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FILED

FEB 10 2021

ANGIE SPARKS, Clerk of District Court
By *Mary Sparks* Deputy Clerk

Attorney for Petitioner

**IN THE MONTANA FIRST JUDICIAL DISTRICT COURT
LEWIS AND CLARK COUNTY**

THE ASSOCIATED PRESS, THE)
BILLINGS GAZETTE, THE MONTANA)
STANDARD, HELENA INDEPENDENT)
RECORD, LEE ENTERPRISES,)
MOUNTAIN WEST STATES,)
MISSOULIAN, THE MONTANA)
BROADCASTER'S ASSOCIATION,)
THE RAVALLI REPUBLIC, THE RAPID)
CITY JOURNAL, and THE BISMARK)
TRIBUNE,)
)
Petitioners,)
)
vs.)
)
BARRY USHER in his capacity as Chair)
of the Montana House of Representatives,)
Judiciary Committee)
)
Respondent.)

**DECLARATION OF
MARA SILVERS**

County of Lewis and Clark)
) ss
State of Montana)

I, Mara Silvers, having been first duly sworn deposes and says:

1. I am a news reporter for Montana Free Press, a source for fact-based news and data reporting from Montana's leading digital-first newsroom focusing on news of statewide interest.

2. On January 21, 2021, the Respondent conducted a meeting in which the matter of executive action was to be taken on several controversial bills. After convening the meeting, but before a vote was taken, the Respondent recessed the meeting to discuss the bills in the respective Democrat and Republican caucuses.

3. I followed several Republican members of the committee to a room in the basement of the Capitol building in order to observe and report on the matters to be discussed in the caucus. I was told by the Respondent that I was not welcome to stay during the discussion. He informed me that he made three of the members stay out of the meeting so there would be no quorum of the Committee in attendance. He did this "on purpose" so the meeting could be conducted in private. He told me he did this on a normal basis, not just on controversial bills.

4. I left the room, and the door was closed. Representative Derek Skees, a member of the Committee, and one of the members left out of the caucus approached the room. We spoke briefly about the quorum before he entered the room. He explained to me that the Judiciary Committee was composed of 19 members, seven Democrats and 12 Republicans. He calculated that 10 members of

the Committee constituted a quorum and with the three Republicans excluded from the meeting there was no quorum present and the meeting could be closed to the public. I asked him if it was correct that his entry to the room would create a quorum and the public and I could not be excluded. He offered to go into the room and count those present to see if his presence would create a quorum. He said that if his entry meant there were ten members in the room and a quorum, he would leave. He went into the room and came out soon after agreeing that his presence made a quorum.

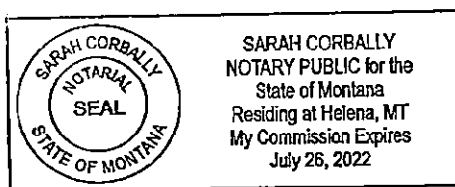
5. The Respondent later defended his action as one that was commonly accepted and utilized by various committee chairs in the past.


AFFIANT SAYS NOTHING FURTHER

DATED this 10 day of February, 2021.


Mara Silvers

Signed and sworn to before me this 10th day of February, 2021.




Notary Public