

1 A So --

2 Q You were teaching us how to register.

3 A Right. Register. So one problem we do have and we work
4 very closely with Wes Cochran at Fort Belknap, is on physical
5 addresses. So we're in continued correspondence. A lot of the
6 residents that live at Fort Belknap, they've been confused as
7 to what their physical address is.

8 So we need to work with Wes to come up with a physical
9 address, because that physical address places them in which
10 precinct they'll be voting in. And then also which districts
11 they're available to vote in, which would mean state house,
12 senate districts, which commissioner district, which school
13 district they're in. So we have to have that to assign them to
14 a precinct and the split. And the split is what their
15 different districts are. So you have to be very familiar with
16 how you assign which address they're in.

17 Q Can you explain the split situation.

18 A And what the split difference is, like one precinct could
19 have several different splits. And what the difference in a
20 split is, like I said, it's whatever state house/senate
21 district you're in, which commissioner district you reside in,
22 or which school district you reside in. Because that's very
23 important. You have to make sure that the voter receives the
24 correct ballot in the districts that they reside in.

25 Like Blaine County is a district that has commissioner

1 see a Montana annual absentee list application; is that
2 correct?

3 A Correct.

4 Q And we see a spot where they can indicate their residence
5 address and a second spot to indicate their mailing address;
6 true?

7 A Yes, that's correct.

8 Q So a voter who wants to vote absentee can also indicate
9 they'd like to do so for life in one application; correct?

10 A They're on an annual absentee. And what an annual
11 absentee is, every January, my office sends a letter to those
12 people that are on the annual absentee, they need to confirm
13 that that's still where they want their ballot mailed to. And
14 then return that notice back to me. And they are remained on
15 the annual absentee list.

16 MS. FRANKENSTEIN: We offer Exhibit 26.

17 THE COURT: It's admitted.

18 Q (BY MS. FRANKENSTEIN) Could you explain the reason that
19 Montana Votes software and someone C-certified who can actually
20 use it is required to issue and receive absentee ballots?

21 A Well, the Montana Votes is a statewide voter system that
22 shows all of -- everybody that's a registered voter in the
23 State of Montana. And it also ensures that a voter is not
24 registered to vote in more than one county or even receive an
25 absentee ballot for more than one county, because we're all on

1 the statewide system.

2 The Montana Votes program is not a user-friendly program.
3 It's very difficult to maneuver. And my employees that have
4 been in my office for quite sometime still themselves do not
5 feel comfortable and still require a lot of questions from me
6 to help them maneuver it.

7 Q Can you explain how the Montana Votes prompts something
8 from you to print out to accompany each ballot, absentee
9 ballot.

10 A Okay. Absentee ballot. The process for an absentee
11 ballot is the voter needs to complete a request stating they
12 want an absentee ballot. That then, I have to go to their
13 individual record in Montana Votes, I go into the absentee tab,
14 and I add their request in. The Montana Votes system then
15 prints out a label, and that label has a scanned -- it has a
16 bar code that needs to be scanned when that ballot comes back
17 to us. So on that label, that goes on their signature
18 affirmation envelope. Like I said, it has a bar code. It has
19 their name on it. It has the ballot number on it. It has a
20 unique number that the system issues showing that voter, with
21 that ballot number, and that's all in that bar code. And the
22 bar code has to be used, then, for when that ballot is returned
23 to us, then we have to scan that bar code, and it brings us up
24 to that voter's record so that we can compare the signature to
25 make sure that is the person.

1 And then we go through the process of if we accept that
2 ballot or not.

3 Q Is the use of the Montana Votes system which creates the
4 bar code and the scanning process, something that can be tossed
5 aside and instead replaced with some handwritten, manual
6 system?

7 A No. And the reason why is you cannot always read
8 everybody's handwriting. And so if that -- that bar code can't
9 be reproduced by an individual. And if there wasn't that label
10 on it, when the ballot came back to us, we would have to try
11 and guess whose ballot it was, because we actually have to go
12 back into their record and receive that ballot in so that on
13 their record, if that person went to another county and tried
14 to vote, they would pull up that record, and they would see
15 that a ballot was issued and a ballot was accepted. So that's
16 -- it's all in everybody's individual file in Montana Votes
17 that we all have to use statewide.

18 Q When you receive -- if there was no such thing as Montana
19 Votes and there was no bar code system, if you were to receive
20 back an absentee ballot without that identifier produced
21 through Montana Votes, and the signature isn't legible, what
22 would you do?

23 A Well, we wouldn't be able to accept it, you know, not
24 knowing whose ballot it was.

25 Q That voter's vote wouldn't count; true?

1 A True. Because I don't know who that voter is.

2 Q So it's essential to have the Montana Votes system in
3 place, as you've described.

4 A Yes. Yes. Yes. It's a very complex process that, you
5 know, you just can't learn overnight. It takes a lot of
6 training.

7 Q When someone has requested an absentee ballot and, again,
8 brought it back filled out to your office, is that also
9 electronically tracked through Montana Votes?

10 A And do you mean the actual ballot, or the application?

11 Q Explain the difference.

12 A Oh, okay. Well, their application for an absentee ballot,
13 you know, is tracked in the Montana Votes system. That's where
14 the Montana Votes system is where their ballot is issued. And
15 Montana Votes tells me which ballot number I have to give them.
16 Because state law requires that our ballots have to be numbered
17 in sequential-number order. And our absentee ballots have to
18 be issued in numbered-sequential order.

19 Q If a voter wants to see if his or her filled-out absentee
20 ballot made it back to the courthouse, how can they determine
21 that issue?

22 A A couple of -- several ways they could do it. They could
23 go on either to the Blaine County website or the Secretary of
24 State website. And there's -- it's called My Voter page. And
25 that voter keys in their information. And they can go and see

1 needs to be voided, so my records are saying I voided ballot
2 Number 1. But yet, I issued ballot Number 1. The
3 reconciliation is going to be unreal trying to figure out how
4 we did it. And hopefully, we have no human error.

5 And I am in this highly contested U.S. Senate race. It's
6 a presidential race. The governor race is really hitting the
7 news now. I just -- I'm fearful that it's going to cause the
8 integrity of my election to be questioned. There's no way to
9 recreate an election. I don't want to become the Florida that
10 happened several years ago.

11 Q In your example, you've crossed out Number 12 and you
12 wrote in Number 1. What happens when you get to sequential
13 voter Number 12 and you've crossed out ballot Number 12?

14 A Well, I guess I'm just going to have to make whatever that
15 ballot is, that next one that is available at whatever site it
16 is, I'm going to have to hand write 12.

17 Q And you do this for each of your eight precincts, so you
18 have a separate sequential task for each of those eight, just
19 as you've described?

20 A Yes. At a satellite office, it states that I have to have
21 every ballot style at that satellite office. So this -- also,
22 this person needs to be well-versed in Montana Votes. They
23 also have to be well-versed in making sure they give them the
24 right ballot. If they give them the incorrect ballot, and
25 they're voting on districts they're not eligible for, that's

1 going to cause some major problems if we have a very
2 unsuccessful, unhappy candidate that loses the election or an
3 unhappy party member, and they're going to come in and question
4 the integrity of the whole, entire election, which reflects on
5 me.

6 Q How would that affect your ability to explain to anyone
7 who wanted to scrutinize how you crossed some numbers off and
8 added them here and voided this one back here, how could you
9 even replicate that in order to defend yourself in that
10 scenario?

11 A I honestly do not feel I could comfortably do it. Because
12 it is -- I'm changing the numbers. There could be a chance of
13 human error. Even myself, I am not comfortable with it. And I
14 just feel there has to be a directive from the state, the
15 legislature, or somewhere on how we are going to deal with
16 Montana law that claims we have to have our numbers --

17 Q Your sequential numbers?

18 A Yes. Our sequential numbers. Maybe they're going to need
19 to change Montana law, that we don't number our ballots.

20 Q Do you believe Montana Votes is set up in a way that
21 allows you to offer absentee ballots from two locations at this
22 time?

23 A No, I do not. Not with altering and changing ballot
24 numbers, like I said, the reconciliation is going to be a
25 nightmare.

1 Q Could you explain what that is?

2 A Well, I would have to do a reconciliation and try and
3 prove, if somebody ever questioned me, what ballot number I
4 issued to a voter. And when you've got crossing out and
5 messing around with that, it -- it just isn't workable.

6 Q What happens with all those voided ballots that you end up
7 voiding throughout this hypothetical process?

8 A Well, they would have to go in a sealed envelope and --
9 and also, that's a thing that could cause problems, too, is
10 voiding ballots. I mean, I had to order my ballots back in
11 August. If I'm voiding some of my ballots, there's a chance I
12 might run out of ballots.

13 Q If you have the scenario where, let's say you, Sandra
14 Boardman, stays back at the county courthouse and you somehow
15 figure out a way to get a C-numbered person at the satellite
16 office, and as you've described, there has to be constant
17 communication between the two to determine which ballots to
18 void and which ones to alter, because you have that
19 communication, can you describe how a second office really only
20 adds to your work back where you would be at the county
21 courthouse.

22 A Well, we'd be probably on the phone not -- probably -- we
23 would be on the phone non-stop with that office and then trying
24 to do the election. I'm right now trying to get ready for my
25 poll election, testing my equipment, getting things ready,

1 training my judges, also, my regular Clerk and Recorder duties.
2 I'm clerk to the board of commissioners, who -- they meet
3 daily, which takes me in there, they do not have a secretary.
4 It would add additional stress and it just -- it just could
5 cause a chance of a lot of errors.

6 Q And that's if you had additional staff hired and at your
7 satellite office?

8 A Yes. I do not have additional staff.

9 Q Could you explain what you would need to do to properly
10 staff a satellite office and replace your staff that would be
11 taken away from the courthouse?

12 A Well, I would need to have at least two to three
13 additional employees to man --

14 THE COURT: C-numbered? State-issued C --

15 THE WITNESS: Yes. Because they would have to be
16 trained, and you have to have a C number to be able to work
17 Montana Votes. So yes, they have to work the Montana Votes
18 program.

19 So I would have to hire an additional at least two to
20 three, because that office has to be staffed by two people at
21 all times. So probably a chance of even three if they're going
22 to be able to take a lunch break, a bathroom break, whatever.

23 But -- and those people have got to be well-trained to
24 know how to maneuver Montana Votes, so they do not put somebody
25 in the wrong district. I mean, you just -- it takes extensive

1 training. It would -- I feel it would take me at least -- I
2 would want to work at least six weeks with that person. I
3 would put them into the test environment of the Montana Votes,
4 so that they had extensive testing and training. And I would
5 give them different scenarios to make sure they're trained in
6 what could ever happen before I would turn anybody loose.

7 Q (BY MS. FRANKENSTEIN) Could you just grab an election
8 judge to fill that capacity?

9 A Absolutely not. And they also do not have a C number.
10 And they're not trained in it. Like I said, they are trained
11 in a poll election.

12 Q Would you be able to hire the staff and train them in time
13 for the November 6th election?

14 A Absolutely not.

15 THE COURT: I need to ask a question now, or I'm
16 going to forget it.

17 MS. FRANKENSTEIN: Sure.

18 THE COURT: I'm probably -- I've probably got it
19 wrong. I thought that even if you had a satellite office, that
20 you had a state-issued C number, however many you need at the
21 satellite office, where they can log on to Montana Votes, and
22 they can get a ballot issued with the sequential numbers, that
23 there would not have to be contact between the satellite office
24 and your office. But I think you're testifying that no, you'd
25 be on the phone. If the person has access to Montana Votes

1 because they have a state-issued C number, why would they have
2 to get a hold of the main office?

3 THE WITNESS: Well, if they had a question, and then
4 another reason why they would have to get a hold of the main
5 office, is if they are issuing a ballot there, I need to know
6 what that ballot number is.

7 THE COURT: No. But -- excuse me.

8 THE WITNESS: I'm sorry.

9 THE COURT: No. When they're on the Montana Votes,
10 the Montana -- the computer, the computer, the website, the
11 program is issuing the sequential number to them. They're
12 getting the ballot printed just like in your office.

13 THE WITNESS: They don't -- the Montana Votes system
14 does not print off the ballot.

15 THE COURT: No. Your office does.

16 THE WITNESS: Oh, okay.

17 Well, we have a printer that does yes, uh-huh.

18 THE COURT: Okay.

19 But you'd get the number, the ballot number that relates
20 to that voter from Montana Votes?

21 THE WITNESS: Correct.

22 THE COURT: So, why do they -- here's the assumption
23 I was under: If you had whatever appropriate C-numbered people
24 in an office, it didn't really matter whether -- or where the
25 office was located, because they could access Montana Votes,

1 and if they were well-trained and that sort of thing, they'd be
2 getting their sequentially-numbered ballots, or at least the
3 numbers that would print out on the ballots in their location,
4 without having to talk to you.

5 THE WITNESS: Well, the reason they would have to
6 talk to me is, if they were issuing a ballot number that maybe
7 I had that ballot number up in my office.

8 THE COURT: Why would you, if both of you are
9 accessing from separate locations, Montana Votes?

10 THE WITNESS: Because I have to have ballots down at
11 their site that are numbered. Like, for example, like I said,
12 I would send them ballot Number 1 to ballot Number 10.

13 THE COURT: That must be why I'm confused. Why, if
14 they're C-numbered people and they have access to Montana
15 Votes, why does your office have to send them ballots?

16 THE WITNESS: Because Montana law requires they have
17 to receive ballots, and the ballots have to be numbered in
18 sequential order right off the bat. When a person votes, they
19 don't then put the ballot number on. The ballot number is
20 already printed on that printer.

21 THE COURT: Right. But that doesn't come from
22 Montana Votes website?

23 THE WITNESS: No. The Montana Votes website just
24 tells you which ballot number that voter has to receive.

25 THE COURT: Right.

1 THE WITNESS: And if that voter, say, is at the -- at
2 the satellite office, and it says they have to have ballot
3 Number 12, well, they don't have ballot Number 12, so they
4 would have to make this ballot Number 12.

5 THE COURT: Oh, I see.

6 THE WITNESS: And then they would have to call me and
7 tell me I need to void ballot Number 12.

8 THE COURT: I see. Because Montana Votes gives you
9 the numbers and they can't give the numbers to a satellite
10 office?

11 THE WITNESS: They tell -- the Montana Votes tells
12 you the ballot number that that voter needs to get. And if
13 that site doesn't have the ballot with that ballot number on
14 it, because it's up at the -- that ballot number is in my
15 office at the courthouse, I need to know that I need to void
16 ballot Number 12.

17 THE COURT: I'm still confused. Do you know what I'm
18 doing?

19 MS. FRANKENSTEIN: Yes. Let's say voter Number 1
20 comes into the satellite office, and then voter Number 2
21 sequentially in time goes to the county. They didn't know
22 whether to send ballot 1 and then keep ballot 2, they're never
23 going to know at what frequency voters happen to walk into the
24 satellite and what frequency they walk into the county. So
25 what she's saying is: You can never plan to get the right

1 paper ballots with the right number in the right office,
2 because they can just walk on in?

3 THE COURT: But --

4 MS. MANN: The ballots are already printed in a stack
5 waiting. They're not printed at the time the Montana Votes
6 gives them a number.

7 THE COURT: Yes. That's where I'm confused. You're
8 getting pre-printed ballots with the numbers --

9 MS. MANN: They're already printed, I believe.

10 THE COURT: -- already on them?

11 THE WITNESS: Yes.

12 MS. FRANKENSTEIN: But then Montana Votes prints out
13 the scan --

14 THE WITNESS: That's the label.

15 MS. FRANKENSTEIN: -- with a different number.

16 You're assigned ballot 2, even though you don't --

17 THE COURT: I got you. I got you.

18 MS. FRANKENSTEIN: Okay.

19 THE WITNESS: And like I said, it's very confusing.

20 THE COURT: No. I was under the assumption that, in
21 essence, you got blank ballots or you pushed a button on a
22 computer --

23 THE WITNESS: No.

24 THE COURT: -- and out it would print, no matter
25 where you were, if you had a C-numbered person that could

1 access Montana Votes, and out would print this ballot with the
2 next sequential number on it. That's not how it goes?

3 THE WITNESS: No.

4 MS. FRANKENSTEIN: But Montana Votes does print you a
5 label with the next sequential ballot number, which may not
6 correspond with the physical ballot she has there.

7 THE WITNESS: So that's when I do have to alter the
8 ballot, correct.

9 THE COURT: I got you. Yeah. Okay.

10 Q (BY MS. FRANKENSTEIN) When you go through the
11 reconciliation process and you receive these hand-altered
12 ballots back, do you have any real assurance who hand-altered
13 them? Could they be --

14 A Well, that's where we could initially be really questioned
15 as to what proof we have. You know, actually manually changing
16 something that has to be pre-printed and done when we receive
17 it from our printer.

18 Q What if Montana Votes spits you out a label and it says:
19 "Voter X is Number 4," and by some human error, you also
20 distribute ballot Number 4 from your county office and you've
21 got two ballot Number 4s, what happens there?

22 A I'm probably sunk. And it could happen. You know, like I
23 said, human error, they could put 4, but yet it looks like Tom
24 Jones got 4. But yet, Harry Thomas got 4. You know, it --
25 like I said, we just have to have guidance as to how we

1 specifically need to do it, so that we all do it correctly and
2 the same way. So we don't get challenged that this county did
3 it this way; this county did it that way. Why did you do it?
4 And it's because we did not receive true guidance from the
5 state how to accomplish this.

6 Q Do you think that's because Montana Votes just simply
7 isn't set up to offer absentee ballots at two different
8 locations at the same time?

9 A Well, it isn't set up to do it. You know, we just -- had
10 -- if we, you know, had to do it, which, you know, like the
11 late time coming in requesting, getting staff hired. You know,
12 the middle of September, which -- supposed to be have it up and
13 running in a couple of weeks, when absentee started October
14 9th, it just was not anything we could do.

15 Q Tell me if this is a likely scenario: Your satellite
16 office calls and said: "We just altered a ballot, and we made
17 it Ballot 14. County office, void your ballot 18."

18 You put down the phone, up walks a voter, the phone rings,
19 this and that, you get distracted. What happens if you didn't
20 immediately void ballot 14?

21 A Well, the -- if they were issuing another ballot, then
22 Montana Votes would then go and issue the next sequential
23 number. You know, it's just all time -- who's putting it in at
24 the time as to who's going to get what ballot.

25 Q If someone was called away from their duties and didn't

1 have the chance to void that ballot, what kind of confusion
2 could occur?

3 A Well, it -- it's just like I said, it's just totally
4 confusing. And there's just a huge chance of error and being
5 questioned on our process.

6 Q In your exhibit binder before you, please take a quick
7 look at Exhibits 9, 10, and 11.

8 THE COURT: Is this a good place to break? I've got
9 to break.

10 MS. FRANKENSTEIN: Sure.

11 THE COURT: We're going to take a recess till quarter
12 to 1. We'll come back, go to 1:30. I'll do a plea, and then
13 we'll start back up at 2 or a little after.

14 We'll be in recess.

15 (The proceedings in this matter were recessed at
16 11:27 a.m. and reconvened at 12:51 p.m.)

17 THE COURT: Please be seated.

18 You may continue, Ms. Frankenstein.

19 Q (BY MS. FRANKENSTEIN) Sandra, we left off with a
20 discussion about how to properly enter someone into the Montana
21 Votes system.

22 One thing we didn't address was the address library.
23 Tell us about that.

24 THE COURT: Let me interrupt.

25 I'm talking to my law clerk, and we're both confused.

1 What number comes out of Montana Votes? Is it a number
2 different than the number that's on the ballot that's in the
3 Clerk of Court's Office on this bar code? And then if it's
4 different, do you then put that on the ballot instead of the
5 ballot number?

6 THE WITNESS: The label does not go on the ballot.
7 The label that has the bar code goes on the envelope when you
8 vote absentee that you sign.

9 THE COURT: Yes.

10 THE WITNESS: That's where the label goes.

11 THE COURT: And on that bar code is the number of the
12 ballot that you gave me when I came in, for instance, to get an
13 absentee ballot?

14 THE WITNESS: Yes. It does show your ballot number.
15 And it also shows your precinct.

16 THE COURT: I got you. That clear that up for you,
17 too?

18 LAW CLERK: Ballot number. And what's the other
19 number?

20 THE WITNESS: It's like the bar code number, you
21 mean?

22 THE COURT: Yeah.

23 THE WITNESS: It's just a unique number that Montana
24 Votes issues that in that bar code, it tells the Montana Votes
25 when I scan it, it tells who the voter is, you know, what their

1 precinct, their ballot number. It's just a unique number that
2 Montana Votes puts into a bar code. So that when you return
3 your absentee ballot, then I have to take that envelope that
4 has the bar code, and then I use the bar code scanner, and then
5 it pops up you, so that I can verify your signature; that that
6 was you that returned that ballot.

7 THE COURT: Does the bar code number stay with you
8 during your life, or does it change every election?

9 THE WITNESS: Every election.

10 THE COURT: Every ballot?

11 THE WITNESS: Yes. Uh-huh. It's just unique to that
12 election.

13 THE COURT: Got you. I'm sorry I interrupted.

14 MS. FRANKENSTEIN: Don't -- it prompts another
15 question.

16 Q (BY MS. FRANKENSTEIN) To utilize the physical printer
17 that you need to run those ballots, what kind of facility do
18 you need?

19 A Do you mean -- I'm not sure what you mean.

20 Q Do you need secured Internet?

21 A Oh, okay. What do I need to run Montana Votes?

22 Q To run the printer apparatus?

23 A Well, what you have to have to even run the Montana Votes
24 program with also the equipment like the label printer, you
25 have to have a secured Internet access. And that's specified

1 Q Is that training reflected in those three exhibits in
2 addition to whatever training you might want to instill upon a
3 new employee?

4 A Yes. This is just the very beginning.

5 Q I'm going to ask you to turn to Exhibit 18, please.

6 Where can a Blaine County resident go to register to vote
7 up until 30 days before the election?

8 A Well, on this map here, it states where I have voter
9 registration cards available. And it's at the Turner School,
10 Harlem High School, Fort Belknap College.

11 Q You do not need to read them. That's all right.

12 A Okay.

13 Q About four of those locations are located on the
14 reservation; is that true?

15 A Yes.

16 MS. FRANKENSTEIN: Your Honor, we'd offer Exhibit 18.

17 THE COURT: Eighteen's admitted.

18 Q (BY MS. FRANKENSTEIN) Sandra, I'm going to ask you a
19 number of questions. They're going to reflect various ways to
20 vote, and you tell me if these are accurate descriptions.

21 In Blaine County, a registered -- a registered voter can,
22 one, go to the polls on election day to vote; is that true?

23 A Correct.

24 Q Second scenario: A registered voter can obtain an
25 absentee ballot by mailing an application in or faxing it, and

1 you will send one back to their residence. Then they fill it
2 out wherever they'd like and send it back to you. Is that
3 true?

4 A Yes. But also on that, it doesn't necessarily -- it's
5 wherever they designate they would like their absentee ballot
6 to be mailed to. They might not ask for it to go back to their
7 residence. So it's wherever they designate they want their
8 ballot mailed to is where we mail it to.

9 Q Do you place a postage stamp on there so that the voter
10 does not have to cough up the cost of a stamp?

11 A What I do is if a person calls up and asks me to mail them
12 an application for an absentee ballot, when I mail it to them,
13 I also include a postage-paid envelope to return their
14 application to me.

15 Q Third scenario: Get an absentee ballot by sending an
16 application with a third person, a designated person, to your
17 office. The third person delivers it to the voter wherever he
18 or she is. And then the third person delivers the filled-out
19 ballot back to your office. Is that true?

20 A The third person not necessarily has to deliver the ballot
21 back. The designated person is designated to pick up their
22 absentee ballot.

23 Q And anyone can bring it back for them?

24 A Yes. They can send their absentee back with anybody they
25 choose to send it back. They can also return their absentee

1 back to any of the polling places. Mail it back.

2 Q We'll go through a few of those scenarios in a bit, but
3 that's just a third scenario.

4 Do you have people in your county who do, in fact, serve
5 as designated people and go and obtain an absentee ballot for
6 that voter and bring it back to the reservation?

7 A Yes, I do. I have -- I've had Jesse James-Hawley, she has
8 picked up, I think, three ballots to date so far. And by law,
9 they can be designated to pick up four ballots for four
10 individuals.

11 Gerald Stiffarm, he works with the college, and he works
12 with the radio station there at Fort Belknap. And also Gerald,
13 associated with the college, on Fridays, they are using the
14 bus, what I understand it's from the college, and they are even
15 transporting voters up to the courthouse if they want to vote
16 absentee or late register. And he told me that he will run
17 that bus three times a day if people would choose to do it.

18 And also Jesse James-Hawley has also been bringing people
19 into the courthouse for rides. Jesse has been working with the
20 Western Native Voices, and she's done a tremendous job on
21 getting voters registered to vote, updating their voter
22 registration. She brought us in hundreds of cards. She did a
23 fabulous job. And Gerald also has done the same.

24 And Eleanor Yellow Robe with the Democratic Party, she's
25 also done some voter registration, also.

1 Q Fourth scenario: Obtain an absentee ballot by coming to
2 your office, taking it home to fill it out and drop it off, or
3 just filling it out right there and handing it to you?

4 A Correct.

5 Q Fifth scenario: Get an absentee ballot through the mail,
6 then send it back to your office with any person they would
7 like?

8 A Yes.

9 Q Sixth scenario: Obtain an absentee ballot any of the
10 three ways, whether it's by mail, in person, or by designated
11 person, and then drop it off at their local polling place on
12 election day, or any polling place in the county that's
13 convenient for them?

14 A Yes.

15 Q That has the added assurance for those people that want to
16 watch their ballot be placed in the hands of or in the ballot
17 envelope of elected -- election officials; is that true?

18 A Yes.

19 MR. SANDVEN: Objection. Leading.

20 THE COURT: That's all right. May be leading, but I
21 let you lead, and I'm going to let her lead.

22 MR. SANDVEN: Yes, Chief Judge.

23 Q (BY MS. FRANKENSTEIN) And --

24 A Yes. What they would do is they would give their ballot
25 to the election judge. And then the election judges, what they

1 do if they have any absentee ballots delivered to the polling
2 place, then they call my office and my office has to go out and
3 pick up the absentee ballots, because the absentee ballots are
4 processed there at the courthouse by the absentee board on
5 election day.

6 Q So this allows somebody to obtain a ballot by any number
7 of ways and really drop it off at any location that's
8 convenient for them on election day at a polling place?

9 A That's correct.

10 Q And then scenario Number 8: The annual absentee list, and
11 I believe you've already described that earlier; is that true?

12 A Yes.

13 And then also, I don't know if you mentioned, there's also
14 the way you can also fax in your absentee ballot request.
15 Maybe you already did mention that. But that's another option.

16 Q Do you keep a map of Blaine County's voter precincts as a
17 part of your duties?

18 A Yes.

19 Q And is that what's depicted in Exhibit 17?

20 A Yes.

21 MS. FRANKENSTEIN: We'd offer Exhibit 17.

22 THE COURT: Seventeen's admitted.

23 Q (BY MS. FRANKENSTEIN) Does this show three precincts on
24 the reservation?

25 A Yes.

1 Q How about reservation Precinct Number 15?

2 A As of October 26th, 47 of the 61 absentee issued are
3 signed up for the annual absentee.

4 Q Allegations in this case are that Native Americans in
5 Blaine County don't like to vote by mail. They do not like to
6 receive absentee ballots by mail.

7 Do your statistics support that allegation?

8 A No. It's growing.

9 Q Are Native Americans in Blaine County able to elect
10 candidates of their choice?

11 A Yes. Native Americans usually vote Democrat. And with
12 the offices for Blaine County, we have mainly Democrat county
13 officials. Only our treasurer is Republican. And our one
14 commissioner, but he doesn't take in -- encompass the
15 reservation, he's Republican.

16 But Delores Plummage is the commissioner that represents
17 the reservation, and she's been elected.

18 Q Is her commissioner district majority Indian?

19 A Yes, it is.

20 Q And is Delores an Indian woman herself?

21 A Yes.

22 And then also, if you look at the state offices, must be
23 just about most of them are all Democrat currently. Both of
24 the U.S. Senators are Democrat. And also, the state OPI,
25 Denise Juneau is also Native American.

1 Q How about the state representative districts?

2 A Yes. That encompasses the reservation, both the house and

3 -- I should say, state house and state senate are Native

4 American.

5 Q In fact, are both of those districts majority Native
6 districts?

7 A Yes.

8 Q So Native Americans can elect candidates of choice even
9 for their state representatives?

10 A Yes.

11 Q How about the second of the three county commissioners
12 that you haven't discussed, Charles Kulbeck?

13 A Charles Kulbeck won -- Precinct 9 is in his district,
14 which he was just appointed. Our Commissioner, Vic Miller,
15 passed away in August. And so we had to go through the
16 procedure of appointing a person, the Democratic Central
17 Committee met to appoint a replacement to go on the ballot,
18 which is this year for Commissioner District 3. And Charles
19 Kulbeck at that Central Committee even had a letter from the
20 council --

21 Q The tribal council?

22 A Yes. The tribal council in support of him being appointed
23 to replace Vic's name on the ballot. And then the Central
24 Committee had to submit three names to the current two
25 commissioners that were there to appoint one of those three

1 names to fulfill Vic's term, which actually ends December 31st
2 of '12. And they appointed Charles Kulbeck.

3 Q So he's a Native American candidate of choice?

4 MR. SANDVEN: Objection. Relevance.

5 THE COURT: Overruled.

6 MR. SANDVEN: Chief Judge, this is 2(b) questions not
7 2(a).

8 THE COURT: Continue.

9 Q (BY MS. FRANKENSTEIN) I was going to ask you --

10 THE COURT: I mean, I overruled it. You can answer.

11 Q (BY MS. FRANKENSTEIN) So my question was: Is

12 Commissioner Charles Kulbeck a Native American candidate of
13 choice in Blaine County?

14 A Yes, he was by -- with his letter, yes.

15 Q I'm going to direct you to your affidavit, paragraph 65.

16 And I think I have the wrong one in here, too.

17 I'm going to ask you about late registration since October
18 23rd.

19 Do you have it in front of you?

20 A Is it like in -- (witness reviewing documents).

21 Q My notes indicate -- oh, paragraph 42.

22 How many late registrations have you received as of
23 October 23rd, when you did this affidavit?

24 A Fifteen.

25 Q How many of those 15 late registrations are from outside

1 answers as you are.

2 MR. SANDVEN: Okay.

3 THE COURT: So we -- go ahead. We got you working
4 the satellite office and George Jones is in there, not the
5 country star, but just old George Jones. And he wants to vote,
6 and you give him this number -- this sequentially-numbered
7 ballot. What will -- can that be done so far?

8 THE WITNESS: Well, it has to -- his absentee, I have
9 to go -- it has to be -- you go to his record and you go
10 through the process in the Montana Votes of putting in -- he
11 wants to vote an absentee ballot. So I have to go through
12 Montana Votes to issue him an absentee ballot.

13 Q (BY MR. SANDVEN) Just for illustrative purposes, like you
14 did before, let me try this with you right now: You're at the
15 satellite --

16 MR. SANDVEN: Can I approach the witness?

17 THE COURT: Yeah.

18 Q (BY MR. SANDVEN) All right.

19 And I go ahead, and let's just say that I'm in the Hays
20 precinct, and it's 001. Okay?

21 So I walk in, and I go: Knock, knock, knock. "Ma'am, I'm
22 at your satellite location. I would like to vote."

23 You get the name from me?

24 A No. They have to actually fill out an application.

25 Q I would fill out the application. I've got -- I can do

1 that right here. Here's my completed application. You would
2 go ahead and say -- you would call your main office and you
3 would say: "I have George" --

4 THE COURT: George Jones is all that was --

5 Q (BY MR. SANDVEN) -- "I have George Jones here, and he has
6 shown me an ID -- or he has told me that he wants to vote."

7 All right?

8 And then you would talk with the person with that fancy C
9 certification, and ask: "Can you check your computer. What
10 ballot can I use?" And we're still on the phone. And while
11 you're on the phone doing that, I'm filling out my application,
12 and I bring it back to you.

13 Are we okay so far?

14 A No. Because the signature has to be compared. The
15 signature on that application has to be compared to the Montana
16 Votes to his voter registration. I have to compare those
17 signatures before I can issue him an absentee ballot. And I
18 can't just -- I have to actually go through the system and
19 issue him an absentee ballot before I can tell what ballot
20 number he has to get.

21 Q So I wouldn't do my ID?

22 A That is not a requirement.

23 Q So then --

24 A I have to follow the law when I issue an absentee ballot.
25 Showing the ID, like I had told you, is not part of it.

1 Can you fax it?

2 THE WITNESS: The application? Which you can fax, by
3 law, of absentee ballot requests.

4 Q (BY MR. SANDVEN) All right.

5 So now, you've faxed it from the satellite, you've faxed
6 it over here to the main office. And they went ahead and said:
7 "Nope, that's not the sequence now. The right number that you
8 have to go ahead and use is this number."

9 So they tell you this on the phone. You could hang up the
10 phone and then you could go ahead and strike out in the corner
11 of the ballot that 001, you could insert 003, like the main
12 office told you to do, initial it, log it. Correct? And then
13 say: "Here's your ballot"?

14 A And that's what I spoke about earlier is I have a problem
15 with -- with crossing out the ballot number. There's a chance
16 I hear something different, write something different down,
17 that I would have to go and actually void that ballot number if
18 it was there at the courthouse. That's the problem I'm having
19 is doing it correctly, the reconciliation, and then if I get
20 questioned on it, actually proving that we did it that way,
21 where here in one place it says George Jones, or whoever he
22 was, got this ballot number, but yet, my other log says that
23 ballot number was voided. That's the problem is --

24 Q No. But I guess I'm having a hard time with your -- is it
25 35 years of experience?