat election offices has contributed to lower voter turnout in Montana elections. The lowest rates of voter turnout for absentee voting and in general elections are found in counties with the highest proportions of Native Americans.
18. This analysis identified 316 Official Post Offices and 12 National Retailer Post Offices.
19. This analysis identified 47 DMV locations across Montana.
20. This analysis identified 56 county seat locations in Montana's 56 counties.
21. On average, persons living in communities off-reservations had a shorter distance to travel to the nearest post office, the nearest DMV, and county seat election office. This is especially true for citizens living in Montana's largest cities. Billings, Missoula, and Great Falls are predominantly white (all greater than 88% white) and have a variety of post office options within 2 miles as well as having DMV offices and are also the county seats. On average, persons living on-reservations had longer distances to travel to the nearest post office, DMV, and county seat election office, but these distances varied from reservation to reservation.
22. The time post offices are open Monday through Friday and on Saturdays also differed between on-reservation and off-reservation post offices. On average, off-reservation post offices were open longer on both Monday through Friday and Saturdays compared to on-reservation post offices. In Billings, citizens even have post office options on Sundays. As with access to post offices, the time open varied from reservation to reservation. For example, no post office is open on Saturdays on the Northern Cheyenne Reservation.

23. The varied distances and times post offices are open and the distances to DMVs and county seat election offices across Montana constitute an obstacle to participation in the electoral system, particularly when coupled with higher rates of poverty and greater rates of household units not having access to motor vehicles among Native Americans.

**Demographic Overview**

24. According the 2020 United States Decennial Census (PL 94-171 data), the total population of the state of Montana was 1,084,225. Of that total, the white population accounts for 84% (916,524) followed by Native Americans at 6.2% (67,612). Native Americans saw an increase in total population of 7,477 persons, compared to 2010.
25. According to the 2020 PL 94-171 data, Montana has an estimated 850,123 residents who are 18 years of age or older, voting age population (VAP) (Table 1). Whites account for 85.58% of the group and Native Americans for 5.02%.

Table 1: Voting Age Population in Montana by Race

	<b>VAP Total</b>	<b>Percent of VAP Total</b>
Whites	727,553	85.58%
Native Americans	42,717	5.02%
Total	850,123	100%

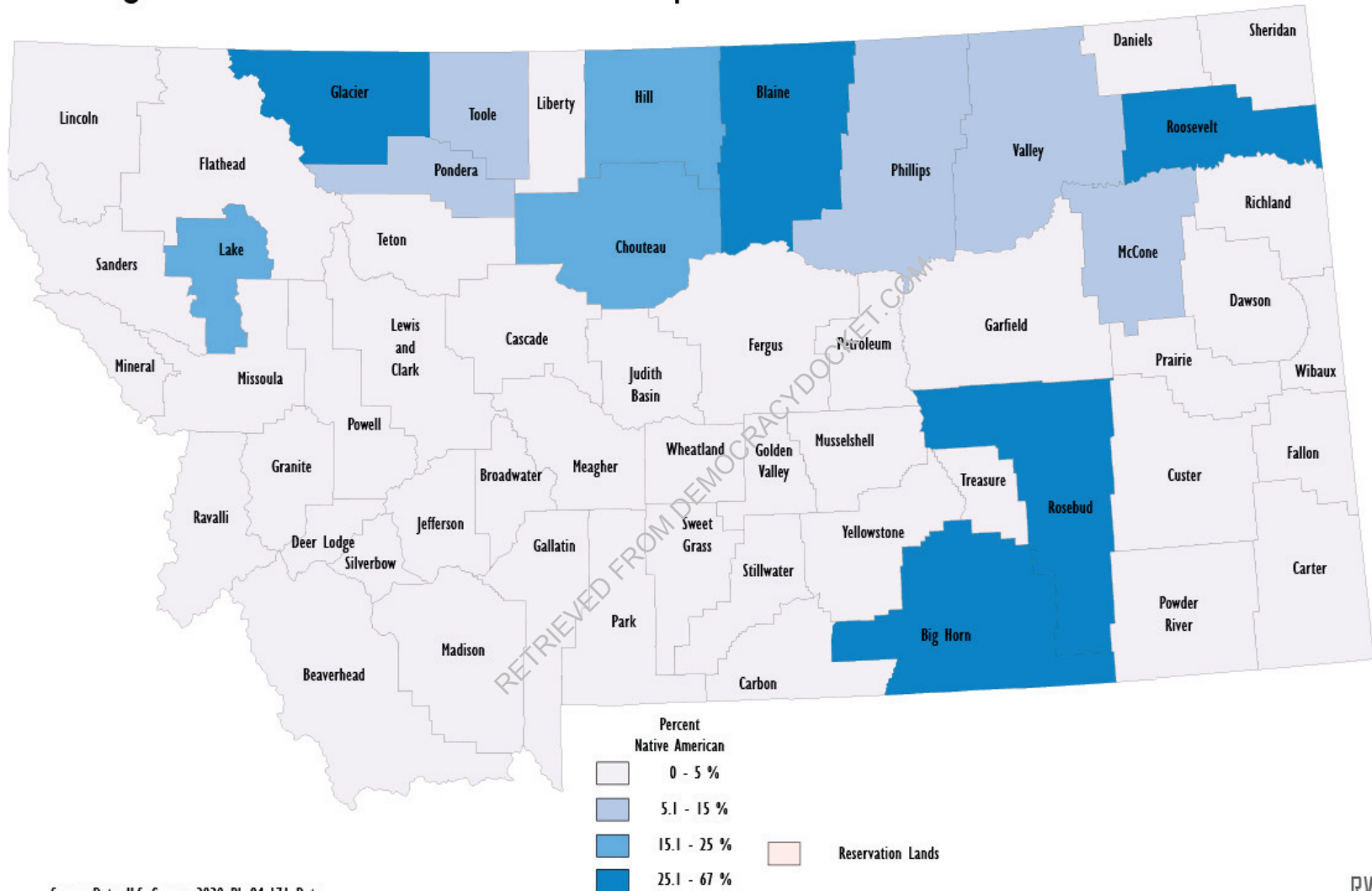
Source: U.S. Census Bureau, 2020 PL 94-171 Data, Table P4

26. The state of Montana has seven Native American Reservations entirely or partially within its borders, plus one federally recognized tribe with no reservation, the Little Shell (Chippewa Tribe). These include from east to west, Fort Peck Reservation (Assiniboine and Sioux Tribes), Northern Cheyenne Reservation, Crow Reservation, Fort Belknap Indian Community (A'aninin and Nakoda Tribes), Rock Boy's Reservation (Chippewa Cree Tribe), Blackfeet Nation, and Flathead Reservation (Confederated Salish and Kootenai Tribes) (see Figure 1).





## Figure 2: Percent Native American Population for Montana Counties, 2020



Source Data: U.S. Census, 2020 PL 94-171 Data

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28. According to the 2019 ACS Five Year Estimates, 13.1% of all Montana residents had incomes below the federal poverty level (in the 2012 ACS Five Year Estimates, the poverty income for a household of two with the head of the household under 65 years of age was \$15,450. For a family of four with two children under 18 years of age, the level was \$23,283. See American Community Survey 2012, 27). Rates of poverty dramatically differed between Native American populations and white populations. For whites in Montana, 11.6% of the population was below the poverty level. For Native Americans, this ballooned to 32.2% of the population. This is almost three times that of whites (see Table 2). At the county level, higher rates followed larger Native American populations. Those counties with the largest total Native American populations (Blaine, Roosevelt, Cascade, Rosebud, Glacier, Lake, and Big Horn) all had over 29% of their population below the poverty level. The county with the largest total population, Glacier (13,395 below the poverty level), saw 36.6% of their population below the poverty level. For comparison purposes, Glacier also had the largest percentage of its white population below the poverty level.

Table 2: Selected Statewide Economic Statistic by Race

	<b>Poverty Rate</b>	<b>Percent Household Units Without Vehicle Access, 2006-2010</b>
Whites	11.60%	4.07%
Native Americans	32.2%	12.33%
State	13.1%	5.4%

Source: American Community Survey Five Year Estimates 2006-2010, Tables B25044 (A and C) and 2019 ACS Five Year Estimates, Table S1701.

29. The American Community Survey collects data on household access to motor vehicles at the state level. This variable pertains to an occupied housing unit access to cars, vans, pickup trucks, or panel trucks of one-ton or less “kept at the home and available for the use of household members” (ACS 2012, 41). The most recent data on this was collected between 2006 and 2010. 5.4% of all Montana households did not have access to a motor vehicle. Between Native Americans and whites, there was a much larger distribution. 4% of whites had no access to a vehicle, while 12.33% of Native Americans had no access to a vehicle. Specific county level data could not be obtained for all Montana counties.

**HB 176 and HB 530**

30. HB 176 eliminates voter registration on Election Day<sup>1</sup>. HB 530 states no one may “provide or offer to provide” nor accept, “a pecuniary benefit in exchange for distributing, ordering, requesting, collecting, or delivery ballots.” Any violation will be fined \$100 per ballot unlawfully distributed, ordered, requested, collected, or delivered.<sup>2</sup>

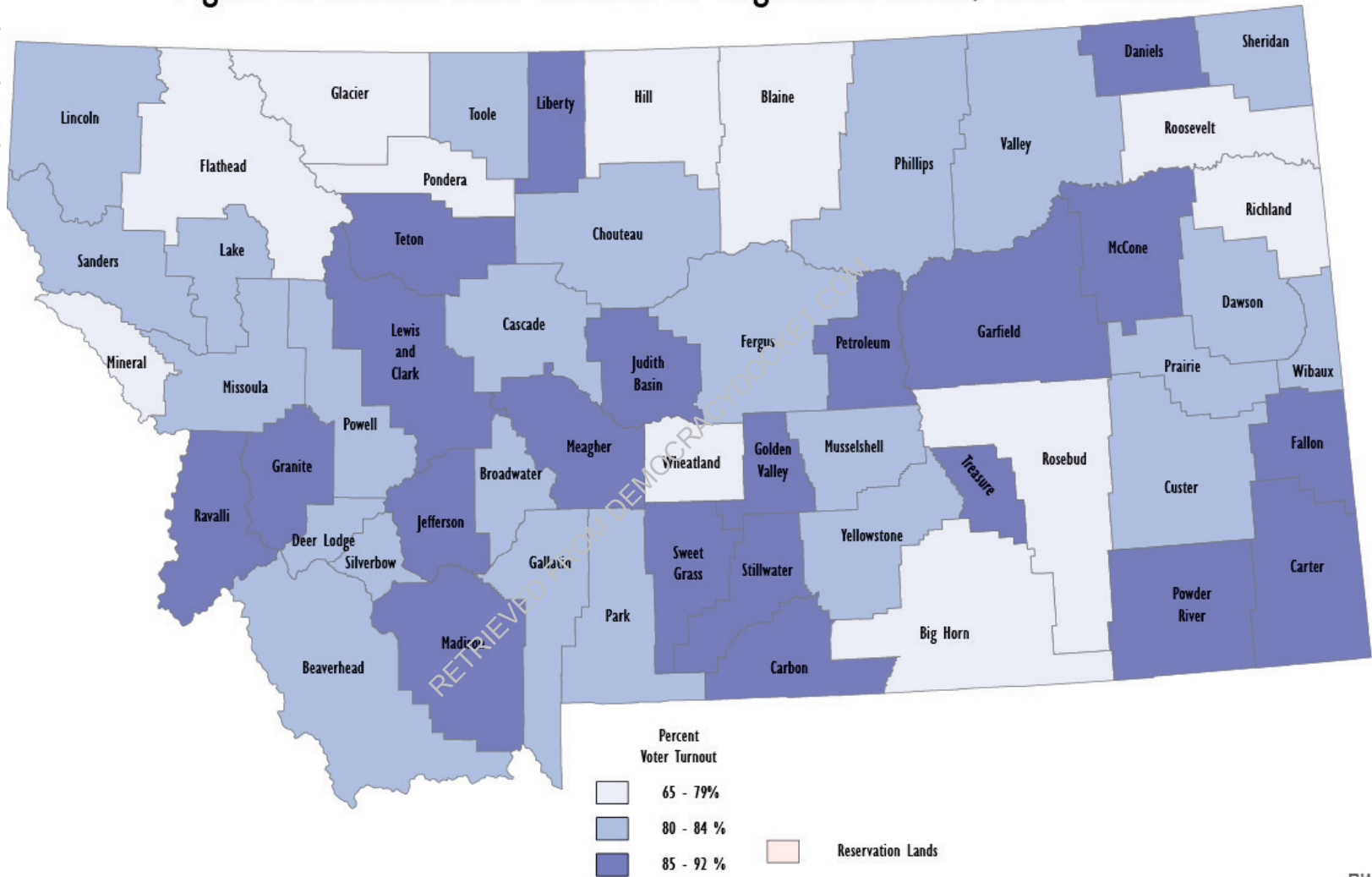
<sup>1</sup> <https://leg.mt.gov/bills/2021/billpdf/HB0176.pdf>

<sup>2</sup> <https://leg.mt.gov/bills/2021/billpdf/HB0530.pdf>

## Obstacles to Participation in Elections

31. Anthony Downs (1957), in his classic book, *An Economic Theory of Democracy*, states, “time is the principal cost of voting: to register, to discover what parties are running, to deliberate, to go to the polls, and to mark the ballot. Since time is a scarce resource, voting is inherently costly” (265). Blais (2004) expands through his discussion on rational choice theory and voting, that a voter must first estimate the expected benefits of voting. If these expectations have been tarnished from past experiences the cost of time to vote may outweigh the benefits of voting (2).
32. For minorities in the United States, and especially Native Americans, decades of abuse to curtail voting rights has a profound effect on voter turnout. Wolfey (2015) writes that in many parts of the United States, especially in Indian Country, basic access to the ballot box remains a formidable challenge. Many states, counties, and locales with large Native American populations, continue to manipulate election rules lowering voter turnout and diluting the vote of Native Americans (278).
33. For Native Americans in Montana, difficulties are also present. Moana Vercoe (2016) cited a reference from Stephanie Woodward, a reporter for *Indian Country Today*, who wrote: “The present practices –including extreme distances to the current voting offices, cultural communication barriers, demands for forms of street addresses that don’t exist on the reservation when we try to register and law enforcement racial profiling when we go to the county seat to vote –deny access to Native voters” (2012 b). Vercoe (2016) argues that misinformation about Native American voting habits dramatically influences voter turnout. She further argues the use of vote by mail is generally not seen as a viable option for many Native Americans in Montana because many receive their mail through P.O. boxes and must travel to collect their mail. Furthermore, she states postal service on reservations in Montana varies greatly, sometimes post offices within a single county operate under different administrative rules. This means equal access to the mail cannot be assumed for all Montana voters (4-5).
34. Vercoe’s work (2016) also measured absentee voting as a percentage of registered voters for the four counties with the largest Native American populations and found they were far below the state for all general elections from 2000 to 2010. These trends are also true to voters that vote at the polls. Numerous studies have found that Native Americans across the United States vote at rates that are typically lower than that of the overall population (Chaudhuri 1986; Peterson 1997; Rooij and Green 2017). Figure 3 provides the voter turnout for all Montana counties for the 2020 general elections based on data from Montana’s Secretary of State’s website (<https://sosmt.gov/elections/results/>) . The lowest voter turnout was Big Horn County at 65%, followed by Roosevelt (68%), Glacier (69%), Rosebud (75%), Blaine (76%), Richland (76%), Mineral (77%), Pondera (79%), Hill (79%), and Flathead (79%). The state average of Montana counties was 83%. These trends were also present for the 2018, 2016, 2014, 2012, and 2010 elections.

### Figure 3: Percent Voter Turnout of Registered Voters, 2020 Election

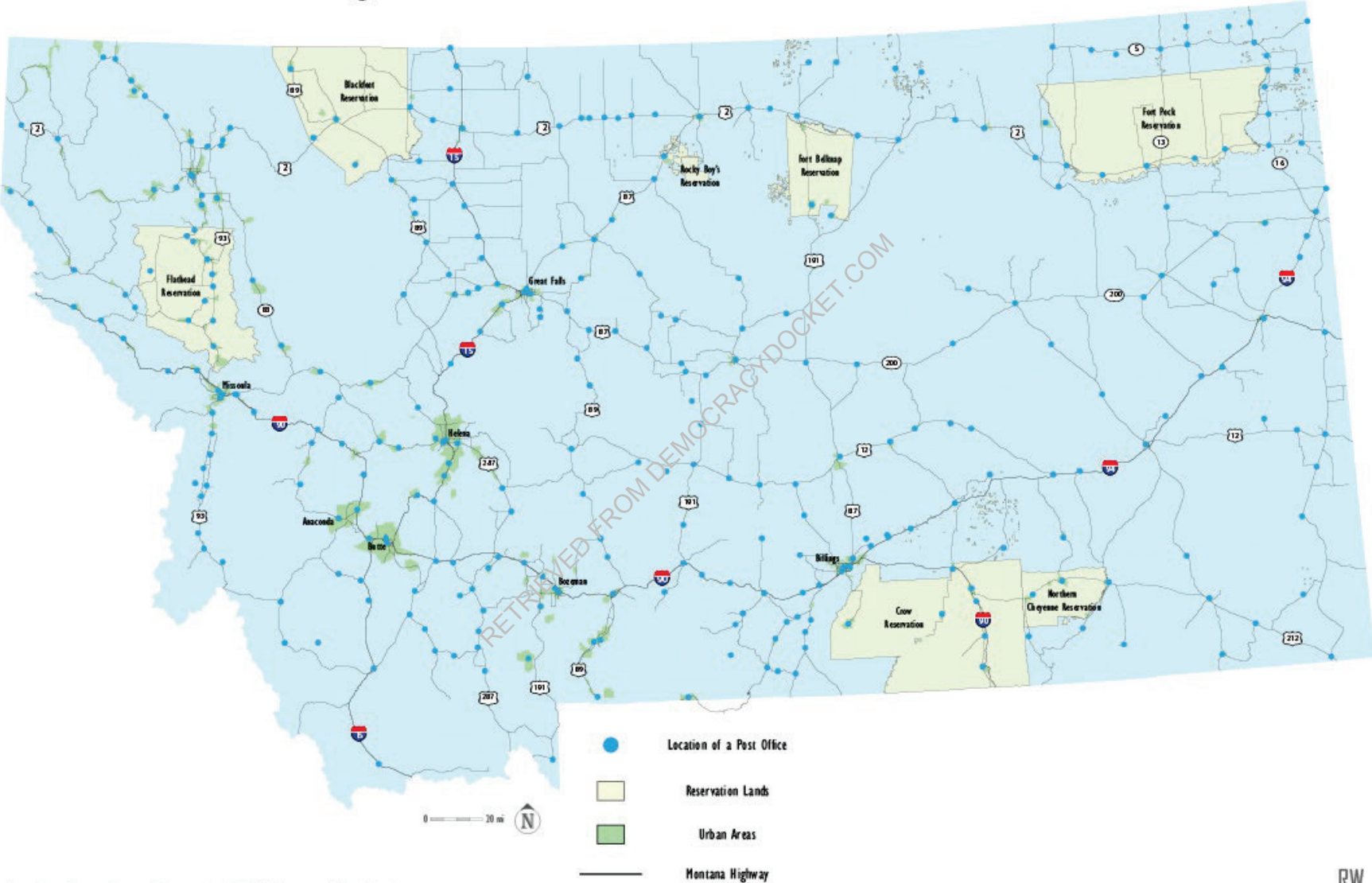


## Montana Post Offices, DMVs, and County Seat Locations

35. HBs 176 and 530 provide an additional obstacle to voters that do not have direct access to the post office. This analysis focuses on the distance to travel to the nearest post office as well as the time the post office is open for normal operations. The addresses of all official post offices (as identified by the USPS) and official retail offices providing similar services in areas with no other post offices were geocoded using a Geographic Information System and the associated address coder via ESRI's Business Analyst extension. There was a 99% success rate and one address that needed to be moved slightly to the correct location (the Otter Post Office). Figure 4 shows the location of the 328 identified post offices throughout Montana. Along with addresses, the time the post office was open Monday through Friday and Saturday was calculated for all post offices.

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Figure 4: Locations of Montana Post Offices



Source Data: Montana Dept. of Transportation, USPS, U.S. Census, and PostalLocations.com

36. For any city, town, or Census Designated Place without a post office, the road distance of a given area's centroid to the nearest post office was calculated via Google Maps. Centroid calculations are commonly used to examine geographic accessibility to public facilities or response times for emergency vehicles (i.e. Talen and Anselin 1998). Additional unincorporated areas across the entire state of Montana were assessed via Google Maps as having a "sizeable" settlement pattern and cross referenced by state and county websites to gauge their function. If selected, a similar approach was used to measure the road distance to the nearest post office. I did not take into consideration seasonal patterns for roads that may be closed due to winter conditions.
37. Place locations were then identified as either on-reservation or off-reservation for comparison purposes. A place was defined as on a reservation if the sending place originated within a reservation boundary. Seventy-one places were identified as either a Census Designated Area or a significant settlement area off reservations (without a post office) and their road distance was calculated to the nearest post office. Thirty-six places were identified as on-reservation and the road distance to the nearest post office was calculated. In some instances, the closest post office for reservation inhabitants was a post office off the reservation. For example, the Fort Belknap Agency was located closer to Harlem.
38. Because of the difficulties of assessing road conditions and the winding nature of mountain roads, sixteen small locations in remote areas through Mountain passes in Western Montana were excluded from the analysis (Happys Inn, Essex, Yaak, Sapphire Village, Pinnacle, Greenrough, Clarkston, Sylvanite, Checkerboard, Portage, Miner, Beehive, Springdale, Landusky, Canyon Ferry, Maiden, and Grayling). The total populations of these places is approximately 652 persons. The largest in total population was Yaak (a mountain resort community) with 248 persons whose closest post office is in Moyie Springs, Idaho. The smallest was 19 people in Springdale. Some places have unknown populations. While the precise distance of these places are unknown, given the winding roads, these small populated places are generally farther from post offices. Including these low populated places into the analysis (with approximate distances) skews the average distance for off-reservation places to the post office is 9.37 miles. Removal of these places results in an average of 7.49 miles as identified in Table 3 below. However, under both analyses, on-reservation distance remains farther at 12.02 miles.
39. Due to a variety of historical and current land holdings, the Flathead Reservation was removed from the analysis. The Confederated Salish and Kootenai Tribes of the Flathead Reservation are a federally recognized tribe with 8,020 enrolled members with approximately 5,500 members living on the Flathead Reservation. Because the Flathead Reservation was opened to homesteading, CSKT members are the minority population on the Reservation and make up approximately 1/5 of the population. There are also numerous Native Americans that are members of other tribes living on the Reservation, with 65 different tribes represented within the Reservation boundary. The total Native American population comprises approximately 1/4 of the Reservation population. The Reservation is in western Montana and spans 1.25 million acres. The Reservation is intersected by Lake, Sanders, and Missoula counties.

40. Table 3 identifies the average time for off-reservation locations and reservation locations. Distances for off-reservation ranged from the longest, 15.3 miles (Springdale to Big Timber), to the shortest, 1 mile (Sand Coulee to Number Seven). The general spatial uniformity of Montana’s communities is reflected by short average distances to places as well as the small standard deviation. Regarding hours open, off-reservation post offices were open on average 6 hours Monday through Friday and a bit over 1 and ½ hours on Saturdays. Urban post offices tended to have the longest hours open both Monday through Friday and Saturdays. Post Offices located in more isolated areas tended not be open as long and often not on Saturdays.
41. For locations on-reservation results were mixed. As Table 3 identifies, when compared to off-reservation locations, on-reservation distances to post offices on average were longer. The longest distance was between Lustre to Wolf Point on the Fort Peck Reservation at 34 miles (see Table 4). The shortest was Fort Belknap Agency to Harlem on the Fort Belknap Reservation at 4.1 miles. Related to time open, on-reservation post offices were open less than off-reservation both Monday through Friday and Saturdays. The higher average and larger standard deviation for On-Reservation places is solidified by the fact that almost half (48.14%) of On-Reservation were 10 miles or farther away from the nearest post office (26/54). In comparison to Off-Reservation places, only 35% of places were 10 miles or farther from the nearest post office (33/92).

Table 3: Average Distance of Places on and off reservation

	<b>Average Distance to Post Office</b>	<b>Standard Deviation in Miles</b>
Off-Reservation	7.49	3.78
On-Reservation	12.02	6.56

Sources: Google Maps, Postlocations.com, and the USPS.

42. Table 4 shows results for specific reservations. The results vary. As can be seen, the Fort Peck Reservation (also the largest in total area) has an average distance traveled of 16.43 miles with a standard deviation of 8.7 miles. The shortest is on the Northern Cheyenne Reservation at 8.25 miles with a standard deviation of 1.99 miles. For hours open, the shortest hours open are on the Crow Reservation with an average of just over 5 hours Monday through Friday, and 1 ½ hours on Saturday. Fort Belknap locations are open the longest Monday through Friday, but all are closed on Saturdays.



Table 4: Average Distance of Places for Specific Reservations and Hours Post Offices are Open M-F and Saturdays

<b>Reservation</b>	<b>Average Distance in Miles to Post Office</b>	<b>Standard Deviation in Miles</b>	<b>Longest Distance to PO in Miles</b>	<b>Average Hours Open M-F</b>	<b>Average Hours Open Sat.</b>
Fort Peck	16.43	8.75	34	5.45	1.36
Northern Cheyenne	6.33	1.99	9.1	6.5	0
Crow	8.68	6.11	19.2	5.14	1.34
Fort Belknap	8.25	4.15	12.4	7	0
Rocky Boys	12.22	2.34	16.5	5	1
Blackfeet	10.87	2.85	15.7	7	1

Sources: Google Maps, Postlocations.com, and the USPS.

43. Nearly all of Montana’s cities and towns provide citizens short access (nearly 2 miles or less) to post offices. Montana’s largest areas are also mainly white. Montana’s three largest cities Billings, Missoula, and Great Falls are 90.01%, 91.5%, and 88%, white. Figures 5 – 7 show the locations of all official United States Post Offices and affiliated National Retailers with P.O. Box access. These figures also highlight a 1-mile buffer (radius) calculated from the location of the Post Office. In all instances, persons living or working in these cities all are within at least a 2-mile radius from any given post office. Furthermore, citizens have access to the Post Office for at least 8 hours Monday through Friday and options for Saturdays, as well as Sunday options in Billings at two retailer locations (Bil Kings Ace Hardware and Lockwood Ace Hardware). These realities provide these voters greater options at less cost compared to not only Native Americans living on Reservations, but also rural voters across the state.

**Figure 5 : Billings, Montana Post Offices  
with 1 Mile Buffers**

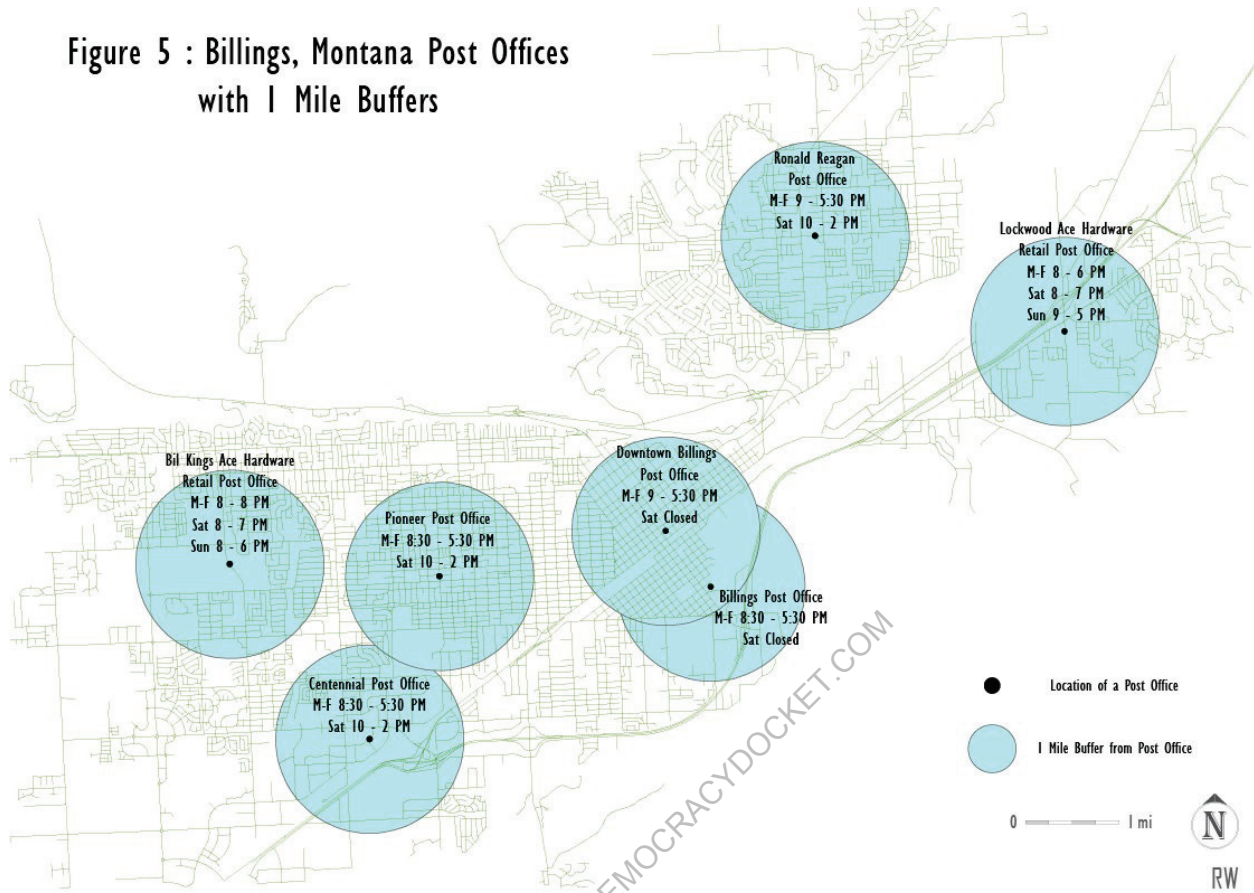
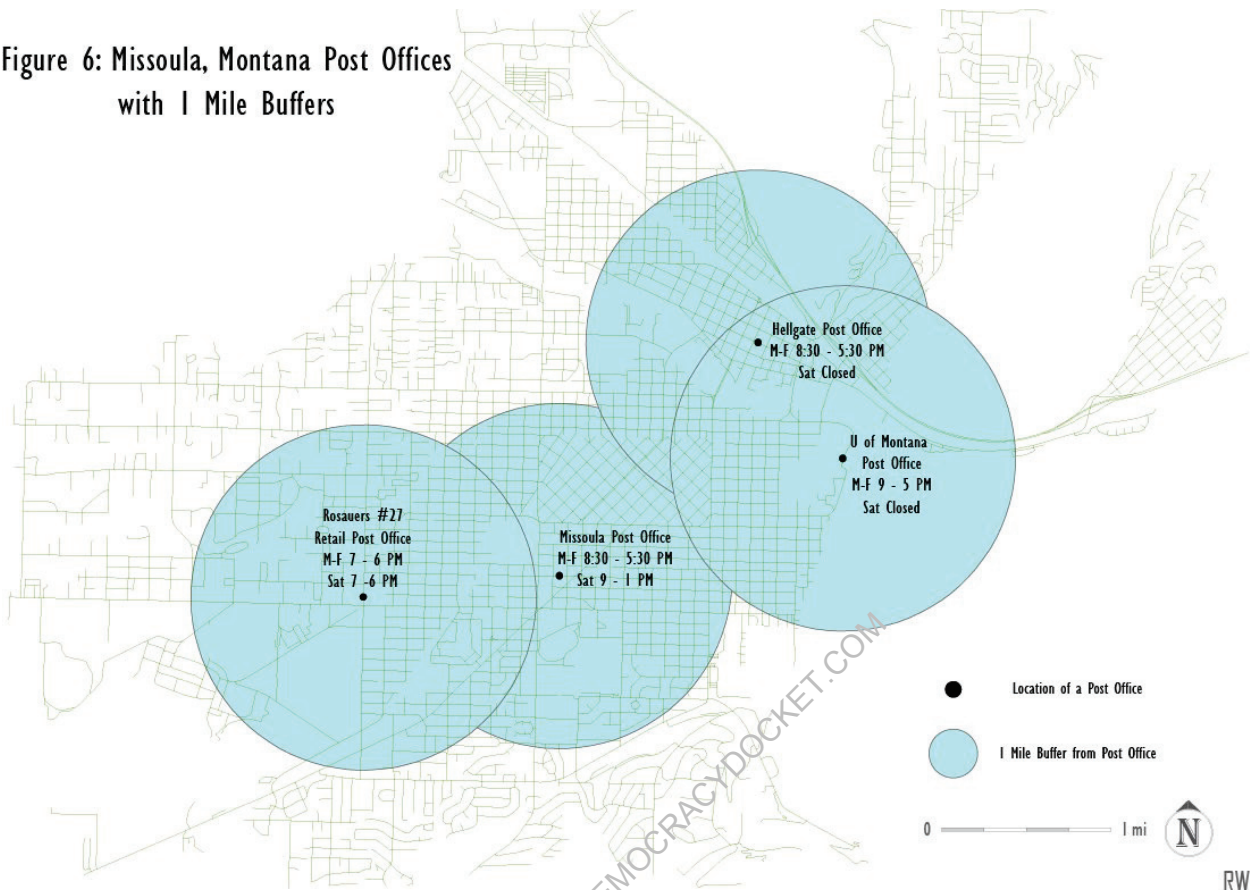
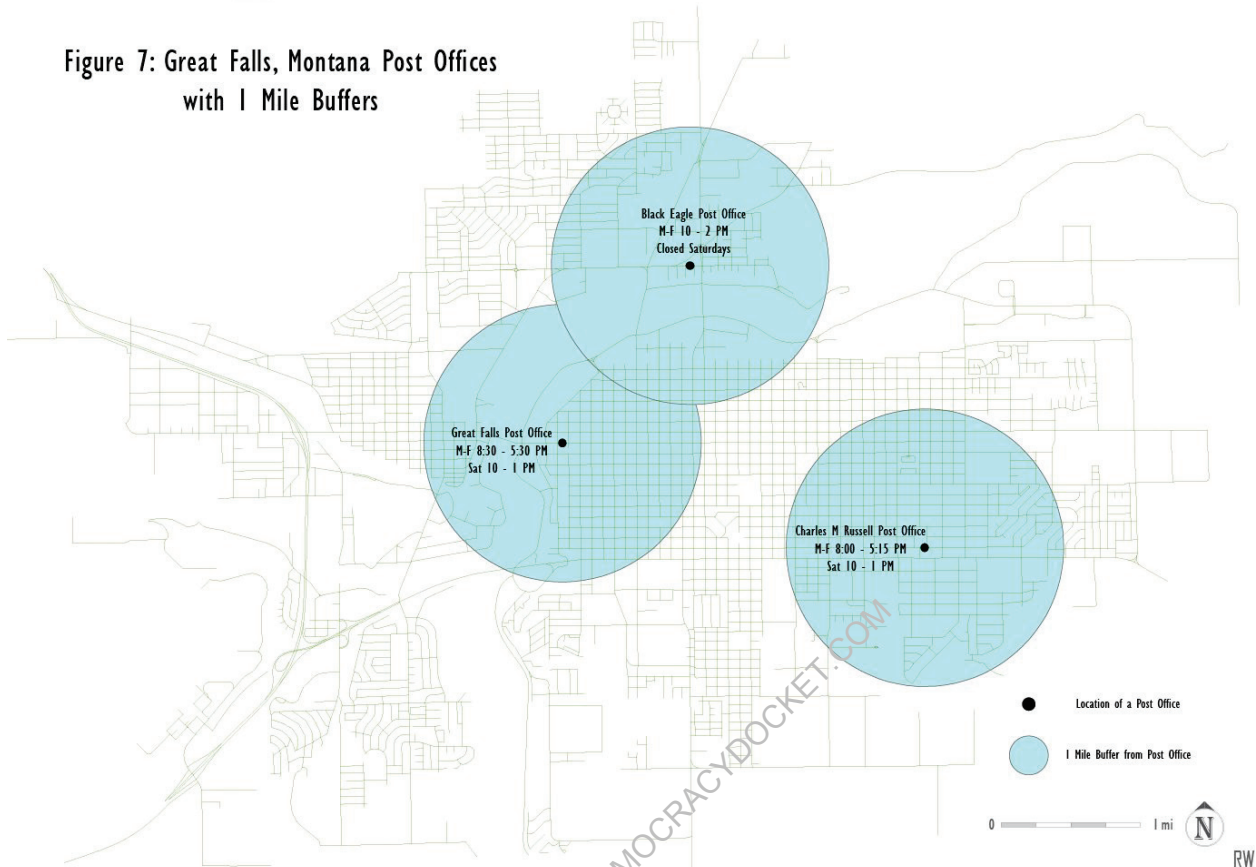


Figure 6: Missoula, Montana Post Offices with 1 Mile Buffers



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Figure 7: Great Falls, Montana Post Offices with 1 Mile Buffers



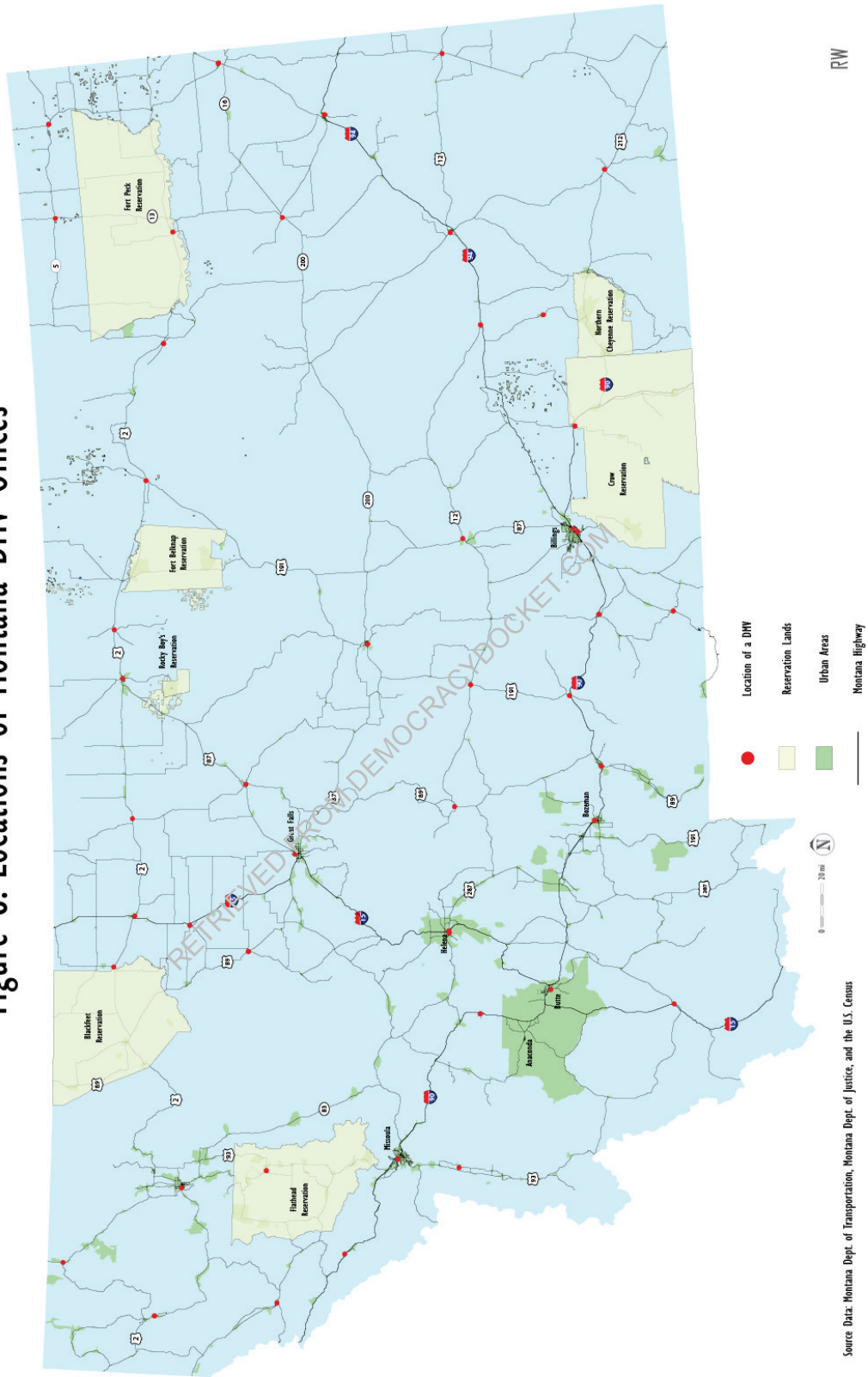
44. As already established, the total number of post offices on-reservations is far lower than off-reservation, though post offices on-reservations serve far more people per square mile than rural post offices serve off-reservation. Of the 150 post offices located off-reservations that serve primarily rural areas, the average population served is 554 people in a 5-mile radius. This equates to an average population density with a 5-mile radius of 7.06 people per square mile. The smallest of this group of rural post offices is the Sand Springs Post Office which only serves approximately 8 people in a 5-mile radius. Post offices on reservations are far fewer, 18, but have a larger average population of 1,682 persons in a 5-mile radius. This equates to a population density of 20.73 people per square mile. It is clear post offices in rural white areas serve far less people than reservation post offices, are far more plentiful, and residents travel much shorter distances to local post offices than Native American populations. For example, citizens of the small town of Flaxville (population 69) all live with 0.22 miles from the post office. While many citizens in the town of Hardin, on the Crow Reservation (population 3,808), live between 0.5 and 2 miles away from the post office. These disparities are common in comparing rural communities to reservation communities with post offices.

45. The State of Montana has forty-seven Department of Motor Vehicle offices spread across the state. Though specific services vary between locations (i.e. obtaining Real ID), they all provide Montana residents the ability to obtain or renew driver license or state IDs and also register to vote. Figure 8 identifies the location of Montana DMVs across the state. As can be seen, most DMVs are located in the largest cities and/or county seats of some counties. Both Helena and Billings offer more than one location to obtain or renew a driver's license or

state issued ID. Furthermore, Figure 8 identifies only two DMV locations on reservations. These include locations on Wolf Point on the Fort Peck Reservation and Polson on the Flathead Reservation. Both these reservations happen to the have the largest white populations of all Montana's reservations.

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Figure 8: Locations of Montana DMV Offices



46. Using a similar analysis used for measuring distances to post offices, places on and off-reservation were identified and driving distances and driving time in minutes, to the nearest DMV office was calculated using Google Maps. Table 5 provide the results for off-reservation places and on reservation places. As can be seen, the average distance and time to nearest DMV was higher for residents living on-reservation compared to those that live off-reservation. The longest distance for all locations was 69.6 miles from the town of Babb on the Blackfeet Reservation to Cut Bank. The longest distance off-reservation was from Landusky to Malta at 62.6 miles. The shortest on-reservation distance was 8 miles from Macon to Wolf Point on the Fort Peck Reservation, while the shortest distance off-reservation was 0.6 miles from Pioneer Junction to White Haven.

Table 5: Average Distance and Driving Time of Places on and off reservation

	<b>Average Distance to DMV (miles)</b>	<b>Driving Time (in Mins.)</b>
Off-Reservation	19.85	23.52
On-Reservation	32.32	34.39

Sources: Google Maps, Montana Department of Justice, United States Census Bureau

47. Table 6 shows results for specific reservations. The results vary. As can be seen, the Fort Belknap Reservation has the longest average distance traveled to the nearest DMV of 45.4 miles. The shortest was on the Northern Cheyenne Reservation at 27.28 miles. In no instances were any reservation's average distance less than the average of the communities found off-reservation.

Table 6: Average Distance of Places and Time to Nearest DMV for Specific Reservations

<b>Reservation</b>	<b>Average Distance in Miles to DMV</b>	<b>Average Drive time to DMV</b>	<b>Longest Distance to DMV in Miles</b>
Fort Peck	28.03	31	50.1
Northern Cheyenne	27.28	28.25	39.4
Crow	30.72	32.11	55.3
Fort Belknap	45.4	45	60.1
Rocky Boys	25.93	31.5	28.5
Blackfeet	38.27	39.5	69.6

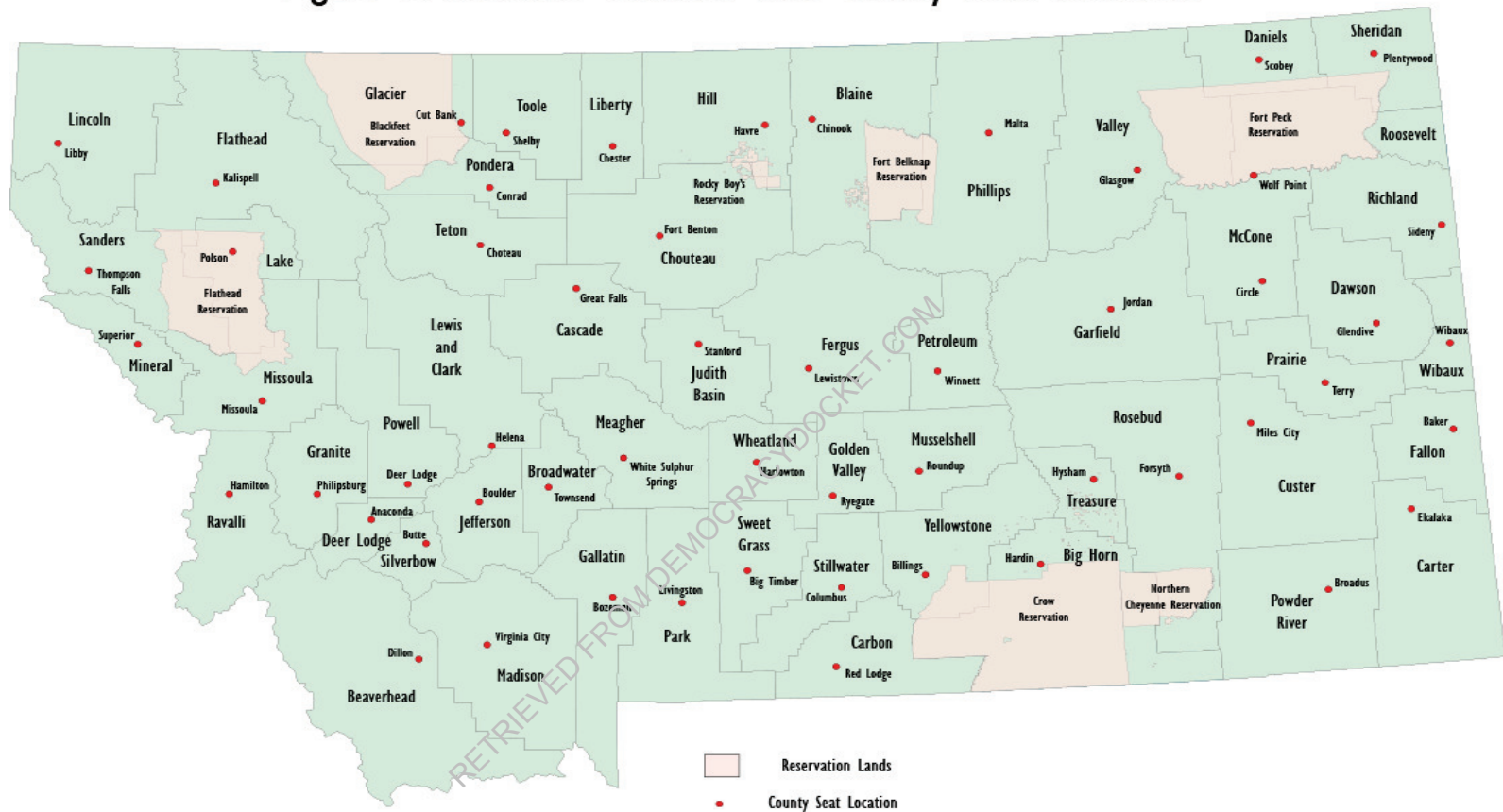
Sources: Google Maps, Montana Department of Justice, United States Census Bureau

48. The state of Montana has 56 counties and 56 county seats. Generally county seats can be defined as administrative centers and/or the seat of government for a county. In Montana this includes the county clerk and recorder as well as the clerk of the district court. County seat offices are places where Montana residents can register to vote, drop off voter registration forms, and is the only place where late registration can occur up to noon the day before an election. Late registration must be done in person. According to the Montana Secretary of State's website, county seat offices are open from 8 a.m. to 5 p.m. Monday through Friday. Figure 9 shows the location of county seats throughout Montana. As can be seen, only two county seats are located on reservations: Wolf Point on the Fort Peck Reservation and Polson on the Flathead Reservation. Both these reservations happen to be the two with the largest white populations of all Montana's reservations.

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Figure 9: Montana Counties and County Seat Locations



Source Data: U.S. Census

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49. Using a similar analysis used for measuring distances to post offices, all places on and off-reservation were identified and driving distance in miles, to the nearest county seat was calculated using Google Maps. These include Census Designated Places (CDP), towns, and cities for a list of 356 places both on and off-reservations. Table 7 provides the average distance to county seats for all places in each of the 56 counties. Six counties only had on identified place, that happened to be the county seat (i.e. Jordan in Garfield County). An additional nine counties only had the county seat location and an additional town or census designated place. The county with the largest average distance with more than two places identified was Rosebud County at 51.26 miles. The shortest was Daniels County at 11.5 miles. For the entire state of Montana, the average distance from all places to the nearest county seat was 29.52 miles (this calculation does not include counties with only the county seat).

Table 7: Average Distance of Places to County Seat for Montana Counties

<u>County</u>	<u>Avg. (in Miles)</u>	<u>Notes</u>	<u>County</u>	<u>Avg. (in Miles)</u>	<u>Notes</u>
Beaverhead	57.15		McCone	0	**
Big Horn	39.87		Meagher	36.1	
Blaine	44.52		Mineral	20.07	
Broadwater	14.2		Missoula	20.31	**
Carbon	24.85		Musselshell	16.05	
Carter	71.5	*	Park	39.18	
Cascade	19		Petroleum	0	*
Chouteau	33.6		Phillips	31.57	
Custer	60.1	*	Pondera	31.42	*
Daniels	11.5		Power River	25.6	
Dawson	48.2		Powell	33.95	*
Deer Lodge	0	**	Prairie	10.1	
Fallon	125	*	Ravalli	17.78	
Fergus	41.05		Richland	16.85	
Flathead	17.85		Roosevelt	49.42	
Gallatin	30.52		Rosebud	51.26	
Garfield	0	**	Sanders	37.75	*
Golden Valley	17.2	*	Sheridan	18	
Granite	19.2		Stillwater	16.66	
Hill	22.33		Sweet Grass	10.3	**
Jefferson	25.53		Teton	21.22	
Judith Basin	19.55		Toole	27.9	
Lake	19.25		Treasure	0	**

Lewis and Clark	26.34		Valley	27.2	
Liberty	10.5	*	Wheatland	17.65	
Lincoln	51.11		Wibaux	0	
Madison	26.41		Yellowstone	23.21	

**\*County Seat and One Place**

**\*\*Only the County Seat**

**Average Distance for all Places to the County Seat      29.52 Miles**

Source: Google Maps, U.S. Census Bureau<sup>3</sup>, and the State of Montana<sup>4</sup>

50. For reservations results differed. Table 8 provides the average distances to the nearest county seat for the locations of sixty-four CDPs, towns, and cities on all of Montana’s reservations. The largest average distance was found on the Northern Cheyenne Reservation at 53.53. The shortest was 20.86 on the Flathead Reservation. For the reasons mentioned earlier, the Flathead Reservation was excluded from the analysis. As a result, Table 8 showed reservation communities had an average distance to the post office of 36.8 miles. The longest distance was 69.6 miles for Babb to Cut Bank on the Blackfeet Reservation. For non-reservations places across Montana, this number decreased to an average distance of 27.31 miles. Though twelve places across Montana were farther than 69 miles with the longest distance being 125 miles from the town of Plevna to Baker in Fallon County. One additional place was also over hundred miles, Cooke to Livingston in Park County. Yet, fifty-three places were located less than 11 miles to their county seat, with the shortest distance of North Havre, located 1.4 miles from Havre. These large differences between short and far distances equated to a standard deviation of 20.79 miles for off-reservation places to county seats, while reservation distances to county seats were consistently farther as demonstrated by the lower standard deviation of 17.09 miles.

Table 8: Average Distances to County Seats for Places on Montana’s Reservations

<b>Reservation</b>	<b>Average Distance in Miles to County Seat</b>	<b>Standard Deviation in Miles</b>	<b>Longest Distance to County Seat in Miles</b>
Fort Peck	30.08	16.91	45
Northern Cheyenne	53.33	8.32	9.1
Crow	36.7	17.01	60.4
Fort Belknap	42.68	19.52	64.1
Rocky Boys	26.77	1.8	29.8
Blackfeet	44.48	13.37	69.6
Flathead	20.86	16.65	51.5

<sup>3</sup> <https://www.census.gov/prod/cen2010/cph-2-28.pdf>

<sup>4</sup> [https://geoinfo.msl.mt.gov/home/msdi/administrative\\_boundaries](https://geoinfo.msl.mt.gov/home/msdi/administrative_boundaries)

All Reservation Places*	36.8	17.09	69.6
All Non-Reservation Places	27.31	20.79	125

\*Flathead Locations Not Included

Sources: Google Maps, U.S. Census Bureau, and the State of Montana

## Conclusions

51. Voting has costs and with additional laws such as HB 530 and HB 176, extra burdens can be placed on voters who rely on the post office, DMVs, and county election offices. The obstacles getting to the post office are exacerbated for voters that lacked access to motor vehicles for travel and live with incomes below the poverty level. This is also true for other avenues of voter registration through DMV offices and county seat election offices. As a result, potential Native American voters living on-reservation face more obstacles to register to vote and cast ballots than white voters living off-reservation due to their higher rates of poverty and more limited household access to motor vehicles. HB 176 and HB 530 may not only add costs, but also potential anxiety over the process.
52. Statewide communities off-reservation have a shorter average travel distance to the post office as well as slightly longer hours open compared to Native Americans communities on-reservation. This is especially true in the largest cities where citizens have a variety of very close post offices with services offered for longer hours Monday through Saturday. Within reservations the results are also varied, but in general, potential voters on-reservation face greater distance and time obstacles than the broader Montana population.
53. Statewide communities off-reservation have a shorter average travel distance to the DMV compared to Native Americans communities on-reservation. Within reservations the results are also varied, but in general, potential voters on-reservation face greater distance and time obstacles than the broader Montana population in obtaining a driver's license or state issued ID.
54. Statewide communities off-reservation have a shorter average travel distance to county seats compared to Native communities on-reservation. Due to the fact county seat election offices are the only places that late voter registration can occur, Native American populations on a whole must travel farther distances to meet the noon deadline compared to off-reservations communities.
55. Obstacles to voting have impacts on participation in elections. Across the United States minority populations have lower turnout rates than whites, with Native American populations typically having the lowest turnout of all groups. With additional obstacles such as traveling to post offices to mail ballots, travel to DMVs and county seat election offices to obtain ids and register to vote, additional costs to participation are increased and the effects of these costs on potential voters fall greatest on those with low incomes.
56. Even before HB 176 and HB 530 were enacted Native American populations on reservations across Montana faced greater obstacles to participate in elections. The high levels of poverty on reservations and decreased access to vehicles already disadvantage Native American

voters from voting. When these realities are compounded by decreased access to the post office via longer distances and lack of postal services, voters are left with limited options. Though DMVs and county seat election offices provide additional opportunities to register to vote, distance once again adds increased burdens to Native American populations compared to white populations throughout Montana. The results of HB 176 and HB 530 add further impediments for Native Americans on reservations in Montana to participate in the electoral process.

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**Appendix I – Post Office Distance, DMV Distance and Addresses, and County Seat Distance Data**

**Appendix II – Hours of Operation Data**

**Appendix III –Voter Turnout Data per County**

**Appendix IV– Curriculum Vita**

**APPENDIX I**

**On Reservation Distances**

<b>Post Office</b>	<b>Place Without PO</b>	<b>Distance (Miles) to Post Office</b>	<b>Reservation</b>
Richland	Larslan	22.9	Fort Peck
Medicine Lake	Rock Crossing	9.9	Fort Peck
Flaxville	Pleasant Prairie	18.6	Fort Peck
Scobey	Bredette	26	Fort Peck
Medicine Lake	Biem	23.7	Fort Peck
Wolf Point	Lustre	34	Fort Peck
Frazer	Oswego	8	Fort Peck
Wolf Point	Macon	6.5	Fort Peck
Poplar	Chelsea	7.5	Fort Peck
Brockton	Fort Kipp	9.8	Fort Peck
Brockton	Blair	13.9	Fort Peck
Ashland	Willow Crossing	9.1	Northern Cheyenne
Lame Deer	Jimtown	4.5	Northern Cheyenne
Lame Deer	Muddy	5.4	Northern Cheyenne
Wyola	Aberdeen	5.8	Crow
Lodge Grass	Forty Mile Colony	4.1	Crow
Crow Agency	Dunmore	5.6	Crow
St. Xavier	Ft. Smith	19.2	Crow
Harlem	Fort Belknap Agency	4.1	Fort Belknap
Hays	Lodge Pole	12.4	Fort Belknap
Box Elder	Boneau	8.7	Rocky Boys
Box Elder	Sangrey	11.2	Rocky Boys
Box Elder	Azure	11.5	Rocky Boys
Box Elder	Agency	13.1	Rocky Boys
Box Elder	Parker School	16.5	Rocky Boys
Box Elder	St. Pierre	12.3	Rocky Boys

Hot Springs	Lonepine	8.9	Flathead
Elmo	Niarada	13.6	Flathead
Hot Springs	Camas Prairie	12.6	Flathead
Paradise	Perma	12.9	Flathead
Dixon	Old Agency	2.3	Flathead
St. Ignatius	Ravali	6.4	Flathead
St. Ignatius	Post Creek	5.6	Flathead
Charlo	Allentown	5.3	Flathead
Charlo	Kicking Horse	5.7	Flathead
Ronan	Round Butte	7.6	Flathead
Polson	Turtle Lake	6.1	Flathead
Polson	Ker	2.3	Flathead
Polson	Finely Point	10	Flathead
Polson	Jette	2.4	Flathead
Polson	Rocky Point	4	Flathead
Polson	Kings Point	6	Flathead
Polson	Lindisfarne	3.5	Flathead
Arlee	Evaro	10.9	Flathead
Babb	St. Mary	8.8	Blackfeet
Babb	Rising Sun	15.1	Blackfeet
Browning	Kiowa	12.7	Blackfeet
Browning	Star	9.5	Blackfeet
Browning	Starr School	7.1	Blackfeet
Browning	Blackfoot	8.9	Blackfeet
Heart Butte	Pegan	12.5	Blackfeet
Cut Bank	Ft. Piegan	15.7	Blackfeet
Cut Bank	Sundance	10.7	Blackfeet
Cut Bank	Gunsight	7.7	Blackfeet

**Off Reservation  
Distances**

Post Office	Place Without PO	Distance (miles) to Post Office
Marion	Happys Inn	29.4

West Glacier	Essex	27
Moyie Springs, ID	Yaak	26.9
Hobson	Sapphire Village	21.1
West Glacier	Pinnacle	20.9
Ovando	Greenrough	20.4
Three Forks	Clarkston	19
Bonner	Potomac	17.8
Fishtail	Nye	17
Moyie Springs, ID	Sylvanite	16.6
Martinsdale	Checkerboard	15.6
Great Falls	Portage	15.5
Emigrant	Miner	15.4
Absarokee	Beehive	15.3
Big Timber	Springdale	15.3
Broadview	Acton	15.1
Hays	Landusky	13.8
East Helena	Canyon Ferry	13.4
Hilger	Maiden	13.2
West Yellowstone	Grayling	13
Townsend	Winston	13
Outlook	Redstone	11.9
Saco	Sleeping Buffalo	11.5
Froid	McCabe	11.4
Hobson	Utica	11.4
Phillipsburg	Maxville	11.4
Pray	Pine Creek	11
Melrose	Glen	11
Arlee	Evaro	10.9
Big Fork	Creston	10.9
Helena	Helena Valley NE	10.8
Helena	Helena Valley NW	10.2
Toston	Radersburg	9.7



Glendive	Stipek	9.5
Livingston	Grannis	9.4
Lima	Dell	9.4
Hamilton	Charlos Heights	9.4
Canyon Creek	Marysville	8.9
Scobey	Four Buttes	8.8
Broadview	Comanche	8.8
De Borgia	Saltese	8.6
Edgar	Rockvale	8.4
Gold Creek	Garrison	8.3
Medicine Lake	Homestead	8.1
Helena	Birdseye	8.1

Opheim	Glentana	7.8
Craig	Wolf Creek	7.7
Gardiner	Corwin Springs	7.5
Dayton	Sipes	7.5
Edgar	Silesia	7.4
Missoula	Wye	7.4
Geraldine	Square Butte	7.3
Silver Star	Waterloo	7.3
Warm Springs	Racetrack	7.3
Stanford	Windham	7.1
Whitehall	Pipestone	7
Frenchtown	Nagos	6.9
Thompson Falls	Belknap	6.8
Belgrade	Wisner Crossing	6.7
Jefferson City	Clancy	6.7
Sidney	Ridgelawn	6.6
Red Lodge	Fox	6.5
Dayton	Rollins	6.5
Havre	Herron	6.3

Gallatin Gateway	Four Corners	6.2
Billings	Hesper	6.1
Kevin	Oilmont	5.9
Vaughn	Sun Prairie	5.8
Helena	Helena Valley W	5.8
Havre	Beaver Creek	5.7
Billings	Lockwood	5.5
Big Fork	Woods Bay	5.5
Manhattan	Logan	5.4
Frenchtown	Huson	5.1
Bozeman	Springhill Park	4.9
East Helena	Montana City	4.8
Libby	Pioneer Junction	4.3
Roundup	Klein	4.2
Joliet	Montaqua	3.9
Libby	White Haven	3.7
Harve	Saddle Butte	3.5
Great Falls	Emerson Junction	3.5
Great Falls	Gibson Flats	3.1
Belt	Armington	2.2
Alder	Laurin	2.1
Sand Coulee	Centerville	2
Butte	Walkerville	1.7
Roundup	Camp Three	1.5
Sand Coulee	Tracy	1.4
Missoula	Orchard Homes	1.4
Sand Coulee	Number Seven	1

On Reservation Distances to DMV

DMV	Place Without DMV	Distance to DMV	Mins. to DMV	Reservation
Glasgow	Larslan	50.1	48	Ft. Peck
Plentywood	Medicine Lake	22.9	25	Ft. Peck
Plentywood	Rock Crossing	28.8	34	Ft. Peck
Scobey	Pleasant Prairie	29.9	29	Ft. Peck
Scobey	Bredette	26	31	Ft. Peck

Plentywood	Biem	36.7	56	Ft. Peck
Wolf Point	Luestre	34	36	Ft. Peck
Wolf Point	Oswego	12.3	15	Ft. Peck
Wolf Point	Macon	6.5	8	Ft. Peck
Wolf Point	Chelsea	14.9	16	Ft. Peck
Wolf Point	Ft. Kipp	45	47	Ft. Peck
Wolf Point	Blair	50.1	51	Ft. Peck
Wolf Point	Frazer	19.1	20	Ft. Peck
Wolf Point	Poplar	21.4	22	Ft. Peck
Wolf Point	Brockton	35.5	37	Ft. Peck
Plentywood	Reserve	15.2	18	Ft. Peck
Colstrip	Jimtown	18.5	19	Northern Cheyenne
Colstrip	Muddy	28.2	30	Northern Cheyenne
Colstrip	Busby	39.4	40	Northern Cheyenne
Colstrip	Lame Deer	23	24	Northern Cheyenne
Hardin	Aberdeen	55.3	51	Crow
Hardin	Dunmore	7.4	10	Crow
Hardin	Ft. Smith	42.6	50	Crow
Hardin	Wyola	47.6	44	Crow
Hardin	Lodge Grass	34.6	33	Crow
Hardin	Garryowen	19.2	19	Crow
Hardin	Crow Agency	13	16	Crow
Hardin	St. Xavier	23.4	29	Crow
Billings	Pryor	33.4	37	Crow
Chinook	Fort Belknap Agency	25.1	26	Ft. Belknap
Malta	Lodge Pole	51	50	Ft. Belknap
Chinook	Hays	60.1	59	Ft. Belknap
Havre	Boneau	26.2	32	Rocky Boys
Havre	Sangrey	24.6	29	Rocky Boys
Havre	Azure	24.8	30	Rocky Boys
Havre	Agency	26.5	33	Rocky Boys
Havre	Parker School	25	31	Rocky Boys
Havre	St. Pierre	28.5	34	Rocky Boys

Cut Bank	St. Mary	62.9	67	Blackfeet
Cut Bank	Kiowa	47.3	47	Blackfeet
Cut Bank	Star	44.1	43	Blackfeet
Cut Bank	Starr School	41.8	43	Blackfeet
Cut Bank	Blackfoot	26.5	27	Blackfeet
Cut Bank	Piegan	45.7	45	Blackfeet
Cut Bank	Ft. Piegan	15.8	18	Blackfeet
Cut Bank	Sundance	10.7	13	Blackfeet
Cut Bank	Gunsight	7.7	11	Blackfeet
Conrad	Heart Butte	57.7	62	Blackfeet
Cut Bank	Browning	34.7	35	Blackfeet
Cut Bank	East Glacier	48.1	50	Blackfeet
Cut Bank	Babb	69.6	68	Blackfeet
Cut Bank	Durham	40.9	44	Blackfeet
Cut Bank	Meriwether	20.5	20	Blackfeet
Polson	Lonepine	38.3	37	Flathead
Polson	Niarada	30	30	Flathead
Superior	Camas Prairie	53.4	55	Flathead
Polson	Perma	45.2	45	Flathead
Polson	Old Agency	35	42	Flathead
Polson	Ravalli	34.1	39	Flathead
Polson	Post Creek	22.8	27	Flathead
Polson	Allentown	20	25	Flathead
Polson	Kicking Horse	19.9	29	Flathead
Polson	Round Butte	15.4	19	Flathead
Polson	Turtle Lake	6.2	11	Flathead
Polson	Ker	2.3	6	Flathead
Polson	Finely Point	10	16	Flathead
Polson	Jette	2.4	5	Flathead
Polson	Rocky Point	4	8	Flathead
Polson	Kings Point	6.6	11	Flathead
Polson	Lindisfarne	10.6	13	Flathead
Polson	Evaro	16.5	18	Flathead
Missoula	Arlee	26.6	26	Flathead
Missoula	St. Ignatius	44	42	Flathead
Polson	Dixon	37	43	Flathead
Polson	Charlo	23.4	28	Flathead

Polson	Ronan	14	19	Flathead
Polson	Pablo	8.8	14	Flathead
Polson	Hot Springs	46.3	46	Flathead
Polson	Big Arm	12.3	14	Flathead
Polson	Elmo	16.3	18	Flathead
Polson	Dayton	22.2	24	Flathead

**Off Reservation Distances to DMV**

DMV	Place Without DMV	Distance to DMV	Mins.
Scobey	Glentana	39.4	36
Scobey	Opheim	46.4	43
Helena	Wolf Creek	43.7	45
Livingston	Corwin Springs	46.8	49
Polson	Sipes	29.1	32
Billings	Silesia	27	29
Missoula	Wye	10.2	12
Ft. Benton	Square Butte	35.2	37
Butte	Waterloo	37.6	46
Deer Lodge	Racetrack	8.5	10
Lewiston	Windham	38.8	38
Butte	Pipestone	19.7	23
Missoula	Nagos	12.8	16
Thompson Falls	Belknap	6.8	9
Bozeman	Wisner Crossing	7.9	13
Helena	Clancy	12.5	16
Sidney	Ridgelawn	6.6	9
Red Lodge	Fox	6.5	9
Kalispell	Rollins	23.6	28
Harve	Herron	6.3	14
Bozeman	Four Corners	7.3	13
Billings	Hesper	14.1	20
Shelby	Oilmont	17.1	19
Great Falls	Sun Prairie	10.2	16
Helena	Helena Valley W	5.6	12
Harve	Beaver Creek	5.7	10
Billings	Lockwood	5.2	9
Kalispell	Woods Bay	22.4	28
Bozeman	Logan	25.9	27
Missoula	Huson	20.9	20

Bozeman	Springhill Park	4.9	10
East Helena	Montana City	7.3	12
White Haven	Pioneer Junction	0.6	1
Roundup	Klein	4.2	6
Columbus	Montaqua	23.8	27
Harve	Saddle Butte	3.6	9
Great Falls	Emerson Junction	3.8	8
Great Falls	Gibson Flats	5	10
Great Falls	Armington	23.2	28
Dillon	Laurin	45.7	47
Great Falls	Centerville	14.5	21
Butte	Walkerville	2.2	6
Roundup	Camp Three	1.5	4
Great Falls	Tracy	12.58	20
Missoula	Orchard Homes	3.1	8
Great Falls	Number Seven	13.5	23
Big Timber	Springdale	15.2	17
Billings	Acton	16.2	20
Malta	Landusky	62.6	62
Helena	Canyon Ferry	19	29
Lewistown	Maiden	19.3	27
Bozeman	Grayling	85	95
Helena	Winston	21.5	27
Plentywood	Redstone	19.7	20
Chinook	Hogeland	17.7	52
Malta	Sleeping Buffalo	19.4	20
Plentywood	Mccabe	45.7	45
Lewistown	Utica	34.8	37
Phillipsburg	Maxville	11.4	13
Livingston	Pine Creek	11.8	18
Dillon	Glen	19.5	21
Livingston	Pray	21.4	26
Missoula	Evaro	15.9	16
Kalispell	Creston	10.5	18
Helena	Helena Valley NE	12.5	17
Helena	Helena Valley NW	9.7	16
Townsend	Radersburg	20.4	21
Glendive	Stipek	9.5	11
Livingston	Grannis	10.2	13

Dillon	Dell	40.6	39
Stevensville	Charlos Heights	30.2	34
Helena	Marysville	21.7	30
Scobey	Four Buttes	8.8	9
Billings	Comanche	22.6	26
Superior	Saltese	36.4	35
Columbus	Rockvale	28.5	32
Deer Lodge	Garrison	19.9	22
Plentywood	Homestead	30.2	31
Helena	Birdseye	8.1	14
Broadus	Willow Crossing	43.5	41

**DMV Locations from**

<https://www.google.com/maps/d/viewer?hl=en&mid=1coryAUUAWxZYcTwWLRMDAYI4KDo&z=10&ll=46.32500806797515%2C-112.7487411263294>

Address	City	State	Zip
213 Main St	Scobey	MT	59263
100 W Laurel Ave	Plentywood	MT	59254
400 2nd Ave S	Wolf Point	MT	59201
201 W Main St	Sidney	MT	59270
839 1st Ave S	Glasgow	MT	59230
314 S 2nd Ave W	Malta	MT	59538
1004 C Ave	Circle	MT	59215
301 N Kendrick Ave	Glendive	MT	59330
10 W Fallon Ave	Baker	MT	59313
101 S Lincoln Ave	Broadus	MT	59317
1000 Main St	Miles City	MT	59301
417 Willow Ave	Colstrip	MT	59323
1200 Main St	Forsyth	MT	59327
121 3rd St W	Hardin	MT	59034
4432 S Frontage Rd	Billings	MT	59101
615 S 27th St	Billings	MT	59101
704 1st St E	Roundup	MT	59072
50 Airport Rd	Lewistown	MT	59457
13 Central Ave S	Harlowton	MT	59036
1313 W Park St #8	Livingston	MT	59047
115 W 5th Ave	Big Timber	MT	59011
400 E 3rd Ave N	Columbus	MT	59019
17 11th St W	Red Lodge	MT	59068

400 Ohio St N	Chinook	MT	59523
220 3rd Ave #209	Havre	MT	59501
1308 Franklin St	Fort Benton	MT	59442
2005 Gilkerson Dr	Bozeman	MT	59715
105 W Hampton St	White Sulphur Springs	MT	59645
111 1st St E	Chester	MT	59522
207 Smelter Ave NE #3	Great Falls	MT	59404
226 1st St S	Shelby	MT	59474
522 E Main St	Cut Bank	MT	59427
20 4th Ave SW	Conrad	MT	59425
101 Main Ave N	Choteau	MT	59422
102 N Washington St	Dillon	MT	59725
3611 Wynne Ave	Butte	MT	59701
2100 11th Ave	Helena	MT	59601
302 N Roberts St	Helena	MT	59601
409 Missouri Ave #112	Deer Lodge	MT	59722
102 Main St	Stevensville	MT	59870
2681 Palmer St #1707	Missoula	MT	59808
300 River St	Superior	MT	59872
3 9th Ave W	Polson	MT	59860
1325 U.S. Hwy 2 W	Kalispell	MT	59901
1111 W Main St	Thompson Falls	MT	59873
933 Farm to Market Rd	Libby	MT	59923
66121 MT-37	Eureka	MT	59917

### County Seat Distances

<u>Place</u>	<u>County</u>	<u>Distance (in miles)</u>	<u>County Seat</u>
Lima town	Beaverhead County	49.1	Dillon
Dillon city	Beaverhead County	0	
Wisdom CDP	Beaverhead County	65.2	
Crow Agency CDP	Big Horn County	13.7	Hardin
Lodge Grass town	Big Horn County	35.9	
St . Xavier CDP	Big Horn County	23.4	
Fort Smith CDP	Big Horn County	42.6	
Hardin city	Big Horn County	0	
Muddy CDP	Big Horn County	52	
Pryor CDP	Big Horn County	60.4	
Busby CDP	Big Horn County	40.9	



Wyola CDP	Big Horn County	50.1	
Chinook city	Blaine County	0	Chinook
Fort Belknap Agency CDP	Blaine County	25.1	
Turner CDP	Blaine County	51.9	
Harlem city	Blaine County	21.4	
Hays CDP	Blaine County	60.1	
Lodge Pole CDP	Blaine County	64.1	
The Silos CDP	Broadwater County	8.4	Townsend
Winston CDP	Broadwater County	13	
Radersburg CDP	Broadwater County	20.3	
Spokane Creek CDP	Broadwater County	18.3	
Toston CDP	Broadwater County	11	
Townsend city	Broadwater County	0	
Edgar CDP	Carbon County	36.7	Red Lodge
Red Lodge city	Carbon County	0	
Bearcreek town	Carbon County	7.5	
Belfry CDP	Carbon County	15.6	
Joliet town	Carbon County	26.4	
Roberts CDP	Carbon County	12.8	
Silesia CDP	Carbon County	46.6	
Boyd CDP	Carbon County	21.3	
Bridger town	Carbon County	27.2	
Fromberg town	Carbon County	34.1	
Roscoe CDP	Carbon County	20.3	
Ekalaka town	Carter County	0	Ekalaka
Alzada CDP	Carter County	71.5	
Great Falls city	Cascade County	0	Great Falls
Belt town	Cascade County	21.7	
Black Eagle CDP	Cascade County	2.3	
Cascade town	Cascade County	26.1	
Fort Shaw CDP	Cascade County	25.9	
Gibson Flats CDP	Cascade County	4.9	
Neihart town	Cascade County	58.3	
Sand Coulee CDP	Cascade County	13.7	
Simms CDP	Cascade County	31.8	
Stockett CDP	Cascade County	17.1	
Ulm CDP	Cascade County	11.7	
Vaughn CDP	Cascade County	13.1	
Malmstrom AFB CDP	Cascade County	8.3	
Sun Prairie CDP	Cascade County	10	
Sun River CDP	Cascade County	21.1	

Highwood CDP	Chouteau County	21.5	Fort Benton
Big Sandy town	Chouteau County	37.6	
Fort Benton city	Chouteau County	0	
Loma CDP	Chouteau County	10.7	
Boneau CDP	Chouteau County	56.8	
Carter CDP	Chouteau County	15.9	
Geraldine town	Chouteau County	28.1	
Parker School CDP	Hill County	25	
Ismay town	Custer County	60.1	Miles City
Miles City city	Custer County	0	
Flaxville town	Daniels County	11.5	Scobey
Scobey city	Daniels County	0	
Glendive city	Dawson County	0	Glendive
Richey town	Dawson County	48.8	
West Glendive CDP	Dawson County	47.6	
Anaconda	Deer Lodge County	0	Anaconda
Baker city	Fallon County	0	Baker
Plevna town	Fallon County	125	
Denton town	Fergus County	38.9	Lewistown
Roy CDP	Fergus County	35.7	
Grass Range town	Fergus County	31.7	
Lewistown Heights CDP	Fergus County	1.7	
Winifred town	Fergus County	38.8	
Lewistown city	Fergus County	0	
Moore town	Fergus County	15.6	
Columbia Falls city	Flathead County	17.5	Kalispell
Forest Hill Village CDP	Flathead County	10.8	
Kalispell city	Flathead County	0	
Martin City CDP	Flathead County	24.5	
Olney CDP	Flathead County	32.6	
Bigfork CDP	Flathead County	19	
Coram CDP	Flathead County	26.4	
Evergreen CDP	Flathead County	3.9	
Helena Flats CDP	Flathead County	6.5	
Hungry Horse CDP	Flathead County	23.3	
Lakeside CDP	Flathead County	15.4	
Marion CDP	Flathead County	21.6	
Somers CDP	Flathead County	10.4	
West Glacier CDP	Flathead County	35.2	
Whitefish city	Flathead County	17.1	
Batavia CDP	Flathead County	5.4	

Kila CDP	Flathead County	10.5	
Little Bitterroot Lake CDP	Flathead County	23.5	
Big Sky CDP	Gallatin County	44.1	Bozeman
Bozeman city	Gallatin County	0	
Four Corners CDP	Gallatin County	7.3	
Gallatin Gateway CDP	Gallatin County	12.9	
Ponderosa Pines CDP	Gallatin County	40.6	
Three Forks city	Gallatin County	31.3	
Amsterdam CDP	Gallatin County	17.9	
Belgrade city	Gallatin County	10.7	
Churchill CDP	Gallatin County	18.1	
Gallatin River Ranch CDP	Gallatin County	25	
Hebgen Lake Estates CDP	Gallatin County	91.6	
King Arthur Park CDP	Gallatin County	4.7	
Logan CDP	Gallatin County	25.7	
Sedan CDP	Gallatin County	27.1	
Springhill CDP	Gallatin County	14.3	
West Yellowstone town	Gallatin County	89.2	
Willow Creek CDP	Gallatin County	37.9	
Manhattan town	Gallatin County	20.6	
Jordan town	Garfield County	0	Jordan
East Glacier Park Village CDP	Glacier County	47.7	Cut Bank
Browning town	Glacier County	34.7	
Cut Bank city	Glacier County	0	
Little Browning CDP	Glacier County	31	
North Browning CDP	Glacier County	35.5	
Santa Rita CDP	Glacier County	5	
South Browning CDP	Glacier County	34.3	
Starr School CDP	Glacier County	41.8	
Babb CDP	Glacier County	69.6	
Lavina town	Golden Valley County	17.2	Ryegate
Ryegate town	Golden Valley County	0	
Drummond town	Granite County	27	Philipsburg
Maxville CDP	Granite County	11.4	
Philipsburg town	Granite County	0	
Gildford CDP	Hill County	29	Havre
Rocky Boy's Agency CDP	Hill County	28.2	
Rocky Boy West CDP	Hill County	28	
Saddle Butte CDP	Hill County	3	
West Havre CDP	Hill County	3.6	
Azure CDP	Hill County	26.1	

Beaver Creek CDP	Hill County	5.5	
Box Elder CDP	Hill County	24.4	
Havre city	Hill County	0	
Havre North CDP	Hill County	1.4	
Inverness CDP	Hill County	47.1	
Kremlin CDP	Hill County	19.3	
Rudyard CDP	Hill County	41.1	
Sangrey CDP	Hill County	25.9	
Herron CDP	Hill County	7.6	
Hingham town	Hill County	34.7	
St . Pierre CDP	Hill County	29.8	
Basin CDP	Jefferson County	9.7	Boulder
Clancy CDP	Jefferson County	18.5	
Boulder city	Jefferson County	0	
Cardwell CDP	Jefferson County	33.5	
Elkhorn CDP	Jefferson County	18.1	
Jefferson City CDP	Jefferson County	12.2	
Rader Creek CDP	Jefferson County	50.4	
Montana City CDP	Jefferson County	24.4	
Whitehall town	Jefferson County	37.5	
Stanford town	Judith Basin County	0	Stanford
Geyser CDP	Judith Basin County	16.3	
Hobson city	Judith Basin County	22.8	
Jette CDP	Lake County	2.4	Polson
Lindisfarne CDP	Lake County	10.6	
Swan Lake CDP	Lake County	48.8	
Turtle Lake CDP	Lake County	6.1	
Arlee CDP	Lake County	46.5	
Bear Dance CDP	Lake County	22.2	
Big Arm CDP	Lake County	12.3	
Charlo CDP	Lake County	23.4	
Dayton CDP	Lake County	22.2	
Finley Point CDP	Lake County	8	
Kerr CDP	Lake County	2.3	
Pablo CDP	Lake County	8.8	
Polson city	Lake County	0	
Ravalli CDP	Lake County	34.1	
Rocky Point CDP	Lake County	4	
Rollins CDP	Lake County	28.4	
Ronan city	Lake County	14	
Elmo CDP	Lake County	16.3	

Kicking Horse CDP	Lake County	19.9	
Kings Point CDP	Lake County	6.6	
Lake Mary Ronan CDP	Lake County	30.1	
St . Ignatius town	Lake County	28.4	
Woods Bay CDP	Lake County	28.3	
East Helena city	Lewis and Clark County	6.5	Helena
Marysville CDP	Lewis and Clark County	21.7	
Augusta CDP	Lewis and Clark County	75.9	
Helena city	Lewis and Clark County	0	
Helena Valley Northwest CDP	Lewis and Clark County	9.7	
Helena Valley Southeast CDP	Lewis and Clark County	8	
Lincoln CDP	Lewis and Clark County	56.2	
Craig CDP	Lewis and Clark County	43.2	
Helena Valley Northeast CDP	Lewis and Clark County	12.1	
Helena West Side CDP	Lewis and Clark County	3.8	
Joplin CDP	Liberty County	10.5	Chester
Chester town	Liberty County	0	
Eureka town	Lincoln County	68.7	Libby
Happys Inn CDP	Lincoln County	40.3	
Fortine CDP	Lincoln County	80.4	
Indian Springs CDP	Lincoln County	70.9	
Rexford town	Lincoln County	62	
Stryker CDP	Lincoln County	89.2	
Trego CDP	Lincoln County	85.3	
West Kootenai CDP	Lincoln County	64	
Yaak CDP	Lincoln County	37.1	
Libby city	Lincoln County	0	
Pioneer Junction CDP	Lincoln County	4.3	
Sylvanite CDP	Lincoln County	40.3	
Troy city	Lincoln County	18.3	
White Haven CDP	Lincoln County	3.7	
Harrison CDP	Madison County	40.8	Virginia City
Pony CDP	Madison County	46.7	
Virginia City town	Madison County	0	
Ennis town	Madison County	14.2	
Sheridan town	Madison County	19.2	
Twin Bridges town	Madison County	28.6	
Alder CDP	Madison County	9	
Circle town	McCone County	0	Circle
Martinsdale CDP	Meagher County	36.1	White Sulphur Springs
White Sulphur Springs city	Meagher County	0	

Alberton town	Mineral County	30.9	Superior
De Borgia CDP	Mineral County	28.3	
Riverbend CDP	Mineral County	7.1	
St . Regis CDP	Mineral County	14	
Superior town	Mineral County	0	
Clinton CDP	Missoula County	17.4	Missoula
Evargo CDP	Missoula County	16.5	
Orchard Homes CDP	Missoula County	3.3	
Wye CDP	Missoula County	10.7	
Bonner-West Riverside CDP	Missoula County	6	
Condon CDP	Missoula County	80	
East Missoula CDP	Missoula County	2.8	
Frenchtown CDP	Missoula County	15.9	
Huson CDP	Missoula County	20.7	
Lolo CDP	Missoula County	10.8	
Missoula city	Missoula County	0	
Piltzville CDP	Missoula County	7.2	
Turah CDP	Missoula County	23.4	
Carlton CDP	Missoula County	17.1	
Seeley Lake CDP	Missoula County	52.6	
Musselshell CDP	Musselshell County	23.5	Roundup
Roundup city	Musselshell County	0	
Camp Three CDP	Musselshell County	1.5	
Klein CDP	Musselshell County	4.2	
Melstone town	Musselshell County	35	
Clyde Park town	Park County	20.8	Livingston
Emigrant CDP	Park County	23.6	
Gardiner CDP	Park County	54.3	
Livingston city	Park County	0	
Wilsall CDP	Park County	28.8	
Cooke City CDP	Park County	111	
Jardine CDP	Park County	59.6	
Pray CDP	Park County	21.4	
Springdale CDP	Park County	20.7	
Corwin Springs CDP	Park County	46.8	
Wineglass CDP	Park County	4.8	
Winnett town	Petroleum County	0	Winnett
Whitewater CDP	Phillips County	33.1	Malta
Dodson town	Phillips County	17.6	
Malta city	Phillips County	0	
Saco town	Phillips County	27.8	

Zortman CDP	Phillips County	47.8	
Conrad city	Pondera County	0	Conrad
Brady CDP	Pondera County	11.2	
Dupuyer CDP	Pondera County	33.1	
Valier town	Pondera County	23.7	
Heart Butte CDP	Pondera County	57.7	
Biddle CDP	Powder River County	25.6	Broadus
Broadus town	Powder River County	0	
Avon CDP	Powell County	24.1	Deer Lodge
Deer Lodge city	Powell County	0	
Garrison CDP	Powell County	11.6	
Ovando CDP	Powell County	67.6	
Elliston CDP	Powell County	32.5	
Terry town	Prairie County	0	Terry
Fallon CDP	Prairie County	10.1	
Charlos Heights CDP	Ravalli County	9.4	Hamilton
Conner CDP	Ravalli County	24.3	
Corvallis CDP	Ravalli County	5.8	
Darby town	Ravalli County	16.9	
Florence CDP	Ravalli County	27.4	
Hamilton city	Ravalli County	0	
Pinesdale town	Ravalli County	8.8	
Stevensville town	Ravalli County	20.9	
Sula CDP	Ravalli County	34.5	
Victor CDP	Ravalli County	12.1	
Knife River CDP	Richland County	20.7	Sidney
Fox Lake CDP	Richland County	24.4	
Sidney city	Richland County	0	
Crane CDP	Richland County	11	
Fairview town	Richland County	11.3	
Brockton town	Roosevelt County	35.5	Wolf Point
Froid town	Roosevelt County	67.3	
Bainville town	Roosevelt County	68.6	
Culbertson town	Roosevelt County	54.3	
Poplar city	Roosevelt County	21.4	
Wolf Point city	Roosevelt County	0	
Ashland CDP	Rosebud County	63.4	Forsyth
Birney CDP	Rosebud County	86.7	
Colstrip city	Rosebud County	35.3	
Forsyth city	Rosebud County	0	
Rosebud CDP	Rosebud County	13.1	

Lame Deer CDP	Rosebud County	57.8	
Noxon CDP	Sanders County	36.8	Thompson Falls
Paradise CDP	Sanders County	31.2	
Belknap CDP	Sanders County	6.8	
Camas CDP	Sanders County	46.7	
Dixon CDP	Sanders County	57.7	
Heron CDP	Sanders County	51	
Hot Springs town	Sanders County	46.5	
Lonepine CDP	Sanders County	51.5	
Thompson Falls city	Sanders County	0	
Weeksville CDP	Sanders County	17.7	
Old Agency CDP	Sanders County	60	
Plains town	Sanders County	24.8	
Trout Creek CDP	Sanders County	22.3	
Outlook town	Sheridan County	18	Plentywood
Antelope CDP	Sheridan County	8.3	
Medicine Lake town	Sheridan County	22.9	
Plentywood city	Sheridan County	0	
Westby town	Sheridan County	25.6	
Reserve CDP	Sheridan County	15.2	
Butte-Silver Bow	Silver Bow County	0	Butte
Walkerville	Silver Bow County	2.2	
Absarokee CDP	Stillwater County	14	Columbus
Columbus town	Stillwater County	0	
Park City CDP	Stillwater County	18.1	
Reed Point CDP	Stillwater County	17.9	
Greycliff CDP	Sweet Grass County	10.3	Big Timber
Big Timber city	Sweet Grass County	0	
Choteau city	Teton County	0	Choteau
Power CDP	Teton County	29.6	
Bynum CDP	Teton County	13.8	
Dutton town	Teton County	23.9	
Fairfield town	Teton County	17.6	
Shelby city	Toole County	0	Shelby
Sunburst town	Toole County	27.2	
Sweet Grass CDP	Toole County	35.3	
Kevin town	Toole County	21.2	
Hysham town	Treasure County	0	Hysham
Frazer CDP	Valley County	30.2	Glasgow
Glasgow city	Valley County	0	
Hinsdale CDP	Valley County	28.9	



St . Marie CDP	Valley County	19.4	
Fort Peck town	Valley County	18.8	
Nashua town	Valley County	14.6	
Opheim town	Valley County	51.3	
Harlowton city	Wheatland County	0	Harlowton
Judith Gap city	Wheatland County	18.8	
Shawmut CDP	Wheatland County	16.5	
Wibaux town	Wibaux County	0	Wibaux
Ballantine CDP	Yellowstone County	23.2	Billings
Custer CDP	Yellowstone County	54.8	
Huntley CDP	Yellowstone County	15	
Laurel city	Yellowstone County	16.3	
Lockwood CDP	Yellowstone County	6.9	
Worden CDP	Yellowstone County	23	
Billings city	Yellowstone County	0	
Broadview town	Yellowstone County	31	
Shepherd CDP	Yellowstone County	15.5	

**APPENDIX II**

<b>Post Office Location</b>	<b>Hours Open M-F</b>	<b>Saturday Hours</b>	<b>Reservation</b>
Hot Springs	8-1, 1:30-4	Closed	Flathead
Elmo	9-11:00	8-9:45	Flathead
Arlee	8:45-12:30, 1:30-5	Closed	Flathead
Saint Ignatius	9-11:30, 12:30-5	Closed	Flathead
Dixon	9-1:00	Closed	Flathead
Charlo	8-12:00	9-9:45	Flathead
Pablo	8-12:30, 2-5	Closed	Flathead
Polson	9-4:45	10:30-12:30	Flathead
Ronan	8:15-5:15	9-12:00	Flathead
Big Arm	9-1:00	9-11:00	Flathead
Dayton	8-12:00	8-9:45	Flathead
Babb	8-11, 12:30-4:15	11-12:00	Blackfeet
East Glacier	8:30-11:30, 12-3	Closed	Blackfeet
Heart Butte	8:15-11:30, 12-2:45	Closed	Blackfeet
Browning	8:30-5	10-1:00	Blackfeet
Cut Bank	8:30-4:15	9:30-11:30	Blackfeet
Hays	8:15-11:30, 12-4:15	Closed	Fort Belknap
Harlem*	9-12:30, 1:30-4:30	Closed	Fort Belknap

Frazer	10-2:00	8-9:45	Fort Peck
Wolf Point	8-5:00	9-12:00	Fort Peck
Poplar	9-1, 2-4:45	Closed	Fort Peck
Brockton	8-12:00	Closed	Fort Peck
Reserve	8-12:00	Closed	Fort Peck
Richland *	9-12:00, 12:30-3:30	9-12:15	Fort Peck
St. Marie*	8 -12 PM	8-11 AM	Fort Peck
Nashua*	8:30-12:30, 1:30-3:30	Closed	Fort Peck
Medicine Lake*	8-12, 12:30-2:30	Closed	Fort Peck
Dagmar*	9:15-1:15	9:15-1:15	Fort Peck
Scobey*	9:30-1:30, 2:30-4:45	Closed	Fort Peck
Ashland	8-1, 2-4	Closed	Northern Cheyenne
Lame Deer	8:30-11:30, 12:30-4	Closed	Northern Cheyenne
Busby	6:45 - 11, 11:30-1:15	Closed	Northern Cheyenne
Wyola	7-12, 12:30-1:30	6:45-8:30	Crow
Lodge Grass	8-12, 12:30-2:30	8:30-9:30	Crow
Garryowen	8-10AM	7:30-12:45	Crow
Crow Agency	8:30 - 1, 2-5	10-11:45	Crow
Saint Xavier	10-12PM	9-11AM	Crow
Pryor	8-12PM	Closed	Crow
Hardin*	8:30-5	9-12PM	Crow
Box Elder	9-11:30, 12:30-3	9-10AM	Rocky Boys

\*Designates Location not on Reservation but is nearest post office to a Reservation location

Post Office Location	Hours Open M-F	Saturday Hours
Willard	8-10AM	8-10AM
St. Marie	8 -12 PM	8-11 AM
Boyd	8:30-12:30	8:30-10:30
Big Sky	10-5 PM	10-1PM
Polaris	9:30-11:30	Closed
Silver Star	8-12, 1-3:30	9-1PM

Gold Creek	12-2 PM	12-2PM
Pinesdale	10-12 PM	10-12 PM
De Borgia	9-12 PM	9-12 PM
Hungry Horse	9:30-12:30, 1:30-5	9-11 Am
Coram	9-12, 1-4	9:30-10:30
Canyon Creek	9-4PM	9--4 PM
Dillon	8:30 - 5 PM	10 - 12PM
Jackson	9-11:30, 12 - 3:30	8:30 - 2:15
Lima	8-12, 12:30 - 2:30	9:30-10:45
Wisdom	8:30 -12:30, 1 - 3	10:30 - 12:15
Wise River	8 - 12 PM	9 - 11 AM
Decker	8-12, 12:30-2:30	9:30-11:30
Chinook	9-1,2-4:30	Closed
Hogeland	9-11AM	9-11AM
Turner	8-12:30, 1:30-3	9:30-11:15
Zurich	8-10AM	8-10AM
Toston	9-1PM	9-10:45
Townsend	8:30-1, 1:30-4:30	Closed
Bearcreek	8-10AM	8-9:15
Belfry	7:30-11:30	Closed
Bridger	8-12:30, 1:30-4:30	Closed
Edgar	8-12PM	8:15-11:15
Fromberg	8-12, 1-3	Closed
Joliet	7:30-12, 1-4:30	Closed
Red Lodge	8-12:30, 1:30-4:30	10-1PM
Roberts	8-12, 12:30 - 2:30	Closed
Roscoe	9-1PM	10-12:45
Alzada	8-1, 1:30 - 2:30	11-1 PM
Boyes	8-12, 12:30 - 2:30	9-12, 12:30-1:30
Ekalaka	8-12:30, 1-3:45	Closed
Hammond	8-12, 12:30-2:30	9-1 PM
Belt	9-12, 1-4:30	9:30-11
Black Eagle	10-2 PM	Closed
Cascade	8:30-12:30, 1:30 - 4:30	Closed
Fort Shaw	7:30-11:30	8:15-9:45
Charles M Russell	8:30-5:15	10-1 PM
Great Falls	8:30-5:30	10-1 PM
Monarch	7-12, 12:30-1:30	10:30-11:45

Neihart	7-10:30, 11-1:30	7:30-1:15
Sand Coulee	8-12, 1-3:45	9-10AM
Simms	1-5 PM	8-9:45
Stockett	7-11, 11:30 - 1:30	8-9:45
Sun River	8-12 PM	7:30-9:15
Ulm	8:15-11:30, 12-2:45	8:30 - 9:30
Vaughn	8:30-11:30, 12-3	8-10 AM
Big Sandy	9-11:30, 12:30-5	9-10:30
Carter	8-12 PM	8-9:45
Fort Benton	9-11:30, 12:30-4:30	Closed
Geraldine	8:30-12:30, 1-3	Closed
Highwood	9:30-1:30	9-10:45
Loma	8-12:00	8-9:45
Ismay	8:30-12:30, 1-3	8:30-10:15
Kinsey	9-11:00	9-11:00
Miles City	8-5:30	9-12:00
Volborg	7-12, 12:30-1:30	7-8:45
Flaxville	8-12:00	9-10:45
Peerless	9-1:00	9:30-11:30
Scobey	9:30-1:30, 2:30-4:45	Closed
Whitetail	12:30 - 4:30	11:30-1:30
Bloomfield	9:30-11:30	9:30-11:30
Glendive	8-5:00	9-12:00
Lindsay	8-12:000	7-10:45
Richey	9-12, 12:30-3:30	Closed
Anaconda	8:30-5	9-1:00
Warm Springs	10-2:00	7:30-9:15
Baker	8:30-12:30, 1:30-4:30	Closed
Plevna	7:30-11:30, 12:30-2:30	8-9:30
Buffalo	2-4:00	11-1:00
Coffee Creek	8-12:30, 1-2:30	8-12:00
Denton	7:30-12, 12:30 -2	Closed
Grass Range	8:30-12, 1-3:30	Closed
Hilger	7:30-11:30	7:45-9:30
Lewiston	8:15-5	10:30-1:30
Moore	8:30-12:30	9-10:00
Roy	8-12:30, 1-2:30	8-9:30
Winifred	8-12:30, 1-2:30	9-10:45
Bigfork	8:30-5	10-2:00

Columbia Falls	8:30-5	11-2:00
Flathead	9-4:00	Closed
Kalispell	8:30-5:30	10-1:00
Kila	8:45-12, 12:30-4	Closed
Lakeside	8-1, 2-4:30	Closed
Marion	7:30-11:30, 12-2	10-11:45
Olney	8-12:00	Closed
Somers	7:30-11, 12-4	Closed
West Glacier	8:30-12:30, 1:30-4:15	Closed
Whitefish	8:30-5	11-2:30
Gilford	7:30-12, 12:30-2	7:30-9:15
Havre	8:30-5	9-12:00
Hingham	7:30-12, 12:30-2	7:30-9:15
Inverness	8:00-12:00	8-9:30
Kremlin	7:30-11:30	7:30-9:15
Rudyard	8-12:00	Closed
Basin	8-12:00	Closed
Boulder	9-1, 2-4:30	Closed
Cardwell	7:45-11:45	Closed
Clancy	9-12, 1-5	Closed
Jefferson City	2-6:00	Closed
Whitehall	8:30-4	Closed
Geyser	8-11:30, 12:30 - 3	8-9:15
Hobson	8:30-1, 2-4:30	Closed
Moccasin	2-4:00	8-9:45
Raynesford	7:30-11:30, 12-2	8-1:15
Stanford	9-11:30, 12:30-4:30	8:30-9:30
East Helena	9-5:00	Closed
Fort Harrison	8-1, 1:30-4	Closed
Helena	8-6:00	9-12:00
Last Chance	9-5:00	Closed
Lincoln	9-12, 1-4:30	Closed
Wolf Creek	8-12, 1-3	Closed
Chester	9-12:30, 1:30-4:15	Closed
Joplin	8-12:00	7:30-9:15
Whitlash	8:30-12:30, 1-3	Closed
Eureka	8:30-5	11:30-1:30
Fortine	12:15-4:15	Closed
Libby	9:30-5:30	10:30-12:30

Rexford	10:30-2:30	Closed
Stryker	7:30-9:30	7:30-9
Trego	7:30-11:30	Closed
Troy	8:30-5	Closed
Alder	8-12:00	Closed
Cameron	12-4:00	10-12:00
Ennis	9:15-4:15	Closed
Harrison	10-2:00	9-10:45
McAllister	9-12, 1-4	8-10:00
Norris	9:30-1:30	9:30-11:30
Pony	12:30-4:30	9-10:45
Sheridan	9-12:45, 1:45-4:30	Closed
Twin Bridges	9-12:30, 1:30-4:30	Closed
Virginia City	8:30-12:30	8-10:00
Brockway	12:30-4:30	12-3:00
Circle Post	9-1, 2-4:45	Closed
Vida	8-12:00	8-10:00
Martinsdale	8-10, 2-4	9-10:00
Ringling	9:45-11:45	8-11:45
White Sulphur Springs	8-12:30, 1:30-4:30	Closed
Alberton	7:30-11, 12-2:30	Closed
Saint Regis	8:30-1, 2-5	Closed
Superior	8:30-5	Closed
Bonner	7:30-11, 12-2:30	Closed
Clinton	7:30-1, 2-4	Closed
Condon	8:30-12:30, 1:30-3:30	10-12:00
Frenchtown	9-12, 1-5	8-11:00
Lolo	8:30-5	8:30-11
Milltown	8-11:30, 12:30-4:30	Closed
Hellgate	8:30-5:30	Closed
Missoula	8:30-5:30	9-1:00
Mullan	9-5:30	Closed
Seeley	9-4:00	11-12:00
Melstone	8-12, 1-3	7:30-9:15
Musselshell	8-12:00	8:15-11:15
Roundup	9-5:00	9-12:00
Clyde Park	8-12, 12:30-4:15	Closed
Cooke City	8:30-1, 1:30-3	Closed
Emigrant	8-12:30, 1-4	8-9:45

Gardiner	7:30-1:15, 2:30-4	Closed
Livingston	8:30-5	10:30-12:30
Pray	8-12:00	7:30-9
Wilsall	8:00-12, 12:30-2:30	Closed
Winnett	8-12, 1:15-4:15	Closed
Dodson	8-12, 12:30-2:30	8-9:45
Loring	8-12, 12:30-2:30	Closed
Malta	9-4:30	9-12:00
Saco	8:30-12, 12:30-3	Closed
Whitewater	7:30-11, 11:30-2	Closed
Zortman	8-12:30, 1-2:30	9:30-12:15
Brady	7:30-11:30	7:30-9:15
Conrad	8:30-1, 2-5	Closed
Dupuyer	8-12, 12:30-2:30	9-11:00
Valier	9-12:30, 1:30-4:15	Closed
Biddle	10:30-2:30	10:30-12:30
Broadus	8:30-12:30, 1:30-4:30	Closed
Otter	8-12, 12:30-2:30	9-12:45
Avon	8-12:00	Closed
Deer Lodge	8:30-5	9-1:00
Elliston	8-12:00	9:30-11:15
Helmville	9-12, 12:30-3:30	9-10:45
Ovando	10-2:00	10:30-12
Fallon	7-11:00	Closed
Terry	8-12:15, 1:30-4	8-10:00
Conner	10-2:00	Closed
Corvallis	9-4:45	8:30-10
Darby	8:30-11, 11:30-4	11:30-12:30
Florence	8-11, 12-5	9:30-11:30
Hamilton	8:30-5:30	10-12:00
Stevensville	9-5:00	9-11:00
Sula	12-4:00	11-12:45
Victor	8:30-5	9:30-11:30
Crane	9-11:00	9-11:00
Fairview	8:30-12:30, 1:30-4:45	Closed
Lambert	8-12, 12:30-2:30	9:30-11:15
Savage	8-12, 1-3	Closed
Sidney	9-4:45	9-11:00
Bainville	8:30-12:30, 1:30-3:30	Closed

Culbertson	9-1:30, 2:30-4:45	Closed
Froid	7:45-11:30, 12:30-4:30	Closed
Angela	8-12, 12:30-2:30	8-12:00
Birney	8-12:30, 1-2:30	9-1:00
Colstrip	9-5:00	9:30-11:30
Forsyth	8:15-12:30, 1:30-4:45	9:30-11:30
Ingomar	8-12, 12:30-2:30	8-9:30
Rosebud	9-11, 2-4	Closed
Sumatra	8-12, 12:30-2:30	7:30-9
Heron	8:30-1, 1:30-3	11:15-12
Noxon	8-12:30, 1-3	Closed
Paradise	9-1:00	Closed
Plains	9-1, 2-4:30	9-11:30
Thompson Falls	8:30-4:30	10-12:00
Trout Creek	8-1, 1:30-3:45	Closed
Antelope	10-12:00	10-12:00
Dagmar	9:15-1:15	9:15-1:15
Medicine Lake	8-12, 12:30-2:30	Closed
Outlook	11-3:00	10-12:00
Plentywood	8-4:15	10-12:00
Raymond	11-3:00	10-11:45
Westby	9-1:00	9-11:00
Butte	8:30-5:30	9-1:00
Copper Hill	9:30-1, 2-4:30	Closed
Divide	8-12:00	Closed
Melrose	9-1:00	Closed
Ramsay	12-4:00	8-9:45
Absarokee	8:45-4	11:30-1:30
Columbus	8:15-4:15	9:30-12
Fishtail	8-12:00	8:30-11:15
Molt	7:30-11:30, 12-2	8:30-10:30
Park City	8:15-12:30, 2-4:45	Closed
Rapelje	8:30-12, 1-3:30	9:30-11
Reed Point	8-11:30, 12-2:30	Closed
Big Timber	9:30-4:45	10-12:00
Greycliff	8-10:00	8-11:45
McLeod	8:30-12:30, 1-3	9:30-12:15
Melville	11-3:00	11-1:00
Bynum	8:30-10:30	7:30-1:15



Choteau	8:30-4:30	9:30-11:30
Dutton	7-1:00	Closed
Fairfield	7:30-12:30, 1:30-4:30	9-11:00
Pendroy	8:30-10:30	8:30-10:15
Power Post	7-11:00	Closed
Ethridge	8-10:00	8-11:45
Galata	10:30-12:30	10:30-12:15
Kevin	8-12:00	8-9:45
Shelby	8:30-5	9-11:00
Sunburst	8-12:30, 1-2:30	8:30-10:15
Sweet Grass	8:30-12, 12:30-4:45	9-11:00
Big horn	7:30-11:30, 12-2	7:30-1:15
Hysham	8-12, 1-4	Closed
Fort Peck	8:30-12, 12:30-3	Closed
Glasgow	8-5:00	10-12:00
Hindsale	8:30-12:30, 1-3	Closed
Nashua	8:30-12:30, 1:30-3:30	Closed
Opheim	10-1, 1:30-4:30	Closed
Richland	9-12:00, 12:30-3:30	9-12:15
Harlowton	9-12:30, 1:30-4:30	Closed
Judith Gap	8:30-12:30	Closed
Shawmut	7-11:00	7-8:00
Two Dot	8-12:00	8:30-10
Wibaux	9-12:30, 1-4	Closed
Ballantine	7:30-11:30, 12-2	7:30-9:30
Billings	8:30-5:30	Closed
Centennial	8:30-5:30	Closed
Downtown Billings	8-5:30	Closed
Pioneer, Billings	8:30-5:30	10-2:00
Ronald Reagan, Billings	9-5:30	10:30-2
Broadview	7-12, 1-2	7-8:45
Custer	7:30-12, 1-2:30	7:30-9:15
Huntley	7-12, 2-4:30	Closed
Laurel	8-5:00	9-12:00
Pompeys Pillar	7-11:00	7-8:45
Shepherd	8-12, 1-4:45	8-10:30
Worden	7:30-1, 2-4	Closed
Belgrade	8:30-5	9-12:00
Babcock	9-5:00	Closed

Bozeman	8:30-5	9-1:00
Gallatin Gateway	8-1, 1:45-4:30	Closed
Manhattan	7:45-11, 12-3:45	Closed
Three Forks	9-1, 2-5	10-11:00
West Yellowstone	8:30-5	Closed
Willow Creek	8-12:00	8:45-10:30
Brusett	9-2:30	Closed
Cohagen	8-12, 12:30-2:30	7:30-11:15
Jordan	8-12, 1-4:30	Closed
Sand Springs	8:15-1, 1:30-2:45	8:45-12:15
Lavina	8-12, 12:30-2:30	Closed
Ryegate	8-11:30, 12-2:30	Closed
Drummond	8:30-11:30, 12-3	Closed
Hall Post	9-1:00	8-9:45
Philipsburg	8-1, 2-5	Closed

**APPENDIX III**

Official Voter Turnout for the 2020 General Election, Montana Secretary of State

RETRIEVED FROM DEMOCRACYDOCKET.COM

County	Registered Voters*	Votes Cast	Percent Turnout**	Precincts Fully Reporting
Beaverhead	7,116	5,740	81	16/16
Big Horn	7,498	4,860	65	19/19
Blaine	4,173	3,171	76	8/8
Broadwater	5,017	4,136	82	5/5
Carbon	8,285	7,184	87	13/13
Carter	967	870	90	4/4
Cascade	50,461	40,633	81	23/23
Chouteau	3,713	3,022	81	9/9
Custer	7,222	5,943	82	14/14
Daniels	1,201	1,029	86	4/4
Dawson	5,890	4,890	83	7/7
Deer Lodge	5,882	4,968	84	14/14
Fallon	1,859	1,597	86	1/1
Fergus	7,840	6,576	84	16/16
Flathead	76,282	60,642	79	42/42
Gallatin	88,553	71,963	81	32/32
Garfield	930	822	88	4/4
Glacier	8,353	5,788	69	16/16
Golden Valley	582	507	87	2/2
Granite	2,453	2,128	87	4/4
Hill	9,235	7,302	79	17/17
Jefferson	9,466	8,247	87	10/10
Judith Basin	1,507	1,359	90	4/4
Lake	20,781	16,810	81	22/22
Lewis & Clark	50,631	42,862	85	33/33
Liberty	1,226	1,100	90	4/4
Lincoln	14,463	11,866	82	14/14
Madison	7,111	6,165	87	8/8
McCone	1,241	1,136	92	3/3
Meagher	1,320	1,127	85	1/1
Mineral	3,382	2,602	77	6/6
Missoula	91,095	72,491	80	52/52
Musselshell	3,590	2,901	81	6/6
Park	13,920	11,711	84	11/11
Petroleum	391	351	90	1/1
Phillips	2,867	2,412	84	2/2
Pondera	3,842	3,028	79	8/8
Powder River	1,337	1,148	86	7/7
Powell	3,885	3,229	83	13/13
Prairie	880	742	84	4/4
Ravalli	33,739	28,846	85	24/24
Richland	7,706	5,864	76	13/13
Roosevelt	6,046	4,084	68	12/12
Rosebud	5,049	3,803	75	12/12
Sanders	9,199	7,705	84	9/9
Sheridan	2,516	2,073	82	6/6
Silver Bow	23,410	19,041	81	31/31
Stillwater	6,818	5,792	85	8/8
Sweet Grass	2,833	2,475	87	5/5
Teton	4,205	3,736	89	5/5
Toole	2,610	2,145	82	5/5
Treasure	551	469	85	1/1
Valley	5,136	4,327	84	3/3
Wheatland	1,261	1,080	86	5/5
Wibaux	738	608	82	1/1
Yellowstone	104,274	84,969	81	44/44
TOTALS	752,538	612,075	81	

## APPENDIX IV

### CURRICULUM VITAE

Ryan Douglas Weichelt  
University of Wisconsin-Eau Claire  
Department of Geography and Anthropology  
258 Phillips Hall  
Office Phone: (715) 836 – 4426  
Personal Phone: (715) 972 - 0896  
Email: weicherd@uwec.edu or weicherd@gmail.com

#### EDUCATION:

Ph.D., University of Nebraska-Lincoln, August 2008.  
Dissertation Title: Scale Factors in Hispanic Voting Behavior  
Dissertation Advisor: Dr. J. Clark Archer

Master of Applied Geography, Texas State University–San Marcos December 2002.  
Thesis Title: Defining a Political Place: The Voting Culture of South Texas Hispanics. Thesis Advisor: Dr. Fred Shelley.

Bachelor of Science, Magna Cum Laude, University of Wisconsin–Eau Claire May 2000: Major: Geography Minor: Political Science

#### ACADEMIC EXPERIENCE:

Professor of Geography, University of Wisconsin-Eau Claire, 2021 - Present  
Associate Professor of Geography, University of Wisconsin-Eau Claire, 2016 – 2021  
\*Sabbatical 2020 - 2021  
Assistant Professor of Geography, University of Wisconsin-Eau Claire, 2009 - 2015  
-Human Geography (Geog 111)  
-Human Geography Online (Geog 111)  
-Economic Geography (Geog 155)  
-Conservation of the Environment (Geog 178)  
-First Year Experience (IDIS 187)  
-Business Geographics (Geog 352)  
-Geography of Migration (Geog 367)  
-Geography of the Appalachia (Geog 368)  
-Geography of New York City (Geog 368)  
-Geography of the Texas Hill Country (368)  
-Quantitative Methods (Geog 328/370)  
-Capstone Seminar in Geography (Geog 401)  
-Political Geography (Geog 446)  
-Urban Geography (Geog 470)

Visiting Instructor, University of Central Oklahoma, 2008 – 2009

- World Regional Geography (Geog 2303)
- Conservation of Natural Resources (Geog 3703)
- Geography of Europe (Geog 3123)
- Political Geography (Geog 3503)
- Urban Geography (Geog 4603)

Visiting Instructor, Nebraska Wesleyan University, Fall 2007

- Physical Geography (Geog 51)

Instructor and Graduate Teaching Assistant, University of Nebraska, 2004 – 2008

- Quality of the Environment (Geog 181)
- Elements of Physical Geography (Geog 155)

Instructor, Dana College, Spring 2006

- Introduction to Geography (Geog 202)

Lecturer, Texas State University, Spring 2003

- Introduction to Criminal Justice (CJ 1310)

Teaching Assistant, University of Wisconsin-Eau Claire

- Human Geography (Geog 111)
- Conservation of the Environment (Geog 178)
- Introduction to World Politics (Pols 122)
- Model United Nations (Pols 201)

#### ADMINISTRATIVE EXPERIENCE

Director of First Year Experiences for the University of Wisconsin-Eau Claire, July 2019 to August 2020

Interim Director of First Year Experiences for the University of Wisconsin-Eau Claire, May 2017 to June 2019

Geospatial Board Chairman, Geography and Anthropology Department, August 2016 to the August 2020

Faculty Senate Executive Committee, University of Wisconsin – Eau Claire, September 2019 – to Present

Faculty Representative, University of Wisconsin – Eau Claire, Faculty Senate, September 2015 to the present

2<sup>nd</sup> Vice President, Gamma Theta Upsilon, January 2021 to the present.

West Lakes Regional Councilor for Gamma Theta Upsilon, January 2017 to the 2020.

Search Committee Chair for Tenure Track Faculty, Geography and Anthropology Department,  
August 2017 – December 2017

#### PUBLICATIONS:

2023 - Weichelt, Ryan. *Redistricting, Gerrymandering, and Geography*. Rowan and Littlefield: Lanham, MD. *Under Contract*.

2022 - Weichelt, Ryan, J. Clark Archer, Robert Shepard, Robert Watrel, and Jill Archer. "The Intertwined Geographies of the Pandemic and the U.S. Presidential Election of 2020: COVID-19 Prevalence and Donald Trump." Ed. Stanley Brunn. *The Geographies of COVID-19*. Springer Nature: Switzerland. *Anticipated 2022*.

2022 - Weichelt, Ryan. "Trump, Biden, and Wisconsin." Eds. Barny Warf and John Heppen. *Geographies of the 2020 Election*. Routledge: Abingdon, United Kingdom. *Anticipated 2022*.

2022 - French, Kenneth and Ryan Weichelt. "Political Ramifications of the Jacob Blake Shooting in Kenosha, Wisconsin on the 2020 Presidential Election." Eds. Barny Warf and John Heppen. *Geographies of the 2020 Election*. Routledge: Abingdon, United Kingdom. *Anticipated 2022*.

2021 - Watrel, Robert, Ryan Weichelt, Erin Fouberg, John Heppen, Fiona Davidson, Clark Archer, Fred Shelley, Ken Martis. Editors of the *Atlas of the 2020 Elections*. Rowman and Littlefield: Lanham, MD. *Anticipated March 2022*.

2021 - Weichelt, Ryan. "Latinos and 2020 Election." Eds. Robert Watrel, Ryan Weichelt, et. al. *Atlas of the 2020 Elections*. Rowman and Littlefield: Lanham, MD. *Anticipated March 2022*.

2021 - Weichelt, Ryan. "Overview of the 2020 Senate Elections." Eds. Robert Watrel, Ryan Weichelt, et. al. *Atlas of the 2020 Elections*. Rowman and Littlefield: Lanham, MD. *Anticipated March 2022*.

2021 - Weichelt, Ryan. "A "Blue Wave," the 2018 Congressional Elections." Eds. Robert Watrel, Ryan Weichelt, et. al. *Atlas of the 2020 Elections*. Rowman and Littlefield: Lanham, MD. *Anticipated March 2022*.

2021 - Weichelt, Ryan. "The Geography of Wisconsin Election Results and the 2020 Presidential Election." Eds. Robert Watrel, Ryan Weichelt, et. al. *Atlas of the 2020 Elections*. Rowman and Littlefield: Lanham, MD. *Anticipated March 2022*.

2021 - Weichelt, Ryan. "Overview of the 2020 Senate Elections." Eds. Robert Watrel, Ryan Weichelt, et. al. *Atlas of the 2020 Elections*. Rowman and Littlefield: Lanham, MD. *Anticipated March 2022*.

2021 - Weichelt, Ryan. "Misinformation and the Geography of Voting Machines in Wisconsin." *Journal of Political Geography*.

2021 - Weichelt, Ryan and Ezra Zeitler. "Second Home Ownership and Public-School Funding in Wisconsin's Northwoods." *Geographical Review*. 1-26.

2020 - Weichelt, Ryan. "Trump's Populist Rhetoric and Wisconsin." Ed. Barney Warf. *Political Landscapes of Donald Trump*. Routledge: Abingdon, United Kingdom.

- 2020 – Weichelt, Ryan. “In Memoriam of Ron Johnston.” *Geopolítica(s)*: Vol. 11 (1): 21-23.
- 2019 - Weichelt, Ryan and Gerald Webster. 2019. “The Language of Reorganizing Electoral Space.” Eds. Stanley Brunn and Roland Kehrein. *Handbook of the Changing World Language Map*: 1 - 27. Springer Nature: Switzerland.
- 2018 - Weichelt, Ryan. “Un impulso para la Geografía Electoral: el uso de tecnologías geoespaciales para el análisis del voto de las comunidades hispanas en Estados Unidos.” *Geopolítica(s)*: Vol. 9 (1): 11-34.
- 2018 - Watrel, Robert, Ryan Weichelt, Erin Fouberg, John Heppen, Fiona Davidson, Clark Archer, Fred Shelley, Ken Martis. 2018. Editors of the *Atlas of the 2016 Elections*. Rowman and Littlefield: Lanham, MD.
- 2018 - Weichelt, Ryan. 2018. “Latinos and 2016 Election.” Eds. Robert Watrel, Ryan Weichelt, et. al. *Atlas of the 2016 Elections: 166 - 170*. Rowman and Littlefield: Lanham, MD.
- 2018 - Weichelt, Ryan. 2018. “Comparison of Wisconsin Voting Districts: 2016 to 2012.” Eds. Robert Watrel, Ryan Weichelt, et. al. *Atlas of the 2016 Elections: 247 - 248*. Rowman and Littlefield: Lanham, MD.
- 2018 - Weichelt, Ryan. 2018. “The U.S. Senate after the 2016 Election.” Eds. Robert Watrel, Ryan Weichelt, et. al. *Atlas of the 2016 Elections: 210 - 213*. Rowman and Littlefield: Lanham, MD.
- 2018 - Weichelt, Ryan. 2018. “Obamacare and the 2016 Election.” Eds. Robert Watrel, Ryan Weichelt, et. al. *Atlas of the 2016 Elections: 224 - 225*. Rowman and Littlefield: Lanham, MD.
- 2016 - Hupy, Christina, Ryan Weichelt, Cyril Wilson, and Joseph Hupy. *STEM and GIS in Higher Education*. 2016. “Extending Into STEM: The Geospatial Education Initiative”: 95 – 106. ESRI Press.
- 2014 - Weichelt, Ryan. 2014. “Latinos and the 2012 Election.” Eds. Fred Shelley, J. Clark Archer, et. al. *Atlas of the 2012 Presidential Election: 192 – 194*. Roman and Littlefield: Lanham, MD.
- 2014 - Weichelt, Ryan. 2014. “The 2012 Wisconsin Gubernatorial Recall Election.” Eds. Fred Shelley, J. Clark Archer, et. al. *Atlas of the 2012 Presidential Election: 261 – 265*. Roman and Littlefield: Lanham, MD.
- 2014 - Melsness, David and Ryan Weichelt. 2014. “Spatial Crime Displacement in Chicago’s South Side.” *Geographic Bulletin*: Vol 55: 63 – 80.
- 2014 - Middlesworth, Laura and Ryan Weichelt. 2014. “A Spatial Analysis of Foreclosures in Dane County, Wisconsin.” *Geography Online*: Vol. 13 (1).
- 2012 - Weichelt, Ryan & Ezra Zeitler. 2012. “Multi-scalar Cartographic Analysis of 2008 and 2010 Election Returns in Wisconsin, U.S.A.” *Journal of Maps*: Vol. 18 (3): 312 – 319.

2010 - Weichelt, Ryan. 2010. "Does a Hispanic Political Region of South Texas Exist? An Electoral Analysis of U.S. Presidential Elections, 1952 to 2008 in the State of Texas." *Southwestern Geographer*: Vol. 14: 88 - 121.

2006 - Weichelt, Ryan and Jonathan Herbert. 2006. "Sports and Climate: A Case Study of Lambeau Field and the Green Bay Packers." *The Geography-Sports Connection: Using Sports to Teach Geography*: 17 – 24.

2005 - Weichelt, Ryan and Chad Smith. 2005. *Physical Geography: 155 Laboratory Manual*. Department of Anthropology and Geography, University of Nebraska-Lincoln.

## GRANTS

2020 - Weichelt, Ryan and Cameron Wingren. "Creating an Online Election Atlas of Wisconsin Elections." Faculty Student Research Collaboration Summer Grant, UWEC July 2020 (\$4,600)

2019 - Weichelt, Ryan and Wyatt Pajdash. "Redistricting, Gerrymandering, and Geography." Faculty Student Research Collaboration Summer Grant, UWEC July 2019 (\$4,600).

2018 - Weichelt, Ryan and Michael Lewis. "Geographic Patterns of UWEC First Year Students." Faculty Student Research Collaboration Summer Grant, UWEC July 2018 (\$4,600).

2017 - Weichelt, Ryan and Andrew Moen. "Continuation of Who Owns the Northwoods?" Faculty Student Research Collaboration Summer Grant, UWEC July 2017 (\$4,600).

2016 - Weichelt, Ryan and Samuel Lofstgarden (student). "The Minnesota 2<sup>nd</sup> District 2016 Election." Faculty Student Research Collaboration, UWEC, September 2016 (\$1,500).

2016 – Weichelt, Ryan, Ezra Zeitler, Nicholas Berg (student), and Hannah Wirth. "Who owns the Northwoods?" Faculty Student Research Collaboration Summer Grant, UWEC, July 2016 (\$6,900).

2016 - Weichelt, Ryan and Payden Volbrecht (student). "UWEC Admissions Research." Faculty Student Research Collaboration Summer Grant, UWEC, July 2016 (\$4,600).

2015 - Weichelt, Ryan and Dakota Dorn (student). "UWEC Admissions Research." Faculty Student Research Collaboration Summer Grant, UWEC, July 2015 (\$4,600).

2014 - O'Halloran, Peggy, Ryan Weichelt, Nathan Schafer (student), and Jade Goetz (student). "Participatory Photo-mapping Alcohol Use in the Historic Randall Park Neighborhood: The Good, the Bad and the Ugly. Faculty Student Research Collaboration Grant, UWEC, September 2014 (\$2,220).

2014 - Weichelt, Ryan and Emily Christenson (student). "Creation of an Online Redistricting Application for the state of Wisconsin." Faculty Student Research Collaboration Grant and Summer Research Experience for Undergraduates, UWEC, June 2014 (\$4,600)

2014 - Hupy, Christina, Joseph Hupy, Ryan Weichelt, and Cyril Wilson. Wisconsin Growth Agenda Grant. Geospatial Education Initiative, July 2014 (\$418,869).



2013 - Weichelt, Ryan and Hannah Bristol (student). "Placement of a Methane Digester near Marshfield, WI." Faculty Student Research Collaboration Grant, UWEC, September 2013 (\$1,300).

2013 - Weichelt, Ryan and Joseph Quintana (student). "Climatic Effects on Minor League Baseball." Faculty Student Research Collaboration Grant and Summer Research Experience for Undergraduates, UWEC, June 2013 (\$4,600)

2012 - Weichelt, Ryan, Laura Middlesworth, Ben Possi (student), and Emily Anderson (student). "Collusion of Illusion: A Tri-State Analysis of Gas Prices." Faculty Student Research Collaboration Grant, UWEC, September 2012 (\$1,300).

2012 - Weichelt, Ryan and Meghan Kelly (student). "Divided Government: A Spatial Analysis of ACU and ADA Indexes for the US House of Representatives and Senate, 1981-2011." Faculty Student Research Collaboration Grant and Summer Research Experience for Undergraduates, UWEC, June 2012 (\$4,600).

2011 - Weichelt, Ryan and Benjamin Dunning (student). "Wisconsin Electoral History." Faculty Student Research Collaboration Grant and Summer Research Experience for Undergraduates, UWEC, June 2011 (\$4,600).

2010 - Weichelt, Ryan and David Melsness (student). "Geographic Crime Displacement in Chicago's Southside." Faculty Student Research Collaboration Grant and Summer Research Experience for Undergraduates, UWEC, June 2010 (\$4,600).

2010 - Weichelt, Ryan, Ezra Zeitler, and Alyson Diller (student). "Spatial Patterns of Lottery Outlets in the Milwaukee MSA." Faculty Student Research Collaboration Grant, UWEC, January 2010 (\$1,200).

2009 - Weichelt, Ryan, Ezra Zeitler, and Evan Byers (student). "Geography of Minnesota High School Hockey." Faculty Student Research Collaboration Grant, UWEC, September 2009 (\$800).

2009 - Zeitler, Ezra, Ryan Weichelt, and Darrin Mertig (student). "Geographic Bias in the National Football League Draft, 1970 – 2009." Faculty Student Research Collaboration Grant, UWEC, September 2009 (\$1,200).

2009 - Hupy, Christina, Ryan Weichelt, Rebekah Baum (student), and Matthew Sackman (student). "Alcohol Licenses in Eau Claire County, WI and the Relationship to Crime and Other Variables." Faculty Student Research Collaboration Grant, UWEC, September 2009 (\$2,640).

#### CONSULTING

Expert Witness, ACLU and Native American Rights Fund (NARF). *Western Native Voice vs. Stapleton*, Cause No. DV 20-0377.

Consultant, ACLU and Native American Rights Fund (NARF). *Western Native Voice vs. Stapleton* (injunction), Cause No. DV-2020-377.

ARTICLE/BOOK REVEIWS

*Red Line 2014*

*Oxford Press, 2013, 2012, and 2011.*

*McGraw Hill, 2012.*

*Professional Geographer, 2011.*

*Political Geography, 2010 and 2009.*

PAPER AND POSTER PRESENTATIONS:

2021 – Weichelt, Ryan. “Slaying the Gerrymander: How Geography Can Offer Both Solutions and Invited Interdisciplinary Collaborations to the Study of Redistricting.” Paper presented at the 26<sup>th</sup> International Political Science Association (IPSA) World Congress Conference, July 2021, Virtual Paper Presentation.

2021 - Weichelt, Ryan. “Geography of the 2020 Wisconsin Presidential Election.” Poster presented at the 2021 Association of American Geographers, April, Virtual Poster Presentation.

2021 - Weichelt, Ryan. “Wisconsin’s Decade in a Purple Haze: Using Geospatial Technologies to Analyze Wisconsin’s Recent Electoral Patterns.” Presentation at the 2021 Wisconsin Land Information Association Conference, February 18, Virtual Presentation.

2019 – Weichelt, Ryan. “The 2016 U.S. Presidential Election and Trump’s Political Rhetoric: Wisconsin’s Electoral Geography as a Case Study.” Paper presented at 2019 Regional AAG West Lakes Conference, October, Cedar Falls, Iowa.

2019 - Zeitler, Ezra and Ryan Weichelt. “Economic Sustainability in Wisconsin’s Pleasure Periphery: A Case Study of Second Home Ownership in Grantsburg and Hayward.” Paper presented at Annual Colloquium of the IGU-Commission on the Sustainability of Rural Systems, July, St. Paul, MN.

2019 - Weichelt, Ryan. “Current Practices, Social, and Political Implications of Redistricting.” Invited Panel Discussant at Harvard’s Center for Geographic Analysis Conference on the Geography of Redistricting, May, Cambridge, MA.

2019 - Weichelt, Ryan. “The 2018 Elections and Beyond.” Panel discussant to at the 2019 Association of American Geographers, April, Washington D.C.

2019 - Weichelt, Ryan. “Electoral Geography of the 2018 Midterm Elections in Wisconsin.” Poster presented at the 2019 Association of American Geographers, April, Washington D.C.

2018 - Weichelt, Ryan. “Understanding the Current State of Partisan Gerrymandering and the Need for Geographers.” 2018 Regional AAG West Lakes Conference, October 2018, La Crosse, WI.

2018 - Weichelt, Ryan. “The 2016 U.S. Presidential Election and Trump’s Populist Rhetoric:

Wisconsin's Electoral Geography as a Case Study.” Paper presented at the 25<sup>th</sup> International Political Science Association (IPSA) World Congress Conference, July 2018, Brisbane, Australia.

2018 - Weichelt, Ryan. “The Long Slow Bleed of Wisconsin Democrats: 2010 to the Present.” Paper presented at the 2018 Association of American Geographers, April, New Orleans, LA.

2018 - Weichelt, Ryan. “The Atlas of the 2016 Elections.” Panel discussant to at the 2018 Association of American Geographers, April, New Orleans, LA.

2018 – Weichelt, Ryan and Katie Weichelt. “Using Data and Geographic Analysis to Increase First Year Retention.” Poster Presented at the 2018 First Year Experiences Conference, February, San Antonio, TX.

2017 - Weichelt, Katie and Ryan Weichelt. “‘Make America Great Again’:” Trump’s Populist Rhetoric and Central Wisconsin.” Paper presented at the 2017 Regional AAG Great Plains Rocky Mountains Conference, October, Grand Forks, ND.

2017 - Weichelt, Ryan. “The Ambiguity of ‘Rural:’ An Electoral Regionalization of Wisconsin from the 2016 Presidential Election.” Paper presented at the 2017 NCGE Conference, July, Albuquerque, NM.

2017 - Weichelt, Ryan and Ezra Zeitler. “Who Owns the Northwoods?” Paper presented at the 2017 Geospatial Summit, April, Madison, WI.

2016 - Weichelt, Ryan and Ezra Zeitler. “Who Owns the Northwoods?” Poster presented at the 2016 Regional AAG West Lakes/East Lakes Joint Conference. October, Marquette, MI.

2016 - Weichelt, Ryan. “Towards a Stronger Electoral Geography.” Paper accepted and presented at the 24<sup>th</sup> International Political Science Association (IPSA) World Congress Conference, July 2016, Poznan, Poland.

2016 - Weichelt, Ryan. “Unlocking the Electoral Puzzle, Wisconsin Suburbs and Gerrymandering.” Paper presented at the 2016 The Shifting Politics of U.S. Suburbs: Parties, Participation, and Public Opinion in 2016 Conference, June, Arlington, VA.

2015 - Weichelt, Ryan. “Public Perceptions of Alcohol use in the Randall Park Neighborhood of Eau Claire, WI using Public Participatory Mapping and ESRI Story Maps. Paper presented at the 2015 Regional AAG West Lakes Conference, October 2015, Eau Claire, WI.

2015 - Weichelt, Ryan, Christina Hupy, Cyril Wilson, and Joseph Hupy. “Education the Next Geospatial Workforce: Geospatial Education Initiative.” Paper presented at the 2015 ESRI Education User Conference, July, San Diego, CA.

2015 - Weichelt, Ryan and Katie Weichelt. “Women Legislature Candidates and Electoral Safety. The Case of the Wisconsin State Legislature.” Paper presented at the 2015 Association of American Geographers, April, Chicago, IL.

2015 - Weichelt, Ryan. “The 2014 Elections and 2016 Elections in the United States.” Panel Discussant at the 2015 Association of American Geographers National Meeting, April, Chicago, IL.

2014 - Weichelt, Ryan. "Lessons from the 2012 Wisconsin Gubernatorial Recall Election and Beyond." Paper at the 2014 East Lakes/West Lakes Association of the American Geographers, October, Kalamazoo, MI.

2014 - Weichelt, Ryan. "Purple Haze: Connecting Culture to Legislation and Elections within the Context of the 2012 Wisconsin Gubernatorial Recall Election." Paper accepted and presented at the 23<sup>rd</sup> IPSA World Congress, July, Montreal, Canada.

2014 - Weichelt, Ryan & Katie Weichelt. "Mapping Changes in the Paper Industry along the Wisconsin River." Poster presented at the 2014 Association of American Geographers, April, Tampa, FL.

2013 - Weichelt, Ryan & Laura Middlesworth. "Collusion or Delusion: A Tri-State Analysis of Gas Prices." Paper presented at the 2013 West Lakes Association of American Geographers, October, Eau Claire, WI.

2013 - Weichelt, Ryan & Laura Middlesworth. "A Spatial Analysis of Foreclosures in Dane County." Poster presented at the 2013 Association of American Geographers, April, Los Angeles, CA.

2013 - Weichelt, Ryan. "The Political Geography of the 2012 U.S. Presidential Election." Panel Discussant at the 2013 Association of American Geographers National Meeting, April, Los Angeles, CA.

2013 - Weichelt, Ryan, Laura Middlesworth, and Louisa Rice. "Effectiveness of Bundles as Agents of Integration." Paper and Panel Discussant at the 2013 Office of Professional and Instructional Development, April, Madison, WI.

2013 - Weichelt, Ryan & Laura Middlesworth. "A Spatial Analysis of Foreclosures in Dane County." Paper presented at UWEC Faculty Forum, March 2013.

2012 - Middlesworth, Laura and Ryan Weichelt. "A Spatial Analysis of Foreclosures in Dane County." Paper presented at the 2012 Wisconsin Economic Association Annual Meeting, November 2012, Stevens Point, WI.

2012 - Weichelt, Ryan and Meghan Kelly. "A Divided House? A Spatial Analysis of ACU and ADA Indexes for the U.S. House of Representatives, 1981 – 2011." Poster presented at the 2012 Regional AAG East/West Lakes Joint Conference, October 2012, DeKalb, IL.

2012 - Weichelt, Ryan. "Using Geospatial Technology to Understand and Predict Wisconsin Elections." Paper presented at the 2012 Geospatial Summit, April 2012, Madison, WI.

2011 - Weichelt, Ryan. "Purple Haze: Current and Future Electoral Possibilities in Wisconsin." Paper presented at the 2011 Regional AAG West Lakes Conference, November 2011, Chicago, IL.

2011 - Weichelt, Ryan. "Political Upheaval: Changing Electoral Patterns in Wisconsin." Paper presented at the 2011 Association of American Geographers National Meeting, April, Seattle, WA.

2011 - Weichelt, Ryan. "Geography and the 2010 and 2012 U.S. Presidential Elections." Panel Discussant at the 2011 Association of American Geographers National Meeting, April, Seattle, WA.

2010 - Weichelt, Ryan. "A Spatial Identification of Hispanic Voting Patterns: An Analysis of

the 2008 Presidential Election.” Paper presented at the 2010 Race, Place, and Ethnicity Conference, October, Binghamton, NY.

2010 - Weichelt, Ryan. “Divided Government: Does a Geographic and Ideological Divide Exist Among Role Call Voting of U.S. Senators?” Paper presented at the 2010 Association of American Geographers National Meeting, April, Washington D.C.

2009 - Weichelt, Ryan & Katie Haselwood. “Tennis Anyone? The Spatial Segregation of Tennis Court Locations in Milwaukee County, Wisconsin.” Paper presented at the 2009 Regional AAG West Lakes Conference October, St. Paul, MN.

2009 - Weichelt, Ryan. “The Disappearance of Rural Taverns: A Case Study of Rural Marshfield.” Paper presented at the 2009 Wisconsin Geographical Society Meeting, October, Stevens Point, WI.

2009 - Weichelt, Ryan. “Influence of Hispanic Voters on the 2008 Election.” Paper presented at the 2009 Preconference of the Political Geography Specialty Group, March Las Vegas, NV.

2009 - Weichelt, Ryan & Katie Haselwood. “Tennis Anyone? The Spatial Segregation of Tennis Court Locations in Milwaukee County, Wisconsin.” Poster presented at the 2009 Association of American Geographers National Meeting, March, Las Vegas, NV.

2009 - Weichelt, Ryan. “A Geographic Recollection of the 2008 Elections.” Panel Discussant at the 2009 Association of American Geographers National Meeting, March, Las Vegas, NV.

2009 - Weichelt, Ryan. “2008 Presidential Election, Hispanic Voting Results.” Paper Presented at the 2009 Political Geography Preconference March, Las Vegas, NV.

2008 - Weichelt, Ryan. “A County Level Analysis of Hispanic Election Patterns in Texas: 1952–2006.” Paper Presented at the 2008 Regional AAG Great Plains/Rocky Mountains Conference September, Grand Forks, ND.

2008 - Weichelt, Ryan. “Geographic Perspectives on the 2008 Elections.” Panel Discussant at the 2008 Regional Great Plains/Rocky Mountains Conference September, Grand Forks, ND

2008 - Weichelt, Ryan. “U.S. Presidential Elections and Electoral Behavior of Hispanics at a National Scale: 1980 – 2004.” Paper Presented at the 2008 Association of American Geographers National Meeting, April, Boston, MA.

2008 - Weichelt, Ryan. “The 2008 Elections.” Panel Discussant at the 2008 Association of American Geographers National Meeting, April, Boston, MA.

2007 - Weichelt, Ryan. “Hispanic Influence on the Roll-Call Voting of U.S. House Members: 1993 – 2005.” Paper Presented at the 2007 Association of American Geographers National Meeting, April, San Francisco, CA.

2006 - Weichelt, Ryan. “Does Geography Matter? A Regional Analysis of Variance Using ADA and ACU Indexes for U.S. Senators, 1980 – 2004.” Paper Presented at the 2006 Regional AAG Great Plains/Rocky Mountains/West Lakes Conference, October 2006, Lincoln, NE.

2006 - Weichelt, Ryan. "The Decline of Rural Taverns in Central Wisconsin." Paper Presented at the 2006 Association of American Geographers National Meeting, March, Chicago, IL.

2005 - Weichelt, Ryan. "A Three State Election Analysis of Anti-Gay Marriage Amendments: Michigan, Georgia, and Ohio." Paper presented at the 2005 Nebraska Academy of Sciences, April 2005, Lincoln, NE.

2005 - Weichelt, Ryan. "Public Perceptions of the Austin, Texas Police Department." Paper presented at the 2005 Association of American Geographers National Meeting, April 2005, Denver, CO.

2004 - Weichelt, Ryan. "Defining a Political Place: An Analysis of Hispanic Voting Patterns of South Texas Counties." Paper presented at the 2004 AAG Regional Great Plains/Rocky Mountain Conference, October 2004, Sioux Falls, SD.

2003 - Weichelt, Ryan. "Political Participation of Major University Communities: An Analysis of Voter Turnout." Paper presented at the 2003 Association of American Geographers National Meeting, March 2003, New Orleans, LA.

2002 - Weichelt, Ryan. "A Survey of Texas Presidential Elections: 1992 – 2000." Paper presented at the 2002 Annual Association of American Geographers National Meeting, March 2002, Los Angeles, CA.

2002 - Shelley, Fred, Ryan Weichelt, and Tanya McKay, "Electoral Geography on the Border: The Texas Democratic Primary of 2002." Paper Presented at the 2002 Annual Association of American Geographers National Meeting, Los Angeles, CA.

2002 - Shelley, Fred & Ryan Weichelt, "Levels of Voter Turnout in Texas." Paper Presented at the 2002 Annual Association of American Geographers National Meeting, Los Angeles, CA.

2000 - Weichelt, Ryan. "Political Landscape of Eau Claire Neighborhoods." Poster presented at the University of Wisconsin-Eau Claire Poster Day, April 2000, Eau Claire, WI.

1999 - Weichelt, Ryan. "Diffusion of Coral Reef Disease." Poster presented at the University of Wisconsin-Eau Claire Poster Day, April 1999, Eau Claire, WI.

#### FACULTY/STUDENT RESEARCH COLLABORATIONS

2020 - Weichelt, Ryan and Cameron Wingren. "Creating an Online Election Atlas of Wisconsin Elections." Faculty Student Research Collaboration Summer Grant, UWEC July 2020.

2019 - Weichelt, Ryan and Wyatt Pajdash. "Redistricting, Gerrymandering, and Geography." Faculty Student Research Collaboration Summer Grant, UWEC July 2019. Poster presented at the 2019 West Lakes Regional Association of American Geographers National Meeting, Cedar Rapids, IA.

\*Poster presented at UWEC's 2020 Celebration of Excellence in Research and Creative Activity.

2018 - Lewis, Michael. "Geographic Patterns of UWEC First Year Students." Faculty Student Research Collaboration Summer Grant, UWEC July 2018. Poster presented at the 2018 West Lakes Regional Association of American

Geographers National Meeting, La Crosse, WI.

\*Poster presented at UWEC's 2019 Celebration of Excellence in Research and Creative Activity.

2018 – Fischer, Zachary and Andrew Moen. "Continuation of Who Owns the Northwoods?" Faculty Student Research Collaboration Summer Grant. Poster presented at the 2018 Association of American Geographers National Meeting, New Orleans, LA.

\*Poster presented at UWEC's 2018 Celebration of Excellence in Research and Creative Activity.

2017 - Loftsgarden, Samuel. The Minnesota 2<sup>nd</sup> Congressional District 2016 Election. Research through OSRP Funding. \*Poster presented at UWEC's 2017 Celebration of Excellence in Research and Creative Activity.

2017 - Berg, Nicholas and Hannah Wirth. Who Owns the Northwoods? Summer Research through OSRP funding. \*Poster presented at UWEC's 2017 Celebration of Excellence in Research and Creative Activity.

2016 - Volbrecht, Payden. UWEC Admissions Research. Summer Research through OSRP funding.

2015 - Dorn, Dakota. UWEC Admissions Research. Summer Research through OSRP funding.

2015 - O'Halloran, Peggy, Ryan Weichelt, Nathan Schafer (student), and Jade Goetz (student). Participatory Photo-mapping Alcohol Use in the Historic Randall Park Neighborhood: The Good, the Bad and the Ugly. Faculty Student Research Collaboration. \*Paper presented at UWEC's 2015 Celebration of Excellence in Research and Creative Activity.

2014 - Christenson, Emily. Creation of an Online Redistricting Application for the state of Wisconsin. Summer Research through OSRP funding.

2014 - Bristol, Hannah. "Placement of a Methane Digester near Marshfield, WI." Poster presented at the Regional AAG West Lakes Conference, Eau Claire, WI.

\*Poster presented at UWEC's 2014 Student Research Day, Eau Claire, WI.

2014 - Quintana, Joseph. "Climatic Effects on Minor League Baseball." Paper presented at the 22<sup>nd</sup> Annual McNair Research Conference, November, Lake Geneva, WI. \*Poster presented at UWEC's 2014 Student Research Day, Eau Claire, WI.

2013 - Russell, Miriam. "A Spatial Analysis of Musician Locations in Metropolitan United States." Poster presented at the 2013 Association of American Geographers National Meeting, Los Angeles, CA.

\*Poster also presented at UWEC's 2013 Student Research Day, Eau Claire, WI.

2013 - Siegel, Shandi. "Exploring Wisconsin's Aging Counties." Poster presented at the 2013 Association of American Geographers National Meeting, Los Angeles, CA.

\*Poster also presented at UWEC's 2013 Student Research Day, Eau Claire, WI.

2013 - Peterson, Andrew. "More Than Just Yard Decorations: Campaign Signs as a Predictor of Election Results and Voter Turnout for the 2012 Presidential Election in the City of Eau Claire." Poster presented at UWEC's 2013 Student Research Day, Eau Claire, WI.

2013 - Possi, Ben and Emily Anderson. 2013. "Collusion of Illusion: A Tri-State Analysis of Gas Prices." Poster presented at UWEC's 2013 Student Research Day, Eau Claire, WI.

2013 - Kelly, Meghan. "Divided Government: A Spatial Analysis of ACU and ADA Indexes for the US House of Representatives and Senate, 1981-2011." Poster presented at the 2013 Association of American Geographers National Meeting, Los Angeles, CA.

2013 - Kelly, Meghan. "Does Geography Matter? Divided Government: A Spatial Analysis of ACU and ADA Indexes for the House of Representatives, 1981 - 2009." Poster presented at the East/West Lakes Joint Regional AAG Conference (DeKalb, IL)

\*Poster also presented at UWEC's 2013 Student Research Day, Eau Claire, WI.

2012 - Kelly, Meghan and Jon Bowen. "The Geography of Super Tuesday in Ohio through Twitter." Poster presented at UWEC's Student Research Day.

2012 - Dunning, Benjamin. "Wisconsin Electoral History." Poster presented at the 2012 UW-Eau Claire Student Research Day.

2011 - Diller, Alyson. "Spatial Analysis of Lottery Revenue across Neighborhoods of Contrasting Socioeconomic Make-up in Southeastern Wisconsin." Poster presented at the 2011 Association of American Geographers National Meeting, Seattle, WA.

\*Poster also presented at UWEC's 2011 Student Research Day, Eau Claire, WI.

2011 - Melsness, David. "Spatial Crime Displacement in Chicago's South Side: From the Projects to the 'Hood'." Paper presented at UWEC's Provost's Honors Symposium for Research, Scholarship, and Creative Activity, Eau Claire, WI.

2011 - Melsness, David. "Displacement of Crime in Chicago." Poster presented at the 2011 Association of American Geographers National Meeting, Seattle, WA.

\*Poster also presented at UWEC's 2011 Student Research Day, Eau Claire, WI.

2011 - Sackmann, Matthew. "Crime Analysis of Eau Claire County." Poster presented at UWEC's 2011 Student Research Day, Eau Claire, WI.

2010 - Melsness, David. "Geographic Crime Displacement in Chicago's Southside." Poster presented at the 2010 Race, Place, and Ethnicity Conference in Binghamton, NY. 2010 -

2010 - Mertig, Darin. "Geographic Bias in the National Football League Draft, 1970 - 2009." Poster presented at the 2010 Annual Association of American Geographers National Meeting, Washington D.C. \*Poster also presented at UWEC's 2010 Student Research Day, Eau Claire, WI.

2010 - Baum, Rebekah. "Examining the Relationship between Alcohol Outlets and Crime through Regression Analysis in Eau Claire County, WI." Poster presented at the 2010 Annual Association of American Geographers National Meeting, Washington D.C. \*Poster also presented at UWEC's 2010 Student Research Day, Eau Claire, WI.

2010 - Melsness, David. 2010 "A Spatial and Temporal Analysis of Displacement Theory and Crime in Englewood, Chicago." Poster presented at the 2010 UW-Eau Claire student research day.



2009 - Byers, Evan. 2009. "Geography of Minnesota High School Hockey." Poster Presented at the 2009 West Lakes Region of the Association of American Geographers, St. Paul, MN.

INVITED PUBLIC LECTURES/ARTICLES:

May 2021 - Invited Interview. "Most Desirable Places to Live Post-Pandemic." Conducted by *Central Time*, WPR. <https://www.wpr.org/most-desirable-places-live-post-pandemic>

March 2021 - Invited Interview. "COVID-19 Set America's Housing Market On Fire. That Could Alter U.S. Politics For A Generation." Conducted by Forbes. <https://www.forbes.com/sites/petertaylor/2021/03/11/covid-19-set-americas-housing-market-on-fire-that-could-alter-us-politics-for-a-generation/?sh=1a61b49139de>

November 2020 - Invited Lecture. "Using GIS to Study Elections." Purdue University GIS Day Keynote Speaker. \*Canceled due to COVID-19.

November 2020 - Invited Interview. "Échos du Wisconsin rural, à quelques jours de la présidentielle." Conducted by *Radio-Canada*. <https://ici.radio-canada.ca/nouvelle/1746055/wisconsin-donald-trump-campagne-elections-president-etats-unis>

May 2020 - Invited Radio Interview. "Coronavirus and Summer Travel to Northern Wisconsin." Conducted by *Central Time*, WPR. <https://www.wpr.org/coronavirus-and-summer-travel-northern-wisconsin>

May 2020 - Invited Radio Interview. "Who Owns the Northwoods?" Conducted by *The Morning Show*, WPR. <https://www.wpr.org/who-owns-northwoods>

May 2020 - Invited Published Article. "The Hazard of COVID-19 Heading up North for Summer." Published by *WisContext*: <https://www.wiscontext.org/hazard-covid-19-heading-north-summer>

May 2020 - Invited Lecture. "Gerrymandering in Wisconsin." Chippewa Valley Learning in Retirement. \*Cancelled due to COVID-19.

May 2020 - Invited Lecture. "Wisconsin Election Results, a Spatial Approach." University of Wisconsin-River Falls Geography Department Honors Banquet. \*Cancelled due to COVID-19.

September 2019 - Invited Radio Interview. "Untangling How Minimum Markup Affects Gas Prices in Eau Claire." Conducted by *Central Time*, WPR: <https://www.wpr.org/untangling-how-minimum-markup-affects-gas-prices-eau-claire>

September 2019 - Invited Published Article. "The Stubborn Similarity of Gas Prices Across Eau Claire." Published by *WisContext*: <https://www.wiscontext.org/stubborn-similarity-gas-prices-across-eau-claire>.

May 2019 - Invited Radio Interview. "Why are Wisconsin's Rural Taverns Disappearing?" Conducted by *Central Time*, WPR: <https://www.wpr.org/why-are-wisconsins-ruraltaverns-disappearing>

May 2019 - Invited Published Article. "The Bygone Era of Marshfield's Rural Taverns." Published by *WisContext*: <https://www.wiscontext.org/bygone-era-marshfields-ruraltaverns>

February 2019 - Invited Radio Interview. "Why Aren't More Women Serving in Wisconsin's Legislature?" Conducted by *Central Time, WPR*: <https://www.wpr.org/why-arentmore-women-serving-wisconsins-legislature>

February 2019 - Invited Published Article. "As Number of Wisconsin's Women Legislators Stalls, Partisan Mix Shifts." Published by *WisContext*: <https://www.wiscontext.org/number-wisconsins-women-legislators-stalls-partisanmix-shifts>

October 2018 - Invited Lecture. History of Wisconsin Election Patterns and the 2018 Mid-Term Elections. Chippewa Valley Learning in Retirement.

May 2018 - Interview. "Geographer Shares Expertise on Redistricting, Gerrymandering." Published by UWEC: <https://www.uwec.edu/news/news/geographer-shares-expertiseon-redistricting-gerrymandering-3039/>

April 2018 - Interview. "Field Study Helps Blugolds Understand Relationships Among History, Race, and Place." Published by UWEC: <https://www.uwec.edu/news/news/immersion-helps-blugolds-understandrelationships-among-history-race-and-place-2965/>

March 2013 – "Foreclosures in Dane County." Presented to CETL, Brownbag Series.

December 2012 – "Collusion or Illusion: A Tri-State Analysis of Gas Prices." Co-presenter (Laura Middlesworth, Ben Possi, and Emily Anderson), presented to the City of Eau Claire Fiscal Advisory Committee.

July 2012 - Gas Price Investigation. Invited speaker by the City of Eau Claire Fiscal Advisory Committee.

November 2010 - Navigating the 2010 United States Census. Speaker sponsored by the UWEC Geography and Anthropology Club.

October 2009 - Idea Lounge X: The Urban Battle. Panel discussant, sponsored by Downtown Eau Claire, Inc. (DECI).

October 2008 - "The Electoral Behavior of Hispanics at a National Scale: 1980-2004 and Beyond." A presentation to the American Democracy Project, Edmond, Oklahoma.

December 2007 - "The Physical Geography of Spain, Portugal, and Morocco." A presentation to the LEAD Program sponsored by the University of Nebraska-Lincoln, Lincoln, NE.

#### UNIVERSITY SERVICE AND CIVIC ENGAGEMENT:

2<sup>nd</sup> Vice President Gamma Theta Upsilon. January 2021 to the present.

Co-Chair Research Council 15, Cultural and Political Geography, for the International Political Science Association. July 2018 to the present.

University of Wisconsin – Eau Claire Director of First Year Experiences. Summer April 2019 to the August 2020.

University of Wisconsin – Eau Claire Interim Director of First Year Experiences. Summer 2017 to the April 2019.

University of Wisconsin – Eau Claire University Senate Executive Committee Member. Sept. 2019 to present.

UWEC Opening Day Committee. Summer 2018 to Present.

First Year Experiences Proposal Reviewer. Fall 2018 to Present

UWEC Living Learning Communities Committee, Co-Chair. Fall 2017 to the present.

Geography and Anthropology GIS Tenure Track Search Committee Chair. Fall 2017.

UWEC Provost Sponsored Committee “Transfer Students and A & S.” Fall 2017 – Spring 2018.

UWEC Provost Sponsored Committee “Women in STEM.” Fall 2017 – Spring 2018.

Gamma Theta Upsilon, West Lakes Regional Councilor. January 2017 to the December 2020.

Geographic Bulletin, Editorial Board. March 2017 to the present.

Eau Claire School District Demographics and Trends Committee Member. Fall 2016 to the present.

Department of Geography and Anthropology, Faculty Senator. Fall 2015 to present.

Geography and Anthropology Geospatial Board Chairman, University of Wisconsin-Eau Claire. Fall 2015 to the present.

Geography and Anthropology Geospatial Board Member, University of Wisconsin-Eau Claire. Fall 2012 to the present.

First Year Advisory Committee, University of Wisconsin-Eau Claire. Fall 2013 to the present.

State of Wisconsin Geography Bee Judge. Spring 2010 to the present.

AP Human Geography Test Grader, June 2010 to the present.

Department of Geography, Department Personal Committee, Fall 2009 to the present.

Assistant Director of Advising for UWEC, Search Committee Member. Summer 2016.

OSRP Social Science Grant Review Committee. Summer 2014 to Fall 2017.

First Year Section Pilot, University of Wisconsin-Eau Claire. Fall 2014.

Geospatial Education Initiative Growth Agenda Co-PI 2014 to 2016.

Geospatial Ethics Workshop Co-creator and Co-facilitator (Martin Goettl), University of Wisconsin-Eau Claire. Summer 2013 to 2015.

McNair Scholar Advisor to Joseph Quintana Summer and Fall 2013.

LE Core Pilot (Geography 111), University of Wisconsin-Eau Claire. Spring 2014.

Geography and Anthropology Simpson Fund Committee, University of Wisconsin-Eau Claire. Spring 2013.

West Lakes Steering Committee, University of Wisconsin-Eau Claire. Fall 2012 to Fall 2013 & Fall 2014.

Connected Advising Institute Participant, University of Wisconsin-Eau Claire. August 2012.

Geography and Anthropology Scheduling Committee, University of Wisconsin-Eau Claire. Spring 2011 to the present.

Geography and Anthropology GeoSpatial Technology Search Committee, University of Wisconsin-Eau Claire. Fall 2010 to Summer 2011.

University of Wisconsin-Eau Claire Pilot Bundle participant. Spring 2010 to Spring 2012.

Advisor University of Wisconsin-Eau Claire Gamma Theta Upsilon. Fall 2011 to the present.

Co-advisor University of Wisconsin-Eau Claire Geography and Anthropology Club. Fall 2010 to the present.

Geography and Anthropology Curriculum Committee, University of Wisconsin-Eau Claire. Fall 2010 to Spring 2012.

Geography Advisory Board, Department of History and Geography, University of Central Oklahoma. Member. Fall 2008 to present.

Geography graduate student representative, Department of Anthropology and Geography. Fall 2006 to Spring of 2007.

#### CURRENT RESEARCH INTERESTS:

Topical Subjects: Political Geography, Urban Geography, Cultural Geography, Population Geography, Human Geography, Electoral Geography, applications of GIS in electoral geography and crime mapping, Crime and Geography, Economic and Business Geography, and Sports Geography

Regional Subjects: North America, Europe, and the Middle East.

#### ACADEMIC HONORS/AWARDS:

Graduate Teaching Assistantship, 2004 – 2008, Department of Anthropology and Geography, University of Nebraska – Lincoln

1<sup>st</sup> Place 2006, Regional AAG Great Plains/Rocky Mountains/West Lakes Conference. Ph.D. Paper Competition

Graduate Teaching Assistantship, Aug. 2001 – Dec. 2002, Department of Criminal Justice, Texas State University

Blanchard Scholarship in Geography, 2002. Texas State University Department of Geography

Outstanding Geography Senior, 2000. University of Wisconsin-Eau Claire Department of Geography

Scholarship in Geography Education 1998. University of Wisconsin-Eau Claire Department of Geography

University of Wisconsin-Eau Claire Dean's List: 1996, 1997, 1998, 2000

University of Wisconsin-Eau Claire Academic Honors: 1996-2000

NON-ACADEMIC ADMINISTRATIVE EXPERIENCE:

Faculty Advisor, Gamma Theta Upsilon. 2011 to the Present.

Co-Faculty Advisor, UWEC Geography and Anthropology Club. 2010 to Present

President, Vice-President, Member Geography Student Organization and Gamma Theta Upsilon (Geography Honor's Society), U. of Nebraska-Lincoln, 2004 – 2008.

Volunteer, Nebraska Library Commission, Producer, 2005.

Station Manager, TV10, University of Wisconsin-Eau Claire, 1998-2000.

President Gamma Theta Upsilon (Geography Honor's Society), University of Wisconsin- Eau Claire Chapter, 1996-2000.

President Geography Club, University of Wisconsin-Eau Claire, 1996-2000.

Vice President Model United Nations Club, University of Wisconsin-Eau Claire, 1999- 2000.

Intern for the City of Eau Claire's Assistant City Manager 1999.

PROFESSIONAL ORGANIZATIONS:

- Association of American Geographers
- Political Geography Specialty Group
- Population Specialty Group
- Urban Geography Specialty Group
- Applied Geography Specialty Group

- Gamma Theta Upsilon (Geography Honor Society)
- Phi Kappa Phi (Senior Scholastic Honor Society)
- Phi Eta Sigma (Freshman Scholastic Honor Society)
- Phi Sigma Alpha (Political Science Honor Society)
- Mortar Board (Senior Leadership Honor Society)
- Kappa Delta Pi (Education Honor Society)

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I declare under penalty of perjury that the foregoing report is true and correct. Executed this 11th day of January 2022.

*Ryan Weichelt*  
Ryan Weichelt, Ph.D.

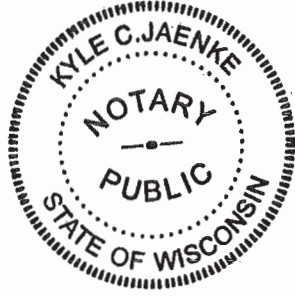
STATE OF Wisconsin  
COUNTY OF Fau Claire

Signed and sworn to before me on this 11 day of January, 2022.

*Kyle C Jaenke*  
Notary Public

*My commission expires 10/12/2025*

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## CERTIFICATE OF SERVICE

I, Alexander H. Rate, hereby certify that I have served true and accurate copies of the foregoing Affidavit - Affidavit to the following on 01-12-2022:

Dale Schowengerdt (Attorney)  
900 N. Last Chance Gulch  
Suite 200  
Helena MT 59624  
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

Austin Markus James (Attorney)  
1301 E 6th Ave  
Helena MT 59601  
Representing: Jacobsen, Christi As Secretary Of State Of Mt  
Service Method: eService

Matthew Prairie Gordon (Attorney)  
1201 Third Ave  
Seattle WA 98101  
Representing: Montana Democratic Party  
Service Method: eService

Peter M. Meloy (Attorney)  
2601 E. Broadway  
2601 E. Broadway, P.O. Box 1241  
Helena MT 59624  
Representing: Montana Democratic Party  
Service Method: eService

John C. Heenan (Attorney)  
1631 Zimmerman Trail, Suite 1  
Billings MT 59102  
Representing: Montana Democratic Party



Service Method: eService

Fort Belknap Indian Community (Plaintiff)

Service Method: Email

Confederated Salish And Kootenai Tribes (Plaintiff)

Service Method: Email

Northern Cheyenne Tribe (Plaintiff)

P.O. Box 128

Lame Deer 59043

Service Method: Email

Blackfeet Nation (Plaintiff)

Service Method: Email

Kathleen Lynn Smithgall (Attorney)

P.O. Box 201401

Helena 59620

Representing: Jacobsen, Christi As Secretary Of State Of Mt

Service Method: Email

David M.S. Dewhirst (Attorney)

P.O. Box 201401

Helena 59620

Representing: Jacobsen, Christi As Secretary Of State Of Mt

Service Method: Email

Rylee Sommers-Flanagan (Attorney)

P.O. Box 31

Helena 59624

Representing: Montana Public Interest Reserch Grp., Forward Montana Foundation, Montana Youth Action

Service Method: Email

Electronically Signed By: Alexander H. Rate

Dated: 01-12-2022

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MONTANA THIRTEENTH JUDICIAL DISTRICT COURT  
COUNTY OF YELLOWSTONE

WESTERN NATIVE VOICE, Montana )  
Native Vote, Blackfeet Nation, Confederated )  
Salish and Kootenai Tribes, Fort Belknap )  
Indian Community, and Northern Cheyenne )  
Tribe, )  
Plaintiffs, )  
v. )  
Christi Jacobsen, in her official capacity as )  
Montana Secretary of State, )  
Defendant. )  
)  
)

Consolidated Case No. DV 21-0451

Judge Michael G. Moses

**AFFIDAVIT OF COUNCILMAN  
LANE SPOTTED ELK IN SUPPORT  
OF PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

I, Lane Spotted Elk, affirm that:

1. I am an elected member of the Tribal Council of the Northern Cheyenne Tribe of the Northern Cheyenne Reservation, a plaintiff in this case. I submit this affidavit in opposition to HB 530 and HB 176.

2. I have lived in Montana for 32 years. I am a member of the Northern Cheyenne Tribe. I have been on the Tribal Council (which is the Tribe's legislative body) since 2018.

3. The Northern Cheyenne Tribe is a federally recognized tribe with approximately 12,266 enrolled members with approximately 6,012 members living on the Northern Cheyenne Reservation. The reservation is located in southeastern Montana and covers approximately 440,000 acres. The reservation is intersected by Rosebud and Big Horn counties. Approximately two-thirds of Reservation residents are 18 years old or older.

4. Most houses on the Northern Cheyenne Reservation do not receive mail delivery. As a consequence, members rely on P.O. boxes to send and receive mail. Often, tribal members share P.O. boxes because there is a fee associated with the boxes, because there may not be enough boxes to service the entire population, and because members often cannot regularly pick up their own mail and must depend on others to pick up and deliver their mail for them.

5. Distance to post offices varies among members. Some members can live within a mile of the post office while others live up to 20 miles from the post office. However, even when a post office is "close" travel to the post office may still be difficult for members that lack access to a vehicle, especially given the harsh weather on the Northern Cheyenne Reservation.

6. Snow is present 8 months of the year on the Northern Cheyenne Reservation. Snow, ice, and mud can make travelling difficult or roads impassable.

7. The Northern Cheyenne Reservation has a poverty rate of approximately 30%. The median household income in 2019 was much less than the national median income of

\$68,703. Given the extreme poverty, members cannot always afford a tank of gas and instead may choose to spend limited funds on necessities such as food or heating.

8. Lack of access to a vehicle, or shared vehicles is also very common on the Northern Cheyenne Reservation. One vehicle is often responsible for getting many members of a household to and from work or school, to all social engagements, all doctor's appointments, and all errands including mail runs. Dependable vehicles that can manage difficult road conditions are even rarer, making a working vehicle in the election month of November especially difficult to come by.

9. There is an extreme housing shortage on the reservation, with many family, friends, and acquaintances sharing homes. Overcrowding is extremely common and there is a lengthy waitlist for housing. It is not uncommon to have upwards of 10 people sharing a home.

10. Due to poverty, road conditions, lack of vehicle access, cultural norms, necessity, and convenience, picking up and dropping off mail for family, neighbors, friends, acquaintances, and friends of friends is common on the Northern Cheyenne Reservation. Crowded living conditions facilitate the picking up and dropping off of mail by one person for many people at once.

11. Native Americans who are enrolled members of the Northern Cheyenne Tribe have voted in Montana elections through the collection and conveyance of their ballots to their local county election offices by organizations such as Western Native Voice. The Northern Cheyenne Tribe seeks to vindicate its own rights, rights afforded to its members, and protect the Northern Cheyenne Tribe's political power.

12. Northern Cheyenne does not conduct Get Out the Vote efforts and instead relies on organizations such as Western Native Voice to register voters and pick up and return ballots

of community members on the reservation. The tribe authorizes Western Native Voice to conduct registration and GOTV on the reservation. It is Northern Cheyenne's understanding that WNV employees drive Northern Cheyenne members to register on Election Day and conduct ballot pick up and drop off on the reservation.

13. Northern Cheyenne members are particularly reliant on rides to county seats to register on Election Day because Northern Cheyenne members are located, on average, just over 50 miles one-way from the county seats. This extraordinary burden makes it difficult for Northern Cheyenne members to register.

14. Currently the voter registration rate on the Northern Cheyenne Reservation is 66.1%.

15. Indeed, opportunities to register to vote are limited on the Northern Cheyenne Reservation. For example, in the 2020 election Rosebud County conducted a satellite voting center that allowed for registration on the Northern Cheyenne reservation at Lame Deer for a total of three days: 10/14, 10/21, and 10/28.

16. There is no Election Day registration currently available on the Northern Cheyenne reservation. On Election Day, unregistered voters travel to the county seat to register often with the assistance of organizations such as Western Native Voice. HB 176's ban on Election Day registration would therefore harm Northern Cheyenne members.

17. Likewise, HB 530's prohibition on organizational ballot collection like that conducted by WNV would diminish Northern Cheyenne tribal members' opportunities to register and drop off ballots.

18. HB 530 and HB 176 make participation in elections by Northern Cheyenne members substantially more difficult. These laws also disproportionately burden Native

American voters compared to non-Native voters due to inequities in mail delivery service, access to post offices and post office boxes, distance to county seats, and increased burdens on Native voters due to disproportionate rates of poverty and lack of vehicle access. Because of the disproportionate barriers placed on Northern Cheyenne voters by HB 530 and HB 176 the Northern Cheyenne Tribe's attempts to vote are more likely to be unsuccessful and Northern Cheyenne's political power and ability to advocate for Northern Cheyenne needs would be reduced by these laws' suppressive effects. The Northern Cheyenne Tribe would also be denied full participation in the federal system through its diminished political power.

Signed:

Lane Spotted Elk

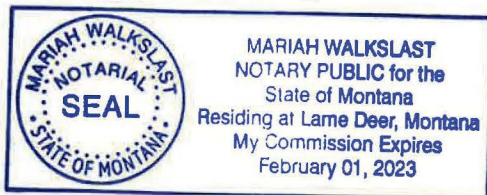
Lane Spotted Elk, Tribal Council Member

Date:

1/7/2022

State of Montana County of Rosebud This instrument was signed or  
acknowledged before me on 1/7/2022 by Lane Spotted Elk (Name of signer)

Mariah Walkslast (Notary Signature) [Affix seal/stamp to the left or below]



## CERTIFICATE OF SERVICE

I, Alexander H. Rate, hereby certify that I have served true and accurate copies of the foregoing Affidavit - Affidavit to the following on 01-12-2022:

Peter M. Meloy (Attorney)  
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Helena MT 59624  
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Service Method: eService

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Matthew Prairie Gordon (Attorney)  
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David Francis Knobel (Attorney)  
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Austin Markus James (Attorney)  
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Service Method: eService

Northern Cheyenne Tribe (Plaintiff)  
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Lame Deer 59043  
Service Method: Email

Blackfeet Nation (Plaintiff)  
Service Method: Email

Confederated Salish And Kootenai Tribes (Plaintiff)  
Service Method: Email

Fort Belknap Indian Community (Plaintiff)  
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Service Method: Email

Electronically Signed By: Alexander H. Rate  
Dated: 01-12-2022



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MONTANA THIRTEENTH JUDICIAL DISTRICT COURT  
COUNTY OF YELLOWSTONE

WESTERN NATIVE VOICE, Montana )  
Native Vote, Blackfeet Nation, Confederated )  
Salish and Kootenai Tribes, Fort Belknap )  
Indian Community, and Northern Cheyenne )  
Tribe, )  
Plaintiffs, )  
v. )  
Christi Jacobsen, in her official capacity as )  
Montana Secretary of State, )  
Defendant. )

Consolidated Case No. DV 21-0451

Judge Michael G. Moses

**AFFIDAVIT OF DAWN GRAY IN  
SUPPORT OF PLAINTIFFS'  
MOTION FOR PRELIMINARY  
INJUNCTION**

I, Dawn Gray affirm that:

1 I am the Managing Attorney of the Blackfeet Nation, a plaintiff in this case. I submit this affidavit in opposition of HB 530 and HB 176.

2 I have lived in Montana for 37 years. I am a member of the Blackfeet Tribe. I have been the Blackfeet Indian Reservation for over 30 years.

3. The Blackfeet Nation is a federally recognized tribe with 17,313 enrolled members. The reservation is located in northwestern Montana and covers approximately 1.5 million acres. The reservation is intersected by Glacier and Pondera counties.

4. Houses on the Blackfeet Reservation do not receive mail delivery. As a consequence, tribal members rely on P.O. boxes to send and receive mail. Often, tribal members share P.O. boxes because there is a fee associated with the boxes, because there may not be enough boxes to service the entire population, and because members often cannot regularly pick up their own mail and must depend on others to pick up and deliver their mail for them.

5. Distance to post offices varies widely among members living on the reservation. Some members can live within a mile of the post office while others live 15 miles from the post office. However, even when a post office is “close” travel to the post office may still be difficult for members that lack access to a vehicle, especially given the harsh weather on the Blackfeet reservation.

6. Snow is present 8-9 months of the year on the Blackfeet Reservation. Snow, ice, and mud can make travelling difficult or roads impassable.

7. The Blackfeet Nation has a poverty rate of 35.8 %. The median household income in 2017 was \$24,713. Given the extreme poverty, members cannot always afford a tank of gas and instead may choose to spend limited funds on necessities such as food or heating.

8. Lack of access to a vehicle, or shared vehicles is also very common on the Blackfeet reservation. One vehicle is often responsible for getting many members of a household to and from work or school, to all social engagements, all doctor's appointments, and all errands including mail runs. Dependable vehicles that can manage difficult road conditions are even rarer, making a working vehicle in the election month of November especially difficult to come by.

9. There is an extreme housing shortage on the reservation, with many family, friends, and acquaintances sharing homes. Overcrowding is extremely common and there is a lengthy waitlist for housing. It is not uncommon to have upwards of 10 people sharing a home.

10. Due to poverty, road conditions, lack of vehicle access, cultural norms, necessity, and convenience, picking up and dropping off mail for family, neighbors, friends, acquaintances, and friends of friends is common on the Blackfeet Reservation. Crowded living conditions facilitate the picking up and dropping off of mail by one person for many people at once.

11. Native Americans who are enrolled members of the Blackfeet Nation have voted in Montana elections through the collection and conveyance of their ballots to their local county election offices by organizations such as Western Native Voice.

12. Western Native Voice and Montana Native Vote pick up and drop off ballots on the Blackfeet Reservation. The Blackfeet Nation authorizes these organizations to pick up and drop off ballots. If these organizations were not able to perform this function because of HB 530 it would be more difficult for Blackfeet members to vote.

13. Typically, Blackfeet Nation does not perform Get Out the Vote operations. However, during the 2020 Election Pondera County refused to open satellite polling places and Blackfeet was forced to sue Pondera County to secure in person access. Due to confusion around the location and

availability of voting options due to the late resolution of settlement negotiations, and out of concern for the coronavirus pandemic, the Blackfeet Nation decided to conduct a ballot collection effort for two days – the day before Election Day and Election Day.

14. Blackfeet hired 32 people to collect ballots on Monday, November 1, 2020. Blackfeet hired 29 people to collect ballots on Tuesday, November 2, 2020. Each person worked 8 hours a day at a rate of \$20/hour. The total expenditure was \$9,760. In total, Blackfeet collected 197 ballots.

15. Blackfeet was reimbursed for this GOTV expenditure by the Native American Rights Fund. Currently, Blackfeet does not have the funds to continue this GOTV effort and instead relies on organizations like Western Native Voice to pick up and drop off ballots.

16. Additionally, Blackfeet tribal members rely on same day voter registration. Blackfeet tribal members are located a significant distance from the county seat and registration opportunities on the reservation are limited to a few days a year. The county seat is located an average of 44 miles from tribal members and some members have to travel over 60 miles – or 120 miles roundtrip – to reach the county seat in order to register.

17. Typically, there is a satellite polling place on Blackfeet on Election Day and many of our tribal members rely on Election Day registration. HB 176 banning Election Day voter registration would significantly impact Blackfeet tribal members that rely on Election Day registration.

18. While there is typically on reservation Election Day registration during elections, during the 2020 Election Pondera County only provided a ballot drop box following settlement negotiations.

19. The relationship between the tribe and Pondera County can be poor. Election officials refused to speak with us when they refused to provide in person access despite maintaining in person access at the county seat. The County's refusal to engage ultimately led to litigation.

20. Additionally, during this past 2020 election the Blackfeet tribe experienced difficulty with a Glacier County Election Administrator who refused to provide drop boxes mandated by the Glacier County Commission. The Administrator only relented after public pressure three business days before the Election.

21. Due to these strained relationships in bordertowns tribal members may prefer to register and vote on the reservation. Same day registration is particular important for this reason.

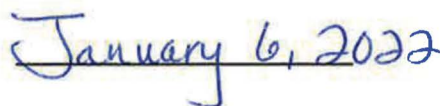
22. HB 530 and HB 176 makes participation in elections by Blackfeet Nation members substantially more difficult. These laws also disproportionately burden Native American voters compared to non-Native voters due to inequities in mail delivery service, access to post offices and post office boxes, distance to county seats and increased burdens on Native voters due to disproportionate rates of poverty and lack of vehicle access. Because of the disproportionate barriers placed on Blackfeet Nation voters by HB 530 and HB 176, Blackfeet Nation's members' attempts to vote are more likely to be unsuccessful and Blackfeet Nation's political power and ability to advocate for Blackfeet Nation needs would be reduced by these laws' suppressive effects. The Blackfeet Nation would also be denied full participation in the federal system through its diminished political power.

Signed:




DAWN GRAY, Managing Attorney for Blackfeet Tribe.

Date:

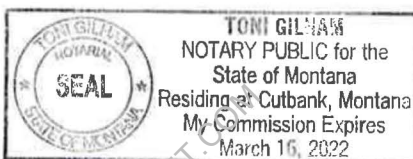


State of Montana County of Glacier: This instrument was signed or acknowledged before me on January 6, 2022 by DAWN GRAY, known to me to be the Managing Attorney for the Blackfeet Tribe.



---

NOTARY PUBLIC FOR MONTANA



RETRIEVED FROM DEMOCRACYDOCKET.COM

## CERTIFICATE OF SERVICE

I, Alexander H. Rate, hereby certify that I have served true and accurate copies of the foregoing Affidavit - Affidavit to the following on 01-12-2022:

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Electronically Signed By: Alexander H. Rate  
Dated: 01-12-2022



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MONTANA THIRTEENTH JUDICIAL DISTRICT COURT  
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WESTERN NATIVE VOICE, Montana )  
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Salish and Kootenai Tribes, Fort Belknap )  
Indian Community, and Northern Cheyenne )  
Tribe, )  
Plaintiffs, )  
v. )  
Christi Jacobsen, in her official capacity as )  
Montana Secretary of State, )  
Defendant. )  
)  
)

Consolidated Case No. DV 21-0451

Judge Michael G. Moses

**AFFIDAVIT OF ROBERT  
MCDONALD IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

I, Robert McDonald

1. I am the former supervisor of the Get Out the Vote effort and CSKT Spokesman. I am the current Compact Implementation Officer for the Natural Resources Department. As authorized by Tribal Council Resolution, I submit this affidavit in support of Plaintiffs' Motion for a Preliminary Injunction against enforcement of HB 530 and HB 176.

2. I am a member of the Confederated Salish and Kootenai Tribes. I have been responsible for the Get Out the Vote Coordinator position. Previously I was the CSKT Communications Director whose duties include overseeing CSKT's Get Out The Vote (GOTV) efforts. I was in that position for 15 years.

3. The Confederated Salish and Kootenai Tribes of the Flathead Reservation is a federally recognized tribe with 8,020 enrolled members with approximately 5,500 members living on the Flathead Reservation. Because the Flathead Reservation was opened to homesteading against Tribal will, CSKT members became the minority population on what was to be the Tribes' exclusive homeland and make up approximately 20 percent of the population. There are also numerous Native Americans that are members of other tribes living on the reservation, with 65 different tribes represented within the reservation boundary, as indicated by Tribal Health service records. The total Native American population comprises approximately 25 percent of the reservation population. The reservation is located in western Montana and spans 1.25 million acres. The reservation is intersected by Lake, Sanders, Flathead and Missoula counties.

4. Unlike other tribes, CSKT has mail-delivery service on the reservation. However, among the Native population, there is a severe housing shortage and it is common for members to move from home to home. This "couch surfing" results in a lack of a stable mailing address. Subsequently, many tribal members use P.O. boxes to conduct their affairs.

5. CSKT members are more likely to live in the foothills and more rural parts of the reservation than non-Natives, making their travel to the post office more burdensome than for non-Natives residing on the parts of the reservation closer to amenities.

6. In the town of Hot Springs on the rural west side of the reservation, Internet access is limited and online registration is difficult if not impossible. Native voters can vote in Hot Springs, but must register through a paper registration because of the Internet issues. The nearest location to drop off a registration is the county seat in Thompson Falls 45 miles away, requiring a 90-mile trip to register. Western Native Voice provides critical registration services to these members given the difficulty travelling to Thompson Falls.

7. CSKT members suffer from poverty. For example, the rates of free and reduced lunch are higher in majority Native towns. In the largely Native town of Pablo, the free and reduced lunch rate for Native students is 100 percent. In Elmo, another largely Native town, the rate is 80 percent. 10 percent of the population lives in severe poverty. Given this poverty, members cannot always afford a tank of gas for a mail run and instead may choose to spend limited funds on necessities such as food or heating.

8. Lack of access to a vehicle, or shared vehicles is also very common on the Flathead reservation. One vehicle is often responsible for getting many members of a household to and from work or school, to all social, religious and cultural engagements, all doctor's appointments, and all errands including mail runs. Vehicle access is so low on the reservation that the number one reason given to health officials for why appointments are missed is because of a lack of transportation. Additionally, even if an individual has a vehicle, that vehicle may not be operational since many vehicles are in poor condition. What's more, especially at the end of the month, funds are depleted and there simply are no funds to purchase gas.

9. Due to poverty, road conditions, lack of vehicle access, cultural norms, necessity, and convenience, picking up and dropping off mail for family, neighbors, friends, acquaintances, and friends of friends is common on the Flathead reservation. Crowded living conditions facilitate the picking up and dropping off of mail by one person for many people at once. The limited hours of some post offices further incentivizes members to drop off and pick up mail for each other.

10. Currently, there are racial tensions between the non-Native and Native communities within the Flathead Reservation. Many tribal members do not feel comfortable traveling to majority non-Native areas given the hostility between members and non-members.

11. To my knowledge, all polling locations near the Flathead Reservation are staffed by non-tribal members and are located in majority non-Native towns. Many CSKT members do not feel comfortable going to in-person polling places. Many tribal members prefer to vote by mail rather than go to an in person polling place staffed by non-members.

12. To assist CSKT members and encourage them vote, CSKT regularly hires a temporary worker for the months leading up to the election for the sum of \$5,000. This election official is tasked with organizing voters, getting people registered, organizing rides to the polls, and getting people engaged through social media. CSKT worked in coordination with Western Native Voice and Montana Native Vote to assist with get out the vote efforts. CSKT depended on Western Native Voice and Montana Native Vote to collect and drop off ballots on the reservation. If Western Native Voice and

Montana Native Vote are unable to perform ballot collection, CSKT would have to expend additional funds to provide voters rides to the polls or to the post office to drop of their ballots that otherwise would not need them.

13. CSKT also regularly assists members with registration in the month leading up to the election. Election Day is by far the busiest day for registration. Due to the lack of vehicle access, on Election Day CSKT usually provides rides to the county seats to assist with voter registration and voting.

14. For the 2020 Election CSKT's GOTV efforts were altered by the coronavirus pandemic. CSKT spent approximately \$14,000 on GOTV. Instead of providing rides or encouraging registration and voting in person, CSKT hired several people to increase social media encouraging members to register and vote and CSKT also set up taco feeds. CSKT conducted a total of five taco feeds in Hot Springs, Arlee, St. Ignatius, Pablo, and Elmo. These feeds were conducted in tents where community members could drive through and obtain information about voting, drop off their ballot if they wanted, and collect an Indian taco. These taco feeds were open to voters and non-voters alike. CSKT provided approximately \$1,000 to set up tents and purchase unprepared food supplies as well as pay for the cooks that attended.

15. Volunteers from WNV assisted with ballot collection and drop off of ballots.

16. Based on my experience, I believe HB 530 banning organizational ballot collection and HB 176 banning same day voter registration will make it more difficult for CSKT to conduct GOTV and will make it more difficult for CSKT members to register and vote.

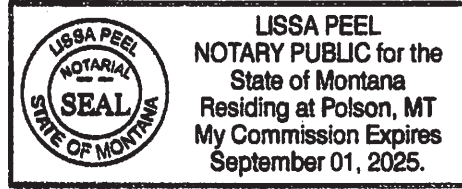
Signed: Robert McDonald

CONFEDERATED SALISH AND KOOTENAI TRIBES

Robert McDonald

Compact Implementation Officer

Date: January 4, 2022



State of Montana County of Lake This instrument was signed or  
 acknowledged before me on January 5, 2022 by Robert  
McDonald

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# EXHIBIT A

RETRIEVED FROM DEMOCRACYDOCKET.COM

**RESOLUTION  
OF THE GOVERNING BODY OF  
THE CONFEDERATED SALISH AND KOOTENAI TRIBES  
OF THE FLATHEAD RESERVATION**

**A RESOLUTION AUTHORIZING ROBERT MCDONALD TO PROVIDE AN  
AFFIDAVIT ON BEHALF OF THE CONFEDERATED SALISH AND KOOTENAI  
TRIBES**

**BE IT RESOLVED BY THE COUNCIL OF THE CONFEDERATED SALISH AND  
KOOTENAI TRIBES THAT:**

WHEREAS, on behalf of its members, the Tribes' own interests, and in the name of protecting the Tribes' political power in the federal system, the Confederated Salish and Kootenai Tribes of the Flathead Reservation brought suit challenging HB 530, banning organizational ballot collection, and HB 176, banning same day voter registration;

WHEREAS, the Tribes regularly assists members register to vote on Election Day and HB 176 will make it more difficult for CSKT to register voters and will make it more difficult for CSKT Tribal members to register to vote;

WHEREAS, organizations such as Western Native Voice provide assistance picking up and dropping off ballots on the Flathead reservation and HB 530 will make it more difficult for WNV to provide that assistance;

WHEREAS, because HB 530 fails to adequately define the scope of its government exemption, CSKT is likely to be confused about who is restricted from picking up and dropping off ballots and the lack of clarity makes it difficult for CSKT to know whether it would run afoul of the law;

WHEREAS, HB 530 and HB 176 make participation in elections by CSKT Tribal members substantially more difficult and disproportionately burdens Native American voters compared to non-Native voters due to disproportionate rates of poverty, lack of vehicle access, reliance on post offices, and reliance on same day registration;

WHEREAS, due to these disproportionate barriers placed on CSKT, Tribal members' attempts to register and vote are more likely to be unsuccessful and CSKT's political power and ability to advocate for CSKT's needs would be reduced by HB 530 and HB 176;



WHEREAS, the CSKT Tribal Council is concerned CSKT will be denied full participation in the federal system through its diminished political power;

NOW, THEREFORE BE IT RESOLVED THAT, that the Tribal Council authorizes Robert McDonald to be briefed and provide a Tribal affidavit in support of the litigation challenging HB 530 and HB 176 and authorizes him to attach the foregoing tribal resolution.

### CERTIFICATION

The foregoing resolution was adopted by the Tribal Council on January 4, 2022, with a vote of 8 for, 0 opposed, and 1 not voting, pursuant to authority vested in it by Article VI, Section 1 (a) and (u) of the Tribes' Constitution adopted and approved under Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended.



Chairwoman, Tribal Council

ATTEST:

  
Tribal Council Secretary

## CERTIFICATE OF SERVICE

I, Alexander H. Rate, hereby certify that I have served true and accurate copies of the foregoing Affidavit - Affidavit to the following on 01-12-2022:

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Electronically Signed By: Alexander H. Rate  
Dated: 01-12-2022

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MONTANA THIRTEENTH JUDICIAL DISTRICT COURT  
COUNTY OF YELLOWSTONE

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WESTERN NATIVE VOICE, Montana	)	
Native Vote, Blackfeet Nation, Confederated	)	
Salish and Kootenai Tribes, Fort Belknap	)	Cause No. DV 21-0451
Indian Community, and Northern Cheyenne	)	
Tribe,	)	Hon. Michael Moses
	)	
Plaintiffs,	)	<b>AFFIDAVIT OF RONNIE JO HORSE</b>
vs.	)	
	)	
CHRISTI JACOBSEN, in her official	)	
capacity as Montana Secretary of State,	)	
	)	
Defendant.	)	
	)	

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I, Ronnie Jo Horse, affirm that:

1.\_\_\_\_ I am the executive director of Western Native Voice, one of the non-profit plaintiffs in this case. I submit this affidavit in support of Plaintiffs' Motion for a Preliminary Injunction against enforcement of House Bill 176 and House Bill 530, two laws that will significantly frustrate the mission and purpose of our organization in future elections.

2.\_\_\_\_ Under HB 176, late voter registration is no longer available on Election Day.

3.\_\_\_\_ Under Section 2 of HB 530, no one may "provide or offer to provide" nor accept, "a pecuniary benefit in exchange for distributing, ordering, requesting, collecting, or delivering ballots." Violators will be fined \$100 per ballot unlawfully distributed, ordered, requested, collected, or delivered.

4.\_\_\_\_ I have lived in Montana for 22 years. I am a descendant of the Oglala Lakota and Northern Cheyenne Nations. I have been working as executive director for Western Native Voice for the past year.

5.\_\_\_\_ In my role as executive director, I helped direct and oversee Western Native Voice's get-out-the-vote ("GOTV") and ballot collection efforts during the 2020 election cycle. Those efforts included providing rides to the polls for voters on election day for same day voter registration and late voting. In addition, my responsibilities include fundraising, program development and oversight, and staff supervision.

**Western Native Voice's GOTV, Ballot Collection and Ride to the Polls Activities**

6.\_\_\_\_ Western Native Voice is a non-profit, non-partisan, social justice organization working to inspire Native leadership. We are a membership organization established in 2011. We have over 10,000 members across the state of Montana. Our members include Native

Americans who have been and will be affected by BIPA's limitation on ballot collection and conveyance.

7. Our organization's core goals include enhancing the political effectiveness of Native communities in Montana. We have four areas of focus: civic engagement, education, leadership development, and public policy advocacy. Our GOTV efforts are part of our civic engagement activities. Our GOTV efforts include canvassing reservations and urban Indian centers and discussing the importance of voting and civic participation and how and why to engage in the civic process.

8. Western Native Voice engages only in non-partisan GOTV work. We work on all seven reservations in Montana and in the cities of Billings, Great Falls, and Missoula. In our work with Native communities, we highlight the importance of civic engagement and greater participation in local civic affairs and in the electoral process.

9. In past statewide election cycles, Western Native Voice hired community organizers whose jobs include collecting ballots on each of the reservations in the state. Our organizers hand-collected and conveyed ballots from those reservations to county election offices and satellite voting locations.

10. The organizers we have hired were residents of the same reservations where they did civic engagement work for Western Native Voice. They each completed two to three days of training before beginning their GOTV work. We paid these organizers to collect and deliver voted ballots to election offices as well as to provide rides to the polls on election day. On occasion, when a voter needed a replacement ballot and did not have the means to go to the county elections office, our organizers would provide the appropriate forms provided by the

Secretary of State to help the voter obtain a replacement ballot. In 2018, we paid our organizers \$15 per hour. Collectively, our organizers spent over a thousand hours doing non-partisan GOTV work in 2018, and our organizations paid them over \$100,000 for the work that they did. In 2020, we had two tiers of organizers, Regional organizers who earned \$25/hour and digital organizers who were paid \$20/hour. Collectively, our organizers spent over a 11,941 hours doing non-partisan GOTV work in 2020, and our organization paid them over \$258,443 for the work that they did. \_

11. We work hard to recruit and hire diverse organizers. During the 2018 election cycle, our organizers ranged from people with no post-secondary education to people with doctoral degrees and people aged 20 through 73 years old. We strategically hire people from different age groups, social circles, and educational backgrounds. In 2018, we had to screen through a high volume of applicants to be able to hire organizers in all ten communities we serve due to lack of working phone numbers on applications, lack of qualifications, and lack of availability among our applicant pool. Some areas (such as the Fort Peck reservation) have historically been very difficult for us to staff. It takes 30 minutes to 1 hour for a group of 2 or 3 of our staff members to interview each candidate who makes it to that stage. In 2020, we \_hired 172 Community Organizers.

12. Our practice is to hire at least one organizer per community that we serve. During the 2016 presidential cycle, we hired 23 community organizers, some of whom worked on ballot collection. During the 2018 midterm cycle, we hired dozens of community organizers, of whom 14-22 were on staff at any given time. We trained all of these organizers on GOTV and ballot collection. After this training, we had each organizer sign a specific ballot collection form to

ensure that they are familiar with legal and ethical guidelines for ballot collection. In tandem with volunteers they recruited and trained, our organizers collected and hand-delivered at least 853 voted ballots that year. For context, this was a significant portion of the 9,446 total absentee votes that were cast in precincts with significant Native American populations that we were targeting in our GOTV efforts.

13. Through our GOTV, ballot collection and community organizing efforts, Western Native Voice helped increase voter turnout in Indian Country in Montana. Individuals canvassed by us or our partner organizations just one time were 4.1% more likely to vote, while those who were canvassed through face-to-face conversations at their doors multiple times were 12.2% more likely to vote.

14. During the 2018 election cycle, 80% of the people our organization contacted as part of our non-partisan GOTV effort actually voted. Those efforts included knocking on 33,769 doors, sending 11,064 text messages, registering 2,015 new voters, giving 482 voters rides to the polls, and collecting and conveying 853 ballots. With an overall turnout rate of 60.3% across Indian Country (73% among absentee voters), we had a record-breaking number of voters from tribal nations. Compared to the 2014 midterm election, 7,704 more tribal community members voted. There were significant increases in turnout on every reservation vis-à-vis the 2014 midterms (a jump from 39% to 70% voter turnout among tribal community members in Fort Belknap; 47% to 68% in CSKT, 32% to 59% in Fort Peck, 33% to 59% in Blackfeet, 29% to 57% in Crow, 23% to 51% in Rocky Boy's, and 30% to 50% in Northern Cheyenne). During the 2020 election cycle, the voter turnout increased from 67% to 67% in Fort Belknap; remained at



65% in Blackfeet; jumped from 51% to 55% in Crow; 66% from 62% in Fort Peck; 53% to 55% in Northern Cheyenne; and 43% up to 53% in Rocky Boy.

### **Voting in Indian Country**

15. Prior to the enactment of HB 530 and HB 176, people living within tribal nations in Montana already faced many obstacles to voting that are not prevalent in other parts of the state. One obstacle is lack of uniform and consistent addressing systems. During our voter registration efforts, Western Native Voice has had hundreds of voter registration forms rejected by county offices, largely due to inconsistencies in the home addresses provided by tribal registrants. We are investigating how we can create a uniform addressing system for use within tribal nations in Montana, perhaps by assigning a “Google Plus code” to homes in remote locations.

16. A second obstacle is the limited opportunity for residential mail delivery. Most tribal nation residents do not receive mail at home and must instead use a post office box, which is not always a free service in tribal communities. Multiple families frequently share a single post office box, and there are financial barriers associated with having to travel to collect and post mail and to pay for stamps. Even though Western Native Voice has helped more tribal members sign up to vote by absentee ballot, in recent years, the return rate for absentee ballots issued in tribal nations has decreased (from 91% in 2012 to 73% in 2018 to 64% in 2020).

17. A third obstacle is the long distances voters must travel to reach county election offices to hand-deliver their ballots and register to vote. On average, tribal community members in Montana must travel 85 miles round trip to reach their county election offices. Even though

there are a few satellite voting locations now open in Indian Country, they are generally staffed for very short periods of time and are often still located quite far from some of the rural communities within tribal boundaries.

18. A fourth obstacle is that tribal governments must submit written requests for satellite election services on an annual basis. For the past two federal election cycles and again for the upcoming election next year, Western Native Voice has invested considerable time in working with tribal governments to help them meet the January 31 deadline to properly request such services.

19. HB 530 and HB 176 exacerbate these problems.

**Effect of HB 176 on Western Native Voice's GOTV Activities**

20. Native Americans residing on reservations are more likely to be geographically isolated from polling centers where in-person voter registration or dropping off of a voter registration application can occur, and they often lack the means to travel to those locations to register to vote or drop off a voter registration application prior to an election.

21. Native voters are a highly mobile population due to moving around to seek employment and due to insecure housing. When a voter moves and becomes a resident of another county, they must re-register in that county.

22. Because of these barriers, many Native Americans residing on rural reservations rely on election day registration ("EDR") so that they can make only one trip to the polling center to register and vote on the same day.

23. Western Native Voice engages in robust election day activities, including door knocking, ballot collection and providing rides to the county seat for election day voter registration and late voting.

24. In prior election cycles, we have hired hundreds of individuals to work exclusively on election day.

25. For example, in 2018 Western Native Voice hired 20 organizers on the Fort Peck Reservation. These organizers provided rides to the county election office on election day in order to register voters.

26. In 2020, Lauri Kindness, an organizer for Western Native Voice, drove 150 people from the Crow Reservation to register to vote at the Big Horn County Elections Office.

27. Providing rides to the county seat is a key component of our strategy to increase turnout.

28. Providing rides to the county seat on election day is particularly important on rural reservations, where many individuals lack access to transportation. Many Native American voters also do not understand that if their address changes they will need to re-register to vote. They often find out about the necessity to re-register on election day itself, and rely on Non-Profit Plaintiffs to provide a ride to the county seat.

29. HB 176 is already impacting our operations. We expect that we will no longer be able to only employ organizers on election day as the opportunity for election day registration has been eliminated. Instead, we will be forced to spend additional resources to hire organizers earlier in the election cycle in order to mobilize turnout.

30. HB 176 eliminates a key tool for to increase voter turnout. By ending EDR, HB 176 prevents Native Americans living on reservations from full and equal participation in elections.

**Effect of HB 530 on Western Native Voice's GOTV Activities**

31. Western Native Voice collect ballots and delivers unvoted ballots to voters on all seven reservations in Montana, as well as in urban Indian centers such as Missoula, Great Falls, and Billings. We hire local organizers and pay them to collect voted ballots and deliver them to election offices. In 2016, we hired between 14 and 18 paid organizers to collect and deliver ballots. In 2018, we employed a total of 32 paid organizers, who collected and conveyed at least 853 ballots. Those 853 ballots represented fully 9-10% of all absentee ballots cast in the precincts targeted by Western Native Voice. In the 2020 general election, after the Montana Ballot Interference Prevention Act ("BIPA") was permanently enjoined by two Yellowstone County district court judges, Western Native Voice paid organizers to collect and convey over 555 ballots.

32. Since Western Native Voice relies on paid organizers to collect ballots, Section 2 of HB 530 outlaws all of our ballot collection efforts. These efforts are core to our GOTV work and could not be replaced by other measures. To the extent HB 530 does not ban all ballot collection efforts by Western Native Voice, its terms nonetheless chill any of our efforts due to the risk of substantial fines.

33. With HB 530 in effect we are no longer able to pay organizers to collect ballots in Montana. We would have to spend additional time explaining the new system to voters and encouraging them that it is still important to vote even though there are more hoops to jump

through. We would also have to spend additional resources on education and messaging to our communities about the new law.

34. HB 530 puts our communities and clients in a difficult position. Either we must subject some of our members engaged in critical GOTV work to civil penalties (\$100 per ballot), or we must effectively suspend our ballot collection operations. Apart from Western Native Voice, there are no organized ballot collection groups that could fill the void created by our discontinuation of these GOTV efforts.

### **Conclusion**

35. To counteract the effects of HB 176 and HB 530 we would need to hire additional organizers. It would be impracticable – indeed virtually impossible for the 2022 cycle, based on current resources and staff capacity – for our organization to recruit, hire, and train more organizers enough organizers to counteract the effects of HB 176 and HB 530. Reservations are already hard-to-staff areas, and we do not have the capacity to on-board and manage the work of so many people.

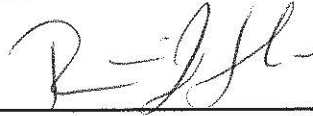
36. Western Native Voice also feels that our ability to engage in political expression has been curtailed by HB 530 and HB 176. Through our ballot collection and other GOTV efforts, we communicate with tribal communities the importance of civic engagement and encourage them to get involved in the political process. Many of the tribes and community members we serve will no longer hear our messaging about the importance of voting and we will no longer be able to engage in the expressive conduct that is core to our organizational mission.

37. When Native communities are able to vote and express their preferences through the ballot box, we have more agency and power. Our members feel most empowered when they

have participated in the political process. HB 530 and HB 176 hamper our organization's ability to deepen our connections with our membership and to recruit new members.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, based on my personal knowledge.

Executed in December on 17th, 2021.



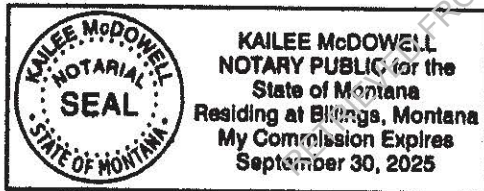
\_\_\_\_\_  
Ronnie Jo Horse

State of Montana

County of Yellowstone

On this 17th day of December, 2021, before me personally appeared Ronnie Jo Horse, whom I know personally, and acknowledged that she executed the same.

Kailee McDowell Notary Public



## CERTIFICATE OF SERVICE

I, Alexander H. Rate, hereby certify that I have served true and accurate copies of the foregoing Affidavit - Affidavit to the following on 01-12-2022:

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Electronically Signed By: Alexander H. Rate  
Dated: 01-12-2022



# Exhibit G

Declaration of Scott Lockwood

RETRIEVED FROM DEMOCRACYDOCKET.COM

FILED

01/12/2022

Terry Halpin

CLERK

Yellowstone County District Court

STATE OF MONTANA

By: Ronda Duncan

DV-56-2021-000451-DK

Moses, Michael G.

51.00