

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

Montana Democratic Party, Mitch Bohn,

Plaintiffs,

Western Native Voice, Montana Native Vote,
Blackfeet Nation, Confederated Salish and
Kootenai Tribes, Fort Belknap Indian
Community, and Northern Cheyenne Tribe,

Plaintiffs,

Montana Youth Action; Forward Montana
Foundation; and Montana Public Interest
Research Group

Plaintiffs,

v.

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

Defendant.

Consolidated Case No. DV 21-0451

FINAL PRETRIAL ORDER

Pursuant to Rule 16 of the Montana Rules of Civil Procedure and Rule 5 of the Montana Uniform District Court Rules, the final pre-trial conference was held in the above-entitled cause of action on the 2nd day of August, 2022. Plaintiffs Montana Democratic Party and Mitch Bohn (“MDP Plaintiffs”) were represented at the final pre-trial conference by Matthew P. Gordon of Perkins Coie LLP. Plaintiffs Western Native Voice, Montana Native Vote, Blackfeet Nation, Confederated Salish and Kootenai Tribes, Fort Belknap Indian Community, and Northern Cheyenne Tribe (“WNV Plaintiffs”) were represented at the final pre-trial conference by Alex Rate of the ACLU of Montana. Plaintiffs Montana Youth Action, Forward Montana Foundation, and Montana Public Interest Research Group (“Youth Plaintiffs”) were represented at the final

pre-trial conference by Rylee Sommers-Flanagan and Niki Zupanic of Upper Seven Law.

Defendant Christi Jacobsen was represented by Leonard Smith, Lars Phillips, and Mac Morris.

TRIAL PROCEDURES

All parties and witnesses, except those discussed herein, and absent exigent circumstances that would, as necessary, be addressed by the Court, will appear in person. The parties agree that Dr. Alexander Street, Dr. Kenneth Mayer, Sean Trende, and Scott Gessler may appear remotely by Zoom or other appropriate video conferencing system. These witnesses shall be sworn in remotely, and the parties waive any objections they may have to remote swearing in.

AGREED FACTS

The following facts are admitted, agreed to be true, and require no proof:

1. HB 176 was passed by the Montana Legislature and was signed into law by the Governor on April 19, 2021. It was effective upon enactment.
2. On January 15, 2021, Representative Sharon Greef introduced HB 176.
3. On January 21, 2021, the House Committee on State Administration conducted a hearing to consider HB 176.
4. On February 15, 2021, the Senate Committee on State Administration conducted a hearing to consider HB 176.
5. The Secretary of State's Office was a proponent of HB 176 and testified in favor of it at the legislative hearing on January 21, 2021.
6. HB 176 changed the close of the late registration period from 8 p.m. on Election Day to noon the day before the election.
7. SB 169 was passed by the Montana Legislature and was signed into law by the Governor on April 19, 2021. It was effective upon enactment.

8. On January 28, 2021, Senator Mike Cuffe introduced SB 169.
9. On February 3, 2021, the Senate Committee on State Administration conducted a hearing to consider SB 169.
10. On February 19, 2021, the House Committee on State Administration conducted a hearing to consider SB 169.
11. The Secretary of State's Office was a proponent of SB 169 and testified in favor of it at the legislative hearing on February 3, 2021.
12. HB 530 was passed by the Montana Legislature and was signed into law by the Governor on May 14, 2021.
13. On February 19, 2021, Representative Wendy McKamey introduced HB 530.
14. On February 25, 2021, the House Committee on State Administration conducted a hearing to consider HB 530.
15. On March 31, 2021, the Senate Committee on State Administration conducted a hearing to consider HB 530.
16. On April 26, 2021, HB 530 was amended on the floor of the Senate.
17. The amended version of HB 530 passed 67-34.
18. Defendant Christi Jacobsen is the Secretary of State of the State of Montana.
19. Montana is home to seven Indian reservations: the Blackfeet Indian Reservation, the Crow Reservation, the Flathead Reservation, the Fort Belknap Reservation, the Fort Peck Indian Reservation, the Northern Cheyenne Indian Reservation, and the Rocky Boy's Reservation.
20. These reservations intersect with sixteen counties: Glacier and Pondera Counties (the Blackfeet Indian Reservation); Big Horn and Yellowstone Counties (the Crow Reservation);

Lake, Sanders, and Missoula Counties (the Flathead Reservation); Blaine and Phillips Counties (the Fort Belknap Reservation); Valley, Daniels, Roosevelt, and Sheridan Counties (the Fort Peck Indian Reservation); Big Horn and Rosebud Counties (the Northern Cheyenne Indian Reservation); and Hill and Chouteau Counties (the Rocky Boy's Reservation).

21. Blackfeet Nation is a sovereign, federally recognized tribe.
22. The Blackfeet Reservation is located in northwestern Montana.
23. The Confederated Salish and Kootenai Tribes of the Flathead Reservation ("CSKT") is a sovereign, federally recognized tribe.
24. The Flathead Reservation is located in western Montana.
25. The Fort Belknap Indian Community is a sovereign, federally recognized tribe.
26. The Fort Belknap Reservation is home to the Assiniboiné (Nakota) and Gros Ventre (Aaniiih) Tribes and is governed by a tribal council.
27. The Northern Cheyenne Tribe is a sovereign, federally recognized tribe.
28. Election Day Registration ("EDR") was established in Montana as part of SB 302 in 2005.
29. Ballots may be dropped off at county election offices during the early voting period.
30. A Montana voter can track the status of their absentee ballot using the My Voter Page on the Secretary of State's website or by calling the Secretary of State's office to verify receipt.

PLAINTIFFS' CONTENTIONS

Plaintiffs' contentions are as follows:

1. MDP and Youth Plaintiffs contend that SB 169 is unconstitutional under Article II, § 13 of the Montana Constitution because it unduly burdens Montanans' right to vote, does not advance a compelling or legitimate state interest, and even if it did, is not the least onerous path to achieving a compelling or legitimate state interest.
2. MDP, Youth, and WNV Plaintiffs contend that HB 176 is unconstitutional under Article II, § 13 of the Montana Constitution because it unduly burdens Montanans' right to vote, does not advance a compelling or legitimate state interest, and even if it did, is not the least onerous path to achieving a compelling or legitimate state interest.
3. MDP and WNV Plaintiffs contend that HB 530 § 2 is unconstitutional under Article II, § 13 of the Montana Constitution because it unduly burdens Montanans' right to vote, does not advance a compelling or legitimate state interest, and even if it did, is not the least onerous path to achieving a compelling or legitimate state interest.
4. MDP Plaintiffs contend that HB 530 § 2 is unconstitutional under Article II, §§ 6, 7 of the Montana Constitution because it inhibits MDP's and other organizations' political speech and expressive conduct, does not advance a compelling or legitimate state interest, and even if it did, is not narrowly tailored to advancing any such interest.
5. WNV Plaintiffs contend that HB 530 § 2 is unconstitutional under Article II, § 7 of the Montana Constitution because it inhibits WNV's and other organizations' political speech and expressive conduct, does not advance a compelling or legitimate state interest, and even if it did, is not narrowly tailored to advancing any such interest.

6. MDP and Youth Plaintiffs contend that SB 169 is unconstitutional under Article II, § 4 of the Montana Constitution because it discriminates against youth voters, does not advance any compelling or legitimate state interest, and even if it did, is not the least onerous path to achieving a compelling or legitimate state interest.

7. MDP and Youth Plaintiffs contend that HB 176 is unconstitutional under Article II, § 4 of the Montana Constitution because it discriminates against youth voters, does not advance any compelling or legitimate state interest, and even if it did, is not the least onerous path to achieving a compelling or legitimate state interest.

8. WNV Plaintiffs contend that HB 176 is unconstitutional under Article II, § 4 of the Montana Constitution because it violates WNV Plaintiffs' and Native American voters' constitutional right to equal protection under the law, does not advance any compelling or legitimate state interest, and even if it did, is not the least onerous path to achieving a compelling or legitimate state interest.

9. MDP Plaintiffs contend that HB 530 § 2 is unconstitutional under Article II, § 4 of the Montana Constitution because it discriminates against youth voters, does not advance any compelling or legitimate state interest, and even if it did, is not the least onerous path to achieving a compelling or legitimate state interest.

10. WNV Plaintiffs contend that HB 530 § 2 is unconstitutional under Article II, § 4 of the Montana Constitution because it violates WNV Plaintiffs' and Native American voters' constitutional right to equal protection under the law, does not advance any compelling or legitimate state interest, and even if it did, is not the least onerous path to achieving a compelling or legitimate state interest.

11. MDP Plaintiffs contend that HB 530 § 2 is unconstitutional under Article II, § 17 of the Montana Constitution because it creates a high risk that Montanans will be erroneously deprived the right to vote.

12. MDP and WNV Plaintiffs contend that HB 530 § 2 is unconstitutional under Article II, § 17 of the Montana Constitution because it is impermissibly vague.

13. MDP Plaintiffs contend that HB 530 § 2 is an unconstitutional delegation of legislative power under Article V, § 1 of the Montana Constitution because it does not define “pecuniary benefit” or provide a policy, standard, or rule to guide the Secretary in applying the ballot assistance ban.

14. MDP Plaintiffs contend that HB 530 § 1 is an unconstitutional delegation of legislative power under Article V, § 1 of the Montana Constitution because it does not provide a policy, standard, or rule to guide the Secretary in adopting rules defining and governing election security or prescribe with reasonable clarity the limits of the power delegated to the Secretary.

15. The Plaintiffs deny each of Defendant’s contentions not specifically stipulated to in the Final Pretrial Order.

DEFENDANT’S CONTENTIONS

1. The Secretary contends the constitutionality of a statute is a matter of law and that trial is unnecessary.

2. The Secretary contends Plaintiffs must prove HB 176, SB 169, and HB 530 unconstitutional beyond a reasonable doubt.

3. The Secretary contends the constitutionality of HB 176, SB 169, and HB 530 should be reviewed under the *Anderson-Burdick* standard.

4. The Secretary contends HB 176, SB 169, and HB 530 are reasonable procedural requirements tailored to ensure the integrity, reliability, and fairness of its election processes.

5. The Secretary contends application of strict scrutiny to HB 176, SB 169, and HB 530 is not appropriate because each law imposes a minimal, constitutionally permissible, burden on voters, if any.

6. The Secretary contends Montana's Constitution grants the Legislature explicit authority to provide by law the requirements for residence, registration, absentee voting, and administration of election, which includes regulating ballot collection, the close of the registration period, and the documentation required in order to vote.

7. The Secretary contends Montana's Constitution grants the Legislature the discretion to enact election day registration or not and requires the Legislature to pass laws to insure the purity of elections and guard against abuses of the electoral process.

8. The Secretary contends SB 169 is constitutional, does not impermissibly interfere with the exercise of a fundamental right found in Montana's Constitution, and is narrowly tailored to the compelling state interests it advances.

9. The Secretary contends HB 176 is constitutional, does not impermissibly interfere with the exercise of a fundamental right found in Montana's Constitution, and is narrowly tailored to the compelling state interests it advances.

10. The Secretary contends HB 530 § 2 is constitutional, does not unduly burden a fundamental right found in Montana's Constitution, and is narrowly tailored to the compelling state interests it advances.

11. The Secretary contends HB 530 § 2 does not violate Article II, § 7 of Montana's Constitution because paid ballot collection is not expressive conduct subject to First Amendment protections.

12. The Secretary contends HB 530 § 2 does not implicate Article II, § 6 of Montana's Constitution.

13. The Secretary contends Plaintiffs have failed to state an equal protection claim as to SB 169 because they have not identified how SB 169 creates two similarly situated classes of persons, have not established the Legislature intended to discriminate against any class of persons when enacting SB 169, and have not established that SB 169 imposes different burdens on different classes of persons.

14. The Secretary contends Plaintiffs have failed to state an equal protection claim as to HB 176 because they have not identified how HB 176 creates two similarly situated classes of persons, have not established the Legislature intended to discriminate against any class of persons when enacting HB 176, and have not established that HB 176 imposes different burdens on different classes of persons.

15. The Secretary contends Plaintiffs have failed to state an equal protection claim as to HB 530 § 2 because they have not identified how HB 530 § 2 creates two similarly situated classes of persons, have not established the Legislature intended to discriminate against any class of persons when enacting HB 530 § 2, and have not established that HB 530 § 2 imposes different burdens on different classes of persons.

16. The Secretary contends that HB 530 § 2 does not violate Article II, Section 17, of Montana's Constitution because the procedure it contains allows all persons to receive notice and

opportunity to participate in the forthcoming administrative rule and HB 530 § 2 is not unconstitutionally vague.

17. The Secretary contends SB 169 is narrowly tailored to the State's compelling interests in (1) insuring the orderly, accurate, and effective administration of elections, (2) imposing reasonable procedural requirements tailored to ensure the integrity, reliability, and fairness of its election processes, (3) safeguarding voter confidence in elections, and, (4) deterring and detecting voter fraud, because it prioritizes government-issued forms of identification which are regulated by state or federal statute, making them more recognizable and uniform and harder to fake.

18. The Secretary contends HB 176 is narrowly tailored to the State's compelling interests in (1) insuring the orderly, accurate, and effective administration of elections, (2) imposing reasonable procedural requirements tailored to ensure the integrity, reliability, and fairness of its election processes, (3) preventing voter fraud, and, (4) safeguarding public confidence in elections because it allows registration up and until noon the day before Election Day, only restricts certain kinds of registration on Election Day, and provides various options for voters who attempt to register to vote on Election Day.

19. The Secretary contends HB 530 is narrowly tailored to the State's compelling interests in (1) regulating money in politics, (2) preventing voter fraud, (3) preventing the coercion and intimidation of voters, (4) safeguarding public confidence in elections, and (5) imposing reasonable procedural requirements tailored to ensure the integrity, reliability, and fairness of its election processes because it restricts only paid ballot collection while allowing unpaid ballot collection to continue, includes exemptions for governmental entities, utilizes the administrative rulemaking process to insure interested entities and individuals are allowed to

raise concerns and identify potential issues, and delegates authority to determine the specific language of the regulation to the State's chief election official who can, in turn, rely on staff expertise when crafting the regulation.

20. The Secretary contends that HB 530 § 2 is a valid delegation of legislative power.
21. The Secretary contends that HB 530 § 1 is a valid delegation of legislative power.
22. The Secretary contends Plaintiffs' challenge to HB 530 § 2 is not ripe.
23. The Secretary contends Plaintiffs lack standing to challenge the laws challenged in this lawsuit.
24. The Secretary contends Plaintiffs' challenges to the laws at issue are barred by the doctrine of separation of powers.
25. The Secretary contends Plaintiffs' challenges to the laws are barred by Montana's Constitution as given additional effect by the Elections Clause of the United States Constitution.
26. The Secretary denies each and every contention of Plaintiffs.

EXHIBITS

PLAINTIFFS:

The attached exhibit list, Tab A, identifies Plaintiffs' exhibits known as of this date.

DEFENDANTS:

The attached exhibit list, Tab B, identifies Defendant's exhibits known as of this date.

WITNESSES

The following witnesses and no others will or may be called to testify except on rebuttal or for impeachment.

PLAINTIFFS:

The attached Tab C identifies Plaintiffs' witnesses.

DEFENDANT:

The attached Tab D identifies Defendant's witnesses.

ISSUES OF FACT

PLAINTIFFS

Plaintiffs incorporate by reference the facts set forth in Plaintiffs' forthcoming Proposed Findings of Fact and Conclusions of Law.

DEFENDANT

Defendant incorporates by reference the facts set forth in Defendant's forthcoming Proposed Findings of Fact and Conclusions of Law.

ISSUES OF LAW

The following issues of law, and no others, remain to be litigated upon the trial:

1. Whether SB 169 violates MDP and Youth Plaintiffs', and other Montanans' constitutional right to vote.
2. Whether HB 176 violates MDP, Youth, and WNV Plaintiffs', and other Montanans' constitutional right to vote.
3. Whether HB 530 § 2 violates MDP and WNV Plaintiffs', and other Montanans' constitutional right to vote.
4. Whether HB 530 § 2 violates MDP and WNV Plaintiffs' constitutional right to freedom of speech.
5. Whether SB 169 violates MDP and Youth Plaintiffs' and other Montanans' constitutional right to equal protection under the law.
6. Whether HB 176 violates MDP, Youth, and WNV Plaintiffs' and other Montanans' constitutional right to equal protection under the law.

7. Whether HB 530 § 2 violates MDP and WNV Plaintiffs' and other Montanans' constitutional right to equal protection under the law.

8. Whether HB 530 § 2 violates MDP and WNV Plaintiffs' and other Montanans' constitutional right to due process.

9. Whether HB 530 § 2 is an unconstitutional delegation of legislative authority.

10. Whether HB 530 § 1 is an unconstitutional delegation of legislative authority.

11. Whether SB 169 should be permanently enjoined.

12. Whether HB 176 should be permanently enjoined.

13. Whether HB 530 § 1 should be permanently enjoined.

14. Whether HB 530 § 2 should be permanently enjoined.

Defendant contends that the following issues of law remain to be litigated upon the trial:

15. Whether Plaintiffs lack standing for their claims.

16. Whether Plaintiffs' challenge to HB 530 § 2 is ripe.

17. Whether Plaintiffs' challenges to the laws at issue are barred by the doctrine of separation of powers.

In light of the Court's prior rulings, the parties agree that the following issues are not legal issues that remain in dispute for purposes of trial, but reserve these issues for purposes of appeal:

1. Whether HB 506 violates Youth Plaintiffs' constitutional right to vote.

2. Whether HB 506 violates Youth Plaintiffs' constitutional right to equal protection under the law.

3. Whether HB 506 violates Youth Plaintiffs' constitutional right to equal access to fundamental rights for minors.

DISCOVERY

The Parties have agreed to the following schedule for designating deposition testimony for use at trial:

- The Parties shall exchange initial designations on August 3, 2022.
- The Parties shall exchange counter designations on August 8, 2022.
- The Parties shall exchange counter-counter designations on August 10, 2022.
- The Parties shall submit these deposition designations, along with any objections, to the Court on August 11, 2022. Any objections not made to deposition designations at that time shall be waived.

The Parties acknowledge that their respective forthcoming deposition designations may involve deposition exhibits corresponding to designated testimony that were not identified on the Parties' respective trial exhibit lists, and the Parties agree that that any such documents may be used, subject to objections, if they are identified when deposition designations are exchanged. The Parties may object to any such documents up until the time that the designations and objections are submitted to the Court on August 11, 2022.

The Parties agree that Plaintiffs will not submit deposition designations on August 3 for Janel Tucek, Doug Ellis, Steve Fitzpatrick, and Greg Hertz based on the understanding that the Secretary will call those witnesses to testify at trial, but Plaintiffs reserve the right to submit deposition designations for any such witness who does not actually appear at trial.

PLAINTIFFS

The Plaintiffs intend to use all or part of the following interrogatories, requests for admissions, and answers and responses of Defendants at trial.

1. Plaintiffs will use all or parts of the Defendants' Answer.

2. Plaintiffs will use all or parts of the following responses to Plaintiffs' discovery requests:

- a. Defendant's Responses to MDP Plaintiffs' First Interrogatories;
- b. Defendant's First Supplemental Responses to MDP Plaintiffs' First Combined Discovery Requests;
- c. Defendant's Second Supplemental Responses to MDP Plaintiffs' First Interrogatories;
- d. Defendant's Responses to MDP Plaintiffs' First Requests for Admission;
- e. Defendant's Responses to WNV Plaintiffs' First Discovery Requests;
- f. Defendant's First Supplemental Response to WNV Plaintiffs' First Discovery Requests;
- g. Defendant's Second Supplemental Response to WNV Plaintiffs' First Discovery Requests;
- h. Defendant's Third Supplemental Response to WNV Plaintiffs' First Discovery Requests;
- i. Defendant's Fourth Supplemental Response to WNV Plaintiffs' First Discovery Requests;
- j. Defendant's Supplemental Production Report to WNV Plaintiffs;
- k. Defendant's Responses to Youth Plaintiffs' First Combined Discovery Requests;
and
- l. Defendant's Supplemental Responses to Youth Plaintiffs' First Combined Discovery Requests.

DEFENDANT

Defendant intends to use all or part of the following interrogatories, requests for admissions, and answers and responses of Defendants at trial:

1. Plaintiff Montana Democratic Party's Responses to Defendant's First Combined Discovery Requests;

2. Plaintiff Montana Democratic Party's Amended Responses to Defendant's First Combined Discovery Requests;

3. Plaintiff Confederated Salish and Kootenai Tribes' Responses to Defendant's First Combined Discovery Requests;

4. Plaintiff Confederated Salish and Kootenai Tribes' First Supplemental Response to Defendant's First Combined Discovery Requests;

5. Plaintiff Montana Native Vote's Responses to Defendant's First Combined Discovery Requests;

6. Plaintiff Montana Native Vote's First Supplemental Response to Defendant's First Combined Discovery Requests;

7. Plaintiff Northern Cheyenne Tribe's Response to Defendant's First Combined Discovery Requests;

8. Plaintiff Western Native Voice's Response to Defendant's First Combined Discovery Requests;

9. Plaintiff Western Native Voice's First Supplemental Responses to Defendant's First Combined Discovery Requests;

10. Plaintiff Blackfeet Nation's Response to Defendant's First Combined Discovery Requests;

11. Plaintiff Blackfeet Nation's First Supplemental Responses to Defendant's First Combined Discovery Requests;

12. Plaintiff Fort Belknap Indian Community's Response to Defendant's First Combined Discovery;

13. Plaintiff Fort Belknap Indian Community's First Supplemental Responses to Defendant's First Combined Discovery Requests;

14. Youth Plaintiffs' Response to Defendant's First Combined Discovery Requests;

15. Montana Youth Action's Supplemental Production to Jacobsen's First Discovery Requests;

16. Youth Plaintiffs' Supplemental Responses to Defendant's First Combined Discovery Requests.

ADDITIONAL PRE-TRIAL DISCOVERY

PLAINTIFFS:

None

DEFENDANT:

Deposition of Geraldine Custer on August 3, 2022.

STIPULATIONS

No stipulations other than those as to fact and documents described at the beginning of this Order.

DETERMINATIONS OF LEGAL QUESTIONS IN ADVANCE OF TRIAL

Pending are the following motions:

- Plaintiffs' Motion in Limine (potential)
- Defendant's Motion to Strike Expert Testimony of Yael Bromberg, dated July 8, 2022

- Defendant's Motions in Limine
- MDP Plaintiffs' Motions to Admit Stephanie Command and Jessica Frenkel pro hac vice

ADDITIONAL ISSUES

The parties request that lay witnesses be excluded from the courtroom before they testify. The parties disagree as to the appropriate distribution of time. Plaintiffs contend that they should have seven days to present their case in chief and Defendant three, while Defendant contends that the parties should split the time evenly to present their cases in chief.

TRIAL

It is estimated that the case will require 10 days for trial. The case will be tried before the Court without a jury. All parties and witnesses shall appear in person, except as otherwise noted in this Order or as subsequently agreed to by the Parties or ordered by the Court.

IT IS HEREBY ORDERED that this Pre-trial Order shall supersede the pleadings and govern the course of the trial of this cause, unless modified to prevent manifest injustice.

IT IS HEREBY ORDERED that all pleadings herein shall be amended to conform to this Pre-trial Order.

DATED THIS ____ day of August, 2022.

Hon. Michael Moses
District Court Judge

APPROVED AS TO FORM AND CONTENT:

By: /s/ Matthew P. Gordon
Matthew P. Gordon
Perkins Coie LLP
Attorney for MDP Plaintiffs

/s/ Alex Rate
Alex Rate
ACLU-MT
Attorney for WNV Plaintiffs

/s/ Rylee Sommers Flanagan
Rylee Sommers Flanagan
Upper Seven Law
Attorney for Youth Plaintiffs

By: /s/ Leonard H. Smith
Leonard H. Smith
Crowley Fleck PLLP
Attorney for the Defendant

TAB A

PLAINTIFFS' AMENDED PRELIMINARY TRIAL EXHIBIT LIST

TX No.	Bates Number Range	Date	Description	Authenticity Stipulated (Y/N)	Admissibility Stipulated (Y/N)	Objection (Basis)	Admitted (Y/N)
P001		undated	Montana House Bill No. 176 (<i>Dkt. 69 - Gordon Declaration Ex. 6</i>)				
P002		undated	Montana Senate Bill No. 190.04 (<i>Dkt. 69 - Gordon Declaration Ex. 19</i>)				
P003		undated	Montana House Bill No. 406.2 (<i>Dkt. 69 - Gordon Declaration Ex. 33</i>)				
P004			Withdrawn				
P005			Withdrawn				
P006			Withdrawn				
P007			Withdrawn				
P008			Withdrawn				
P009		undated	Montana House Bill No. 530 (<i>James DX 17</i>)				
P010		undated	Montana House Bill No. 530.2 (<i>Hertz DX 20</i>)				
P011		undated	Montana Senate Bill No. 169 (<i>McDonald - 30(b)(6) CSKT DX 62 and Reese-Hansell DX 43</i>)				
P012		undated	Montana Senate Bill No. 280 (<i>Dkt. 69 - Gordon Declaration Ex. 23</i>)				
P013		undated	Montana Senate Bill No. 302 (<i>Dkt. 69 - Gordon Declaration Ex. 3</i>)				
P014		undated	Montana Senate Bill No. 352.02 (<i>Hertz DX 14</i>)				

PLAINTIFFS' AMENDED PRELIMINARY TRIAL EXHIBIT LIST

TX No.	Bates Number Range	Date	Description	Authenticity Stipulated (Y/N)	Admissibility Stipulated (Y/N)	Objection (Basis)	Admitted (Y/N)
P015		4/19/2021	Bill Actions for Montana House Bill No. 176 (<i>Dkt. 69 - Gordon Declaration Ex. 7</i>)				
P016		4/29/2021	Bill Actions for Montana House Bill 406 (<i>Dkt. 69 - Gordon Declaration Ex. 34</i>)				
P017			Withdrawn				
P018		5/14/2021	Bill Actions for Montana House Bill No. 530 (<i>Dkt. 69 - Gordon Declaration Ex. 10</i>)				
P019		4/19/2021	Bill Actions for Montana Senate Bill No. 169 (<i>Dkt. 69 - Gordon Declaration Ex. 8</i>)				
P020		4/19/2005	Bill Actions for Montana Senate Bill No. 302 (<i>Dkt. 69 - Gordon Declaration Ex. 12</i>)				
P021	SOS-MT004438	undated	Lobbying Bill List (<i>James - 30(b)(6) MT SOS DX 5</i>)				
P022		4/1/2021	Montana Voter Registration Application dated April 2021 (<i>James - 30(b)(6) MT SOS DX 13</i>)				
P023	SOS-MT003031	undated	Montana Polling Place Identification Form (<i>Dkt. 165 - Gordon Declaration Ex. 29</i>)				
P024	SOS-MT003040	4/23/2021	Declaration of Impediment for an Elector updated April 23, 2021				
P025	SOS-MT004358	6/21/2021	Polling-Place-Elector ID (draft - updated June 21, 2021)				
P026		undated	Voter Registration Application - Thomas Bogle (<i>Bogle DX 164</i>) <i>Note: Privacy redactions applied to trial exhibit version.</i>				

PLAINTIFFS' AMENDED PRELIMINARY TRIAL EXHIBIT LIST

TX No.	Bates Number Range	Date	Description	Authenticity Stipulated (Y/N)	Admissibility Stipulated (Y/N)	Objection (Basis)	Admitted (Y/N)
P027		9/30/2021	Voter Registration Form - Thomas Bogle dated 9/30/2021 (Bogle DX 161) <i>Note: Privacy redactions applied to trial exhibit version.</i>				
P028		10/31/2021	Application for Absentee Ballot - Thomas Bogle dated 10/31/2021 (Bogle DX 162) <i>Note: Privacy redactions applied to trial exhibit version.</i>				
P029		5/4/2018	Application for Absentee Ballot - Sarah Denson dated 5/4/2018 (Denson DX 145) <i>Note: Privacy redactions applied to trial exhibit version.</i>				
P030		5/7/2019	Voter Registration Form - Sarah Denson dated 5/7/2019 (Denson DX 146) <i>Note: Privacy redactions applied to trial exhibit version.</i>				
P031		11/2/2021	Montana Voter Registration Application - Sarah Denson dated 11/2/2021 (Denson DX 152) <i>Note: Privacy redactions applied to trial exhibit version.</i>				
P032		4/12/2022	Montana Voter Registration Application - Mitchell Bohn dated 4/12/2022 (Bohn DX 58) <i>Note: Privacy redactions applied to trial exhibit version.</i>				
P033		4/3/2013	Senate Bill 405 Audio Transcription Senate State Administration Hearing April 3, 2013				

PLAINTIFFS' AMENDED PRELIMINARY TRIAL EXHIBIT LIST

TX No.	Bates Number Range	Date	Description	Authenticity Stipulated (Y/N)	Admissibility Stipulated (Y/N)	Objection (Basis)	Admitted (Y/N)
P034		4/15/2013	Senate Bill 405 Audio Transcription Senate State Administration Hearing April 15, 2013				
P035			Withdrawn				
P036	SOS-MT001265 - SOS-MT001303	8/9/2016	Election 2016 Preparing for a Presidential Election - #BeReady16 - Montana Association of Clerks and Records and Election Administrators - August 9, 2016				
P037		10/1/2017	Montana Tribal IDs - It's the Law! (<i>McDonald</i> - 30(b)(6) CSKT DX 60)				
P038		3/22/2017	Montana Ballot Collection Audio Transcription Senate State Administration March 22, 2017				
P039		3/30/2017	Montana Ballot Collection 4005-0129 Audio Transcription Senate Floor Session March 30, 2017				
P040		4/6/2017	Montana Ballot Collection 4005-0129 Audio Transcription House Judiciary Committee April 6, 2017				
P041		4/12/2017	Montana Ballot Collection 4005-0129 Audio Transcription House Floor Session April 12, 2017				
P042	MDP010432 - MDP010434	5/27/2017	Email from T. Bolger re same day registration doc with attachment dated 5/25/2017				
P043		3/13/2019	AP.com article titled: "Flathead, Montana see big Increase in Young Voters" (<i>Dkt. 70 - Sommers-Flanagan Declaration Ex. A-2</i>)				
P044	SOS-MT017382 - SOS-MT017488	2020	2020 Montana Election Judge Handbook (<i>Dkt. 139 - Gordon Declaration Ex. 1</i>)				

PLAINTIFFS' AMENDED PRELIMINARY TRIAL EXHIBIT LIST

TX No.	Bates Number Range	Date	Description	Authenticity Stipulated (Y/N)	Admissibility Stipulated (Y/N)	Objection (Basis)	Admitted (Y/N)
P045		2/27/2020	Montana Ballot Collection 4005-0129 Audio Transcription State Administration and Veteran Affairs Committee February 27, 2020				
P046	SOS-MT002962-SOS-MT002963	6/3/2020	Email from N. Scribner [EXTERNAL] Re: Ballot dated 6/3/2020 (<i>James - 30(b)(6) MT SOS DX 25</i>)				
P047		6/5/2020	Platform of the Montana Democratic Party Adopted June 5, 2020				
P048	MDP010756 - MDP010758	undated	MTCC Ballot Collection Plan				
P049	Tribal Pls. HB_000562 - Tribal Pls. HB_000568	9/15/2020	Letters between Fort Belknap Indian Community and Blaine County Commissioners re alternative election office sites/times (Sept 8-15, 2020) (<i>Cuts The Rope DX 3</i>)				
P050	MDP010785 ; MDP010801; MDP010811; MDP010818; MDP010837; MDP010848; MDP010859; MDP010977	10/8/2020	Letters sent from Montana Democrats re Native Vote Program Ballot Collectors dated 10/8/2020				
P051	MDP10868; MDP010964-MDP010965	10/18/2020	Email from M. Willey re Thanks for attending our training dated 10/18/2020 with attachment				
P052	Tribal Pls. HB_000441 - Tribal Pls. HB_000449	10/19/2020	Email from Delina Cuts The Rope re Alternate election site clarification during shutdown dated 10/19/2020 (<i>Cuts The Rope DX 5</i>)				
P053	Tribal Pls. HB_000509 - Tribal Pls. HB_000513	undated	Fort Belknap Indian Community Testimony in Opposition of HB 406 to Revise Absentee and Mail Ballot Laws - President Andrew Werk, Jr. (<i>note: select pages of this exhibit were marked as Cuts The Rope DX 2</i>)				

PLAINTIFFS' AMENDED PRELIMINARY TRIAL EXHIBIT LIST

TX No.	Bates Number Range	Date	Description	Authenticity Stipulated (Y/N)	Admissibility Stipulated (Y/N)	Objection (Basis)	Admitted (Y/N)
P054	MDP010981; MDP010988- MDP010989; MDP010995- MDP010997; MDP011005; MDP011007-MDP011008; MDP011010; MDP011015- MDP011016	10/30/2020 - 11/3/2020	Emails sent from Ali Amadon re Ballot Collection Chase dated 10/30/2020-11/3/2020				
P055	MDP010991 - MDP010994	11/1/2020	Email from A. Snow re Final Four Ballot Collectors HOW TO dated 11/1/22020 with attachment				
P056		11/3/2020	Montana Secretary of State, Absentee Voting Instructions – 2020 General Election Polling Place				
P057	SOS MT 001174 - SOS MT 001175	11/3/2020	Email from D. Corson re Long lines being reported in counties dated 11/3/2020				
P058		11/1/2020	University of Montana, Department of Public Administration & Policy Report titled: Missoula County November 2020 General Election Experience				
P059	SOS-MT04857 - SOS-MT04862	12/21/2020	Email from S. Scurr re Sec. of State Bill Requests dated 12/21/2020 (<i>Dkt. 177 - Gordon Declaration Ex. J</i>)				
P060			Withdrawn				
P061			Withdrawn				
P062	SOS-MT004886-SOS-MT004887	1/13/2021	Christi Jacobsen Montana Secretary of State - Election Bills as of January 13, 2021				
P063	SOS-MT004906 - SOS-MT004907	1/18/2021	Email from S. Scurr RE: [EXTERNAL] Re: LC 1329 - voter ID dated 1/18/2021 (<i>James DX 11</i>)				

PLAINTIFFS' AMENDED PRELIMINARY TRIAL EXHIBIT LIST

TX No.	Bates Number Range	Date	Description	Authenticity Stipulated (Y/N)	Admissibility Stipulated (Y/N)	Objection (Basis)	Admitted (Y/N)
P064	SOS-MT000694 - SOS-MT000697	1/19/2021	Email from A. Nunn RE: Election Bills from A. Nunn dated 1/19/2021 with attachment (<i>Dkt. 177 - Gordon Declaration Ex.D</i>)				
P065		1/19/2021	Election Bills as of January 19, 2021, from Secretary of State Christi Jacobsen (<i>Fitzpatrick DX 119</i>)				
P066	SOS MT 000499	1/19/2021	Email from D. Corson re Rep Greef talking points DRAFT dated 1/19/2021 (<i>James - 30(b)(6) MT SOS DX 8</i>)				
P067	SOS-MT004894	1/19/2021	Email from D. Corson FW: LC 868 and LC 1329 dated 1/19/2021 (<i>Dkt. 178 - Gordon Declaration Ex. W</i>)				
P068	SOS-MT000521 - SOS-MT000522	1/20/2021	Email from S. Greef [EXTERNAL] RE: Zoom Speakers Jan 21, 2021 dated 1/20/2021 (<i>James - 30(b)(6) MT SOS DX 6</i>)				
P069	unnumbered (printed with database tracking number: Disco ID 21410)	1/21/2021	Spreadsheet filename: 1-21-21 Zoom Speakers.xlsx				
P070		1/21/2021	HB 176 Hearing Transcript from the Montana House State Administrative Hearing on January 21, 2021				
P071	SOS-MT000759 - SOS-MT000760	1/22/2021	Email from A. Nunn re Task List dated 1/22/2021 (<i>Dkt. 178 - Gordon Declaration Ex.AA</i>)				
P072	SOS-MT004882 - SOS-MT004883	1/22/2021	Email from A. Belke [EXTERNAL] Voter ID Bil dated 1/22/2021 (<i>James DX 13</i>)				
P073	SOS-MT005017 - SOS-MT005022	1/26/2021	Email from A. Nunn re Voter ID Draft dated 1/26/2021 with attachment				

PLAINTIFFS' AMENDED PRELIMINARY TRIAL EXHIBIT LIST

TX No.	Bates Number Range	Date	Description	Authenticity Stipulated (Y/N)	Admissibility Stipulated (Y/N)	Objection (Basis)	Admitted (Y/N)
P074	SOS-MT004874	1/26/2021	Email from A. Belke re [EXTERNAL] Re: Final Bill Draft Voter ID dated 1/26/2021 (<i>Dkt. 178 - Gordon Declaration Ex. X</i>)				
P075	SOS MT 000981	1/26/2021	Email from A. Nunn re Election Security Bill dated 1/26/2021				
P076	SOS MT 001109 - SOS MT 001112	1/28/2021	Email from A. Nunn re Priority #5 Bill Draft dated 1/28/2021				
P077	SOS 039361 - SOS 039362	1/28/2021	Email from S. Greef [EXTERNAL] RE: HB 176 information dated 1/28/2021 (<i>James - 30(b)(6) MT SOS DX 9</i>)				
P078	SOS-MT004013-SOS-MT004017	1/29/2021	Email from R. Melby Fw: 176 Notes dated 1/29/2021				
P079	SOS-MT003854 - SOS-MT003856	1/31/2021	Email from A. Nunn re Priority Bill List dated 1/31/2021 (<i>James - 30(b)(6) MT SOS DX 3</i>)				
P080	SOS 039555 - SOS 039556	2/1/2021	Email from A. Nunn FW: [EXTERNAL] General Inquiries & MT Constitution Requests dated 2/1/2021 (<i>James - 30(b)(6) MT SOS DX 7</i>)				
P081	SOS-MT000679 - SOS-MT000680	2/2/2021	Email from A. Nunn RE: General Inquiries & MT Constitution Requests dated 2/2/2021				
P082		2/3/2021	Senate Bill 169 Audio Transcription Senate State Administration Hearing February 3, 2021				
P083	MTSOS-MYA000031 - MTSOS-MYA000032	2/3/2021	Email from A. James re FW: LC 1037-Generally Revise Draft (<i>Dkt. 178 - Gordon Declaration Ex. N</i>)				
P084	SOS-MT00985 - SOS-MT00988	2/4/2021	Email from A. Nunn re FW: LC 0316 dated 2/4/2021 with attachment (<i>Dkt. 178 - Gordon Declaration Ex. S</i>)				

PLAINTIFFS' AMENDED PRELIMINARY TRIAL EXHIBIT LIST

TX No.	Bates Number Range	Date	Description	Authenticity Stipulated (Y/N)	Admissibility Stipulated (Y/N)	Objection (Basis)	Admitted (Y/N)
P085	SOS MT 001140 - SOS MT 001143	2/5/2021	Email from A. Nunn RE: SB 316 dated 2/5/2021				
P086			Withdrawn				
P087			Withdrawn				
P088	MTSOS-MYA000035 - MTSOS-MYA000036	2/10/2021	Email from C. Jacobsen RE: dated 2/10/2021 (<i>Dkt. 178 - Gordon Declaration Ex. T</i>)				
P089	MTSOS-MYA000029-MTSOS-MYA000030	2/11/2021	Email from PCF (P. Fielder) to A. Nunn re [EXTERNAL] RE: RE: Election Bill dated 2/22/2021 (<i>Dkt. 153 - Sommers-Flanagan Declaration Ex. A</i>)				
P090	SOS MT 00979 - SOS MT 00980	2/12/2021	Email from W. McKamey [EXTERNAL] Re: FW: LC 316 dated 2/12/2021				
P091		2/15/2021	Montana Senate Committee on State Administration Hearing on February 15, 2021				
P092			Withdrawn				
P093	SOS-MT000820 - SOS-MT000826 (also bates stamped SOS 039391 - SOS039397)	2/17/2021	Email from A. Nunn RE: FN for HB 406 SOS 2-12-21 dated 2/17/2021 with attachment				
P094		2/22/2021	Senate Bill 169 Audio Transcription House Administration Hearing February 22, 2021				
P095	SOS-MT000838 - SOS-MT000841(also bates stamped SOS 039409 - SOS039412)	2/22/2021	Email from A. Nunn RE: Question on Assumptions for HB 406 dated 2/22/2021				

PLAINTIFFS' AMENDED PRELIMINARY TRIAL EXHIBIT LIST

TX No.	Bates Number Range	Date	Description	Authenticity Stipulated (Y/N)	Admissibility Stipulated (Y/N)	Objection (Basis)	Admitted (Y/N)
P096		2/23/2021	Audio Transcription of House Judiciary Hearing on February 23, 2021 considering House Bill 406				
P097		2/23/2021	Messaging Bills For/Against Report dated 2/23/2021 (<i>Hertz DX 6</i>)				
P098			Withdrawn				
P099		2/25/2021	House Bill 530 Audio Transcription House State Administration Hearing February 25, 2021				
P100			Withdrawn				
P101			Withdrawn				
P102			Withdrawn				
P103		3/1/2021	House Bill 406 Audio Transcription House Appropriations Hearing March 1, 2021				
P104			Withdrawn				
P105	SOS081350-SOS081358	3/1/2021	Polling Place Situations: A Quick Guide by Montana Secretary of State updated March 2021				
P106			Withdrawn				
P107		3/22/2021	House Bill 406 Audio Transcription Senate State Administration Hearing March 22, 2021				
P108	SOS-MT004269 - SOS-MT004272	3/23/2021	Email from R. Melby re NA voting notes dated 3/23/2021				
P109		3/31/2021	House Bill 530 Audio Transcription Senate State Administration Hearing March 31, 2021				

PLAINTIFFS' AMENDED PRELIMINARY TRIAL EXHIBIT LIST

TX No.	Bates Number Range	Date	Description	Authenticity Stipulated (Y/N)	Admissibility Stipulated (Y/N)	Objection (Basis)	Admitted (Y/N)
P110	SOS MT000255 - SOS MT000256	4/1/2021	Email from D. Corson re Notes on HB 530 dated 4/1/2021				
P111	SOS-MT000451 - SOS-MT000454	4/9/2021	Email from A. Nunn re Leg Update 4/9/21 dated 4/9/2021 with attachment (<i>Dkt. 178 - Gordon Declaration Ex. BB</i>)				
P112	SOS-MT003992 - SOS-MT003994	4/14/2021	Email from M. Richie Re: Scripts dated 4/14/2021 with attachment (<i>James - 30(b)(6) MT SOS DX 31</i>)				
P113			Withdrawn				
P114		4/14/2021	Montana Senate Vote Tabulation re HB 406 dated 4/14/2021 (<i>Hertz DX 17</i>)				
P115		4/14/2021	Montana Senate Vote Tabulation re HB 406 dated 4/14/2021 (<i>Hertz DX 18</i>)				
P116		4/15/2021	Open letter from C. Jacobsen to Montana re voting irregularities across the country and in Montana				
P117	SOS-MT004809-SOS-MT004810	4/15/2021	Email from V. Agtarap Re: Infographic dated 4/15/2021				
P118	SOS-MT013897	4/19/2021	Montana Secretary of State Press Release re Election Integrity Bills Signed to Montana Law dated 4/19/2021 (<i>James - 30(b)(6) MT SOS DX 16</i>)				
P119	SOS 039379 - SOS 039381	4/19/2021	Email / Press release re Governor Gianforte Signs Election Security Bills dated 4/19/2021 (<i>Hertz DX 2</i>)				
P120		4/22/2021	Montana Secretary of State Initial Implementation Guidance #01-21 issued 4/22/2021 (<i>James DX 3</i>)				

PLAINTIFFS' AMENDED PRELIMINARY TRIAL EXHIBIT LIST

TX No.	Bates Number Range	Date	Description	Authenticity Stipulated (Y/N)	Admissibility Stipulated (Y/N)	Objection (Basis)	Admitted (Y/N)
P121		4/22/2021	Email from M. Taylor re Redistricting Language.pdf dated 4/22/2021 (<i>Fitzpatrick DX 113</i>)				
P122	SOS-MT000966 (and also stamped SOS 039537)	4/22/2021	Email from A. Nunn FW: Amendment Finding - HB 406 dated 4/22/2021 (<i>Dkt. 177 - Gordon Declaration Ex. A</i>)				
P123	SOS-MT000967 - SOS-MT000975 (and also stamped SOS 039538 - SOS 039546)	4/23/2021	Email from A. Nunn re Election bills dated 4/23/2021 with attachment (<i>Dkt. 177 - Gordon Declaration Ex. B</i>)				
P124		4/23/2021	Email from G. Hertz Fwd: language dated 4/23/2021 attaching Montana Code § 13-35-201 (<i>Hertz DX 9</i>)				
P125			Withdrawn				
P126		4/25/2021	Greg Hertz text messages re HB 530 (<i>Hertz DX 21</i>)				
P127	SOS-MT000481 - SOS-MT000483	4/26/2021	Email from D. Corson RE: Inactive People on Election Day dated 4/26/2021				
P128	SOS-MT001126-SOS-MT001127	4/26/2021	Email from A. Nunn RE: Quick notes on HB 530 dated 4/26/2021				
P129		4/26/2021	Montana Senate Floor Session as the Committee of the Whole re Second Readings, Amending HB 530 (Apr. 26, 2021)				
P129-A			Withdrawn				
P130			Withdrawn				

PLAINTIFFS' AMENDED PRELIMINARY TRIAL EXHIBIT LIST

TX No.	Bates Number Range	Date	Description	Authenticity Stipulated (Y/N)	Admissibility Stipulated (Y/N)	Objection (Basis)	Admitted (Y/N)
P131			Withdrawn				
P132			Withdrawn				
P133		4/27/2021	Transcript of Montana House Floor Session, on Senate Amendments to HB 530 (Apr. 27, 2021)				
P133-A			Withdrawn				
P134		4/27/2022	Daily Montanan article by Keila Szpaller titled: "Senate greenlights election security bill with controversial amendment" dated 4/27/2021 (<i>Hertz DX 13</i>)				
P135	SOS-MT003285-SOS-MT003289	undated	Advisory on Voter Identification Changes with handwritten notes				
P136		1/27/2021 - 4/27/2021	Log of voter phone messages/comments regarding bill (<i>Hertz DX 8</i>) <i>Note: Privacy redactions applied to trial exhibit version.</i>				
P137	SOS-MT014134-SOS-MT014141	4/30/2021	Email from D. Corson Re: Update to election forms and SB169 dated 4/30/2021				
P138	SOS-MT000234	5/7/2021	Email from A. Nunn re FAQ update dated 5/7/2021				
P139	SOS 039645	5/10/2021	Email from A. Nunn re Election Appropriation ? Dated 5/10/2021				
P140	SOS MT 000096	5/17/2021	Email from A. Nunn re Discuss Late Registration Report dated 5/17/2021 (<i>James - 30(b)(6) MT SOS DX 10</i>)				

PLAINTIFFS' AMENDED PRELIMINARY TRIAL EXHIBIT LIST

TX No.	Bates Number Range	Date	Description	Authenticity Stipulated (Y/N)	Admissibility Stipulated (Y/N)	Objection (Basis)	Admitted (Y/N)
P141	SOS-MT004475 - SOS-MT004487	5/17/2021	Email from S. Fuller re SB 169 draft rule changes dated 5/17/2021 with attachment				
P142	SOS-MT004989-SOS-MT005000	5/17/2021 (metadata date)	SB 169 Rules Update				
P143	SOS-MT004357	6/21/2021 (metadata date)	Notes on 44-2-244pro draft.docx				
P144	SOS-MT004291	6/23/2021	Email from D. Corson RE: Provisionally Registered ID Form dated 6/23/2021				
P145	SOS-MT004204	6/24/2021	Email from D. Corson FW: [EXTERNAL] Media Statement Request: Senate Bill 169, Student ID for Voter Registration dated 6/24/2021				
P146	SOS-MT003499	7/13/2021	Email from C. Gagnon re SOS Website Update dated 7/13/2021 (<i>James - 30(b)(6) MT SOS DX 22</i>)				
P147	SOS-MT004000-SOS-MT004001	7/23/2021	Email from A. Nunn Re: Audit our votes dated 7/23/2021				
P148	unnumbered (printed with database tracking number: Disco ID 21398)	8/12/2021	2021 MACR - SOS Elections Agenda				
P149	SOS-MT003523 - SOS-MT003541	8/30/2021	Email from A. Nunn FW: First Draft SB 167 & HB 176 dated 8/30/2021 with attachment				
P150			Withdrawn				
P151	SOS-MT014025	9/13/2021	Email from A. Nunn RE: Updated 2021 Municipal Calendar dated 9/13/2021 (<i>James - 30(b)(6) MT SOS DX 23</i>)				

PLAINTIFFS' AMENDED PRELIMINARY TRIAL EXHIBIT LIST

TX No.	Bates Number Range	Date	Description	Authenticity Stipulated (Y/N)	Admissibility Stipulated (Y/N)	Objection (Basis)	Admitted (Y/N)
P152	SOS-MT004966-SOS-MT004975	8/29/2021 (metadata date)	Draft Notice of Public Hearing on Proposed Amendment (8/29/2021 version)				
P153			Withdrawn				
P154	SOS MT 000362 - SOS MT 000366	9/17/2021	Email from A. Lindsay re Draft AMR Security Rules dated 9/17/2021 with attachment				
P155			Withdrawn				
P156	SOS-MT004309 - SOS-MT004318	9/24/2021	Email from A. McCue [EXTERNAL] RE: Comments invited for proposed draft rules SB169 and HB176 dated 9/24/2021 with attachment				
P157		9/28/2021	Notice of Public Hearing on Proposed Amendment dated 9/28/2021 (<i>James DX 4</i>)				
P158	SOS-MT000163 - SOS-MT000164	9/30/2021	List of Secretary of State office web page links re HB 176 with updates/corrections				
P159			Number Not Used				
P160	SOS 039566 - SOS 039567	10/6/2021	Email from A. Nunn FW: SB 169 / HB 176 rules dated 10/6/2021 (<i>James - 30(b)(6) MT SOS DX 15</i>)				
P161	SOS-MT004531	10/25/2021	Email from R. Melby Re: Vote ready postcard dated 10/25/2021				

PLAINTIFFS' AMENDED PRELIMINARY TRIAL EXHIBIT LIST

TX No.	Bates Number Range	Date	Description	Authenticity Stipulated (Y/N)	Admissibility Stipulated (Y/N)	Objection (Basis)	Admitted (Y/N)
P162	SOS-MT004528	10/25/2021	Email from R. Melby Re: [EXTERNAL] voter postcard from sos dated 10/25/2021 (<i>James DX 18</i>)				
P163	SOS-MT000199 - SOS-MT000200	undated	Draft Letter/memo from Montana Secretary of State Office (<i>Dkt. 177 - Gordon Declaration Ex. E</i>)				
P164		undated	Resolution No. 22-044 of the Governing Body of the Confederated Salish and Kootenai Tribes of Flathead Reservation (<i>Dkt. 49 - Affidavit of McDonald Ex. A</i>)				
P165		1/18/2022	Notice of Amendment dated 1/18/2022 (<i>James DX 5</i>)				
P166			Number Not Used				
P167		5/23/2022	Montana Administrative Register 37-1001: Notice of Adoption of Temporary Emergency Rule dated May 23, 2022				
P168		5/31/2022	Montana Administrative Register 37-1002: Notice of Public Hearing on Proposed Amendment dated May 31, 2022				
P169	SOS-MT004248	4/8/2022	Email from D. Corson re Preliminary Injunction dated 4/8/2022 (<i>James - 30(b)(6) MT SOS DX 27; James DX 20</i>)				
P170	Tribal Pls. HB_000553	5/2/2022	Fort Belknap Indian Community CAO phone interview with Ramona Horn (<i>Cuts The Rope DX 6</i>)				
P171		5/3/2022	Email from Delina Cuts The Rope re Polling place and Judges dated 5/3/2022 (<i>Cuts The Rope DX 7-A</i>)				

PLAINTIFFS' AMENDED PRELIMINARY TRIAL EXHIBIT LIST

TX No.	Bates Number Range	Date	Description	Authenticity Stipulated (Y/N)	Admissibility Stipulated (Y/N)	Objection (Basis)	Admitted (Y/N)
P172	SOS-MT003928 - SOS-MT003930	5/3/2022	Email from D. Buffington [EXTERNAL] Clarification on Judge Moses' April 22 ruling dated 5/3/2022 (<i>James - 30(b)(6) MT SOS DX 28</i>)				
P173		5/3/2022	Missoula County Registered Voters Report (re School Board Election on 5/3/2022)				
P174	SOS-MT004000-SOS-MT004006	5/12/2022	Email from A. Nunn re FW: [EXTERNAL] Clarification on Judge Moses' April 22 ruling dated 5/12/2022				
P175	SOS-MT003906 - SOS-MT003909	5/18/2022	Email from D. Corson RE: Clarification on Judge Moses' April 22 ruling / MT Supreme Court Order dated 5/18/2022 (<i>James - 30(b)(6) MT SOS DX 29</i>)				
P176		undated	Montana State University, Get Your Catcard, available at https://www.montana.edu/catcard/students.html#get (<i>Dkt. 69 - Gordon Declaration Ex. 22</i>)				
P177		undated	University of Montana, Griz Card Center, available at https://www.umt.edu/griz-card/get-your-grizcard/pick_up_griz_card.php . (<i>Dkt. 69 - Gordon Declaration Ex. 26</i>)				
P178		7/22/2022	Secretary of State web page, Montana Fair Elections Center web page, available at: https://sosmt.gov/elections/fairelections/				
P179	SOS077983	10/15/2013	Spreadsheet filename: Exhibit ss - Late-Registration-2006-Present-10-15-2013.xls				
P180		2014	Montana Secretary of State Linda McCulloch's 2014 Statewide General Election Canvass (<i>Dkt. 69 - Gordon Declaration Ex. 16</i>)				
P181		12/2/2014	Secretary of State Election Results for 2014 General last updated 12/2/2014 (<i>Fitzpatrick DX 104</i>)				

PLAINTIFFS' AMENDED PRELIMINARY TRIAL EXHIBIT LIST

TX No.	Bates Number Range	Date	Description	Authenticity Stipulated (Y/N)	Admissibility Stipulated (Y/N)	Objection (Basis)	Admitted (Y/N)
P182		2018	Spreadsheet file name: Late-Registration-2006-Present.xlsx				
P183		3/12/2019	Montana Secretary of State, 2018 Federal Election: Number of Absentee Ballots Sent, Accepted, Percentage of Votes Cast, Percentage of Registered Voters (<i>Dkt. 69 - Gordon Declaration Ex. 27</i>)				
P184	SOS078383	2/28/2019	Spreadsheet filename: 2018 General Satellite Activity Survey MASTER.xlsx				
P185	SOS078880 - SOS078885	2020	Spreadsheet filename: 2020 General Satellite Activity Survey MASTER.xlsx				
P186		5/4/2020	2020 Federal Election Polling Places - spreadsheet last updated 5/4/2020 (<i>Fitzpatrick DX 108</i>)				
P187		2000 - 2020	Spreadsheet from Montana Secretary of State's website titled: "Absentee Turnout 2000 - Present" (<i>Dkt. 43 - Rate Declaration Ex. B</i>)				
P188		1992 - 2020	Spreadsheet: Official-Voter-Turnout-Primary-General-Elections-1992-Present				
P189		11/30/2020	Montana Absentee Ballot Counts by County compiled 11/30/2020 (<i>Dkt. 43 - Rate Declaration Ex. A</i>)				
P190		7/24/2022	Montana Registered Voters by County compiled 7/24/2022				
P191		1/10/2022	Montana Secretary of State's table of historical voter turnout in Montana, available at https://sosmt.gov/elections/voterturnout/ . (<i>Dkt. 69 - Gordon Declaration Ex. 4</i>)				

PLAINTIFFS' AMENDED PRELIMINARY TRIAL EXHIBIT LIST

TX No.	Bates Number Range	Date	Description	Authenticity Stipulated (Y/N)	Admissibility Stipulated (Y/N)	Objection (Basis)	Admitted (Y/N)
P192		undated	Precints Results re Legislative Referendum No. 126 - Ending Late Voter Registration on the Friday Before Election Day (Hertz DX 4)				
P193		undated	Late Registration Activities Before Election Day and On Election Day (Eisenzimer DX 52)				
P194		2020	Late Registration Activities Before Election Day and On Election Day				
P195		2020	Late Registration Activities Before Election Day and On Election Day (Fitzpatrick DX 110)				
P196		2022	American Community Survey 2016-2020 5-Year Estimates for Blackfeet Indian Reservation and Off Reservation Trust Land, MT				
P197		2022	American Community Survey 2016-2020 5-Year Estimates for Fort Belknap Reservation and Off Reservation Trust Land, MT				
P198		2022	American Community Survey 2016-2020 5-Year Estimates for Flathead Reservation, MT				
P199		2022	American Community Survey 2016-2020: 5 Year Estimates for Northern Cheyenne Reservation and Off-Reservation Trust Land, MT				
P200		1/14/2022	Yael Bromberg Esq. Expert CV				
P201		1/14/2022	Declaration of Yael Bromberg Esq. dated January 12, 2022 (Dkt.74)				
P202			Withdrawn				

PLAINTIFFS' AMENDED PRELIMINARY TRIAL EXHIBIT LIST

TX No.	Bates Number Range	Date	Description	Authenticity Stipulated (Y/N)	Admissibility Stipulated (Y/N)	Objection (Basis)	Admitted (Y/N)
P203			Withdrawn				
P204			Withdrawn				
P205			Withdrawn				
P206			Withdrawn				
P207			Withdrawn				
P208			Withdrawn				
P209			Withdrawn				
P210			Withdrawn				
P211			Withdrawn				
P212			Withdrawn				
P213			Withdrawn				
P214			Withdrawn				
P215		1/12/2022	Kenneth R. Mayer, Ph.D. Expert CV				
P216		1/12/2022	Expert Report of Kenneth R. Mayer Ph.D. dated January 12, 2022 <i>(with Dkt. 145 Notice of Errata attached dated May 5, 2022)</i>				
P217		1/12/2022	Expert Report of Kenneth R. Mayer Ph.D. dated January 12, 2022 - Appendix A				

PLAINTIFFS' AMENDED PRELIMINARY TRIAL EXHIBIT LIST

TX No.	Bates Number Range	Date	Description	Authenticity Stipulated (Y/N)	Admissibility Stipulated (Y/N)	Objection (Basis)	Admitted (Y/N)
P218		1/12/2022	Expert Report of Kenneth R. Mayer Ph.D. dated January 12, 2022 - Appendix B				
P219		1/12/2022	Expert Report of Kenneth R. Mayer Ph.D. dated January 12, 2022 - Table 1				
P220		1/12/2022	Expert Report of Kenneth R. Mayer Ph.D. dated January 12, 2022 - Table 2 (corrected version)				
P221		1/12/2022	Expert Report of Kenneth R. Mayer Ph.D. dated January 12, 2022 - Table 3				
P222		1/12/2022	Expert Report of Kenneth R. Mayer Ph.D. dated January 12, 2022 - Table 4				
P223		1/12/2022	Expert Report of Kenneth R. Mayer Ph.D. dated January 12, 2022 - Table 5				
P224		1/12/2022	Expert Report of Kenneth R. Mayer Ph.D. dated January 12, 2022 - Table 6				
P225		1/12/2022	Expert Report of Kenneth R. Mayer Ph.D. dated January 12, 2022 - Figure 1				
P226		3/25/2022	Rebuttal Expert Report of Kenneth R. Mayer Ph.D. dated March 25, 2022				
P227		3/25/2022	Rebuttal Expert Report of Kenneth R. Mayer Ph.D. dated March 25, 2022 - Table 1				
P228		1/6/2022	Expert Report of Daniel Craig McCool, Ph.D., dated January 6, 2022				
P229		2/21/2022	Notice of Errata re Expert Report of Daniel Craig McCool, Ph.D., in Support of Plaintiffs' Motion for Preliminary Injunction dated February 21, 2022				

PLAINTIFFS' AMENDED PRELIMINARY TRIAL EXHIBIT LIST

TX No.	Bates Number Range	Date	Description	Authenticity Stipulated (Y/N)	Admissibility Stipulated (Y/N)	Objection (Basis)	Admitted (Y/N)
P230		12/1/2021	Daniel Craig McCool, Ph.D., Expert CV dated December 2021				
P231		1/1/2022	Alex Street, Ph.D., Exerpt CV (last updated January 2022)				
P232		1/11/2022	Expert Report of Alexander Street, Ph.D. dated January 11, 2022				
P233		3/25/2022	Rebuttal Expert Report of Alexander Street, Ph.D. dated March 25, 2022				
P234		1/11/2022	Ryan D. Weichelt, Ph.D. Exerprt CV				
P235		1/11/2022	Expert Report of Ryan D. Weichelt, Ph.D. dated January 11, 2022 <i>(with Notices of Erratas attached dated February 18, 2022 and March 10, 2022)</i>				
P236		2020	Declaration of Lonna Atkeson filed in <u>Driscoll v. Stapleton</u> , No. DV 20-0508 (Mont. Dist. Ct. 2020) <i>(note also used in pending litigation: Fitzpatrick DX 106 and Dkt. 101 Gordon Declaration Ex. 37)</i>				
P237			Number Not Used				
P238			Number Not Used				
P239		6/1/2016	GAO Report, Issues Related to Registering Voters and Administering Elections (June 2016) <i>(Gessler DX 141)</i>				
P240		5/1/2019	U.S. Commission on Civil Rights' report: Bordertown Discrimination in Montana, downloaded January 10, 2022 <i>(Dkt. 43 - Rate Declaration Ex. H)</i>				
P241		6/1/2021	U.S. Commission on Civil Rights' Report: Voting Access for Native Americans in Montana (June 2021)				

PLAINTIFFS' AMENDED PRELIMINARY TRIAL EXHIBIT LIST

TX No.	Bates Number Range	Date	Description	Authenticity Stipulated (Y/N)	Admissibility Stipulated (Y/N)	Objection (Basis)	Admitted (Y/N)
P242		6/1/2018	Institute for Democracy & Higher Education, Out-of-State College Students and Voting, Jun. 2018 (<i>Dkt. 69 - Gordon Declaration Ex. 21</i>)				
P243		12/22/2021	Tufts Center for Information & Research on Civic Learning and Engagement article titled "Broadening Youth Voting" (<i>Dkt. 70 - Sommers-Flanagan Declaration Ex. A-7</i>)				
P244		4/2/2021	MIT Election Data + Science Lab, Voter Confidence (April 2021) (<i>Dkt. 121 - Gordon Declaration Ex. 1</i>)				
P245		5/22/2021	Enrico Cantoni & Vincent Pons, Strict ID Laws Don't Stop Voters: Evidence from a U.S. Nationwide Panel: 2008-2018, Q.J. Econ. 2615, 2653-54 (2021) (<i>Dkt. 121 - Gordon Declaration Ex. 7</i>)				
P246		2022	NCSL Report re Voter ID Laws (2022) (<i>Trende DX 135</i>)				
P247		1/20/1972	Constitutional Convention Qualifications of Executive Offices original proposal				
P248		1/20/1972	Constitutional Convention Qualifications of Executive Offices original proposal				
P249		1/20/1972	Constitutional Convention Section 13 Right To Suffrage proposal				
P250		1/20/1972	Constitutional Convention Section 14 Adult Rights and Section 15 Rights of Persons Under the Age of Majority original proposals				
P251		2/24/1972	Constitutional Convention Volume 4 pages 882-904				
P252		3/8/1972	Constitutional Convention Transcript volume 5 pages 1691-1697				

PLAINTIFFS' AMENDED PRELIMINARY TRIAL EXHIBIT LIST

TX No.	Bates Number Range	Date	Description	Authenticity Stipulated (Y/N)	Admissibility Stipulated (Y/N)	Objection (Basis)	Admitted (Y/N)
P253		3/8/1972	Constitutional Convention transcript volume 5, pages 1744-1749				
P254		3/8/1972	Constitutional Convention transcript volume 5, pages 1749-1753				
P255		3/18/1972	Constitutional Convention Transcript volume 7, pages 2641-2643				
P256		6/4/2020	Texas Democratic Party v. Abbott, 961 F.3d 389 (2020) (<i>Bromberg DX 24</i>)				
P257	WNV 001973 - WNV 001977	8/4/2011	ByLaws of Western Native Voice dated August 4, 2011				
P258	WNV 000042	12/31/2021	Western Native Voice Income and Expense Summary January 2013 through December 2021				
P259	WNV 000001	2016	WNV 2016 Employees				
P260	WNV 002040 - WNV 002044	2017	WNV 2017 Employees				
P261	WNV 000008 - WNV 000011	2020	WNV 2020 Employees				
P262	WNV 001172 - WNV 001201	undated	Western Native Voice Introduction - Inspiring Native Leadership So Our Communities Flourish				
P263	WNV 001251 - WNV 001295	undated	Western Native Voice Presentation: Civic Engagement - One Person One Vote				
P264	WNV 001296 - WNV 001341	undated	Western Native Voice Presentation: Making a Difference for Future Generations				
P265	WNV 001980 - WNV 001992	2018	Western Native Voice 2018 Community Organizer Employee Handbook (<i>Perez - 30(b)(6) Western Native Voices DX 9</i>)				

PLAINTIFFS' AMENDED PRELIMINARY TRIAL EXHIBIT LIST

TX No.	Bates Number Range	Date	Description	Authenticity Stipulated (Y/N)	Admissibility Stipulated (Y/N)	Objection (Basis)	Admitted (Y/N)
P266		2018	Montana Native Vote 2018 Employee Training Memo				
P267	WNV 004240 - WNV 004256	2022	Western Native Voice 2022 Community Organizer Employee Handbook				
P268	WNV 001978 - WNV 001979	undated	Western Native Voice Community Organizers Standards of Operating Procedures				
P269	WNV 001993 - WNV 001995	undated	Western Native Voice Voter Registration Rules and Voter FAQ				
P270	WNV 002309 - WNV 002310	undated	Western Native Voice - Ballot Collection Best Practices (<i>Perez - 30(b)(6) Western Native Voice DX 10</i>)				
P271	WNV 002000	undated	Western Native Voice Reminders to Community Organizers re Primary Election Same Day Voter Registrations				
P272	WNV 000085	undated	Satellite Elections Schedule				
P273	WNV 004257 - WNV 004268	2020	2020 General Election GOTV Plan Western Native Voice				
P274	WNV002308	2020	Montana Native Vote 2020 GOTV Ballot Chase Program Agreement Form (<i>Perez - 30(b)(6) Western Native Voice DX 11</i>)				
P275	WNV 004239	2020	2020 GOTV VR Script				
P276	WNV 002312	2020	2020 Summary of Voting Assistance Given				
P277		undated	Western Native Voice List of Voters in Need of Assistance re Ballots (<i>Perez - 30(b)(6) Western Native Voice DX 13</i>)				
P278	WNV 000080	undated	Map of County Elections Offices Serving Tribal Nations				

PLAINTIFFS' AMENDED PRELIMINARY TRIAL EXHIBIT LIST

TX No.	Bates Number Range	Date	Description	Authenticity Stipulated (Y/N)	Admissibility Stipulated (Y/N)	Objection (Basis)	Admitted (Y/N)
P279		undated	Spreadsheet re Ballot Pickup Data (<i>Perez - 30(b)(6) Western Native Voice DX 8</i>)				
P280		undated	Spreadsheet re MNV data entry form (<i>Perez - 30(b)(6) Western Native Voice DX 15</i>)				
P281	WNV 000118	10/27/2020	Ta'jin Perez text message dated October 27, 2020				
P282	WNV 000119	10/30/2020	Ta'jin Perez text message dated October 30, 2020				
P283	WNV 000120	11/2/2020	Ta'jin Perez text message dated November 2, 2020				
P284	WNV 000122	11/3/2020	Ta'jin Perez text message dated November 3, 2020				
P285	WNV 000123	11/3/2020	Ta'jin Perez text message dated November 3, 2020				
P286	WNV 000124	11/3/2020	Ta'jin Perez text message dated November 3, 2020				
P287	WNV 000125	11/3/2020	Ta'jin Perez text message dated November 3, 2020				
P288	WNV 002297	undated	Photo - WNV Facebook screenshot				
P289	WNV 002298	undated	Photo - WNV Facebook screenshot				
P290	WNV 002301	undated	Photo - WNV Facebook screenshot				
P291	Tribal Pls. HB_000054 - Tribal Pls. HB_000060	2018-2023	2018-2023 Blackfeet Reservation Comprehensive Economic Development Strategy				
P292	Tribal Pls. HB_001009	2020	Voting information handout for Blackfeet Nation Ballot Dropoff locations for 2020 Election				

PLAINTIFFS' AMENDED PRELIMINARY TRIAL EXHIBIT LIST

TX No.	Bates Number Range	Date	Description	Authenticity Stipulated (Y/N)	Admissibility Stipulated (Y/N)	Objection (Basis)	Admitted (Y/N)
P293	Tribal Pls. HB_000854 - Tribal Pls. HB_000859	10/26/2020	October 26, 2020 email correspondence re: Elections Discussion, topics including ballot dropboxes				
P294	Tribal Pls. HB_001053 - Tribal Pls. HB_001055	10/28/2020	October 28, 2020 Letter to Mandi Kennerly Glacier County Clerk from Blackfeet Nation				
P295	Tribal Pls. HB_000404 - Tribal Pls. HB_000405	11/4/2020	Blackfeet Tribe Expanded General Ledger regarding COVID funds and community service				
P296	Tribal Pls. HB_000881	5/10/2022	May 10, 2022 email outlining number of people a month use public transit				
P297	Tribal Pls. HB_001301 - Tribal Pls. HB_001306	5/10/2022	May 10, 2022 email outlining number of people waiting on the Blackfeet Housing waiting list				
P298	Tribal Pls. HB_0000183	2016-2020	Student Homeless Count years 2016 - 2020 for Fort Belknap Reservation				
P299	Tribal Pls. HB_0000490 - Tribal Pls. HB_0000497	2019	Fort Belknap CCD Census data from 2019				
P300	Tribal Pls. HB_0000532 - Tribal Pls. HB_0000533	5/1/2020	May 1, 2020 Letter to Blaine County Clerk and Recorder regarding Fort Belknap Indian Reservation Alternative Voting Schedule				
P301	Tribal Pls. HB_0000527	5/4/2020	May 4, 2020 Letter to Andrew Werk, President of FBIC, regarding Blaine County and COVID-19 restrictions during election				
P302	Tribal Pls. HB_0000535	5/6/2020	May 6, 2020 Snake Butte Voter Coalition memo regarding June 2, 2020 Primary Election and Projected Budget				
P303	Tribal Pls. HB_0000534	10/20/2020	October 20, 2020 agreement signed by President Werk regarding FBIC not holding Blaine County Clerk accountable for personal injuries				

PLAINTIFFS' AMENDED PRELIMINARY TRIAL EXHIBIT LIST

TX No.	Bates Number Range	Date	Description	Authenticity Stipulated (Y/N)	Admissibility Stipulated (Y/N)	Objection (Basis)	Admitted (Y/N)
P304	Tribal Pls. HB_0000518 - Tribal Pls. HB_0000522	2/19/2021	February 19, 2021 Article titled: "Rep. Noland's HB406 Poised to Protect Montanans from Voter Fraud"				
P305	Tribal Pls. HB_0000498 - Tribal Pls. HB_0000500	4/28/2022	Documents outlining tribal membership and members living on the Reservation dated April 28, 2022				
P306	Tribal Pls. HB_0000501	4/28/2022	April 28, 2022 Letter to Fort Belknap Tribal Housing Authority showing number of families on the low rent waiting list				
P307	Tribal Pls. HB_000463 - Tribal Pls. HB_000489	4/28/2022	Fort Belknap Agency CDP, Montana - Census Bureau Profile				
P308	Tribal Pls. HB_0000134 - Tribal Pls. HB_0000136	9/14/2020- 9/16/2020	CSKT Correspondence with Lake County Elections Administrator Katie Harding (dated September 14, 2020 and September 16, 2020)				
P309	Tribal Pls. HB_0000389	10/12/2020- 10/13/2020	October 12-13, 2020 email correspondence with Japhanna Burs regarding CSKT Get Out the Vote page				
P310	Tribal Pls. HB_0000363	11/2/2020	November 2, 2020 email exchange with Erica regarding draft memo to voters				
P311	Tribal Pls. HB_0000314	11/3/2020	CSKT Get Out the Vote member Mariah Camel email re: Election Day Efforts and ballot pickup				
P312	Tribal Pls. HB_0000323	11/3/2020	CSKT Get Out the Vote member Mariah Camel email re: Election Day Efforts and voter turnout				
P313	Tribal Pls. HB_0000303 - Tribal Pls. HB_0000304	11/4/2020	CSKT Get Out the Vote member Mariah Camel email re: Election Day Efforts and voter pickup <i>[Includes table with PII redacted during Discovery Production]</i>				
P314	Tribal Pls. HB_0000194 - Tribal Pls. HB_0000197	2019	Northern Cheyenne Reservation Census data from 2019				

PLAINTIFFS' AMENDED PRELIMINARY TRIAL EXHIBIT LIST

TX No.	Bates Number Range	Date	Description	Authenticity Stipulated (Y/N)	Admissibility Stipulated (Y/N)	Objection (Basis)	Admitted (Y/N)
P315	Tribal Pls. HB_000084 - Tribal Pls. HB_000085	5/15/2020	Fort Belknap Expenditure (May 15, 2020)				
P316	Tribal Pls. HB_000086 - Tribal Pls. HB_000087	11/4/2016	Fort Belknap Expenditure (November 4, 2020)				
P317		2016	CSKT GOTV Coordinator 2016 Final Report for Rob McDonald, Communications Director <i>(note: first page also used Perez - 30(b)(6) Western Native Voice DX 7)</i>				
P318	Tribal Pls. HB_000088 - Tribal Pls. HB_000100	2018	2018 Free and Reduced Lunch Numbers and Rates Tribal				
P319	Tribal Pls. HB_000101 - Tribal Pls. HB_000133	2/1/2020	Community Health Annual Report February 2019 - February 2020				
P320		8/1/2020	HJ 10: Barrier to Voting For American Indians in Montana				
P321		7/14/2020	<u>Western Native Voice v. Stapleton</u> , No. DV 56-377 (Mont. Dist. Ct. 2020) Defendants' Answer to Plaintiffs' First Set of Interrogatories to Defendant Mangan dated July 14, 2020				
P322		9/8/2020	<u>Western Native Voice v. Stapleton</u> , No. DV 20-0377 (Mont. Dist. Ct. 2020) Trial Transcript (Vol. 1) - rough draft dated September 8, 2020				
P323		9/9/2020	<u>Western Native Voice v. Stapleton</u> , No. DV 20-0377 (Mont. Dist. Ct. 2020) Trial Transcript (Vol. 2) - rough draft dated September 9, 2020				
P324		9/10/2020	<u>Western Native Voice v. Stapleton</u> , No. DV 20-0377 (Mont. Dist. Ct. 2020) Trial Transcript (Vol. 3) - rough draft dated September 10, 2020				
P325		9/14/2020	<u>Driscoll v. Stapleton</u> , No. DV 20-0508 (Mont. Dist. Ct. 2020) Trial Transcript (Vol. 1) dated September 14, 2020				

PLAINTIFFS' AMENDED PRELIMINARY TRIAL EXHIBIT LIST

TX No.	Bates Number Range	Date	Description	Authenticity Stipulated (Y/N)	Admissibility Stipulated (Y/N)	Objection (Basis)	Admitted (Y/N)
P326		9/15/2020	<u>Driscoll v. Stapleton</u> , No. DV 20-0508 (Mont. Dist. Ct. 2020) Trial Transcript (Vol. 2) dated September 15, 2020				
P327		9/16/2020	<u>Driscoll v. Stapleton</u> , No. DV 20-0508 (Mont. Dist. Ct. 2020) Trial Transcript (Vol. 3) dated September 16, 2020				
P328		9/21/2020	<u>Driscoll v. Stapleton</u> , No. DV 20-0508 (Mont. Dist. Ct. 2020) Trial Transcript (Vol. 4) dated September 21, 2020				
P329		9/22/2020	<u>Driscoll v. Stapleton</u> , No. DV 20-0508 (Mont. Dist. Ct. 2020) Trial Transcript (Vol. 5) dated September 22, 2020				
Reserve	MFPE000001 - MFPE000469; MPFE000474 - MFPE000483		Correspondence with elections officials pursuant to MFPE public records request				
Reserve		8/21/2020 8/25/2020	Exhibits accompanying designations of Dana Corson's deposition testimony from <u>Western Native Voice v. Stapleton</u> , No. DV-2020-377 and <u>Driscoll v. Stapleton</u> , No. DV 20 0408				
Reserve		9/9/2020- 9/10/2022	Exhibits accompanying designations of Dana Corson's trial testimony from <u>Western Native Voice v. Stapleton</u> , No. DV- 2020-377				
Reserve		9/15/2020- 9/16/2020	Exhibits accompanying designations of Dana Corson's trial testimony from <u>Driscoll v. Stapleton</u> , No. DV 20 0408				
Reserve		5/3/2022	Exhibits accompanying deisgnations of Delina Cuts the Rope's deposition testimony in this matter.				
Reserve		5/19/2022	Exhibits accompanying deisgnations of Audrey Dozier's deposition testimony in this matter.				
Reserve		4/13/2022	Exhibits accompanying deisgnations of Monica Eisenzimer's deposition testimony in this matter.				

PLAINTIFFS' AMENDED PRELIMINARY TRIAL EXHIBIT LIST

TX No.	Bates Number Range	Date	Description	Authenticity Stipulated (Y/N)	Admissibility Stipulated (Y/N)	Objection (Basis)	Admitted (Y/N)
Reserve		4/20/2022	Exhibits accompanying deisgnations of Doug Ellis's deposition testimony in this matter.				
Reserve		4/21/2022	Exhibits accompanying deisgnations of Steve Fitzpatrick's deposition testimony in this matter.				
Reserve		5/3/2022	Exhibits accompanying deisgnations of Dawn Gray's deposition testimony in this matter.				
Reserve		5/27/2022	Exhibits accompanying deisgnations of Greg Hertz's deposition testimony in this matter.				
Reserve		5/5/2022	Exhibits accompanying deisgnations of Hunter Losing's deposition testimony in this matter.				
Reserve		4/19/2022	Exhibits accompanying deisgnations of Robert McDonald's deposition testimony in this matter.				
Reserve		4/6/2022	Exhibits accompanying deisgnations of Amara Reese-Hansell's deposition testimony in this matter.				
Reserve		4/13/2022	Exhibits accompanying deisgnations of Janel Tuckek's deposition testimony in this matter.				
Reserve		5/23/2022- 5/24/2022-	Exhibits accompanying deisgnations of Austin James's individual deposition testimony in this matter.				
Reserve		5/26/2022- 7/19/2022	Exhibits accompanying deisgnations of the Secretary of State's 30(b)(6) witness deposition testimony in this matter.				

TAB B

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official capacity as Montana Secretary of State*

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

Montana Democratic Party and Mitch Bohn,

Plaintiffs,

Western Native Voice, *et al.*,

Plaintiffs,

Montana Youth Action, *et al.*,

Plaintiffs,

vs.

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

Defendant.

Consolidated Case No. DV 21-0451

Hon. Michael Moses

DEFENDANT'S EXHIBIT LIST

Defendant Secretary of State Christi Jacobsen submits the following Exhibit List:

DEFENDANT'S EXHIBIT LIST					
Exhibit #	Description	Objections		Admit / Not Admitted	
		Yes	No	(A)	(NA)
501	Declaration of Austin James (Dkt. 91)				
502	Second Declaration of Austin James (Dkt. 130)				
503	Isaac Nehring Voter File Report (Dkt. 162, Ex. 1)				
504	Erica Shelby Final Report for Rob McDonald (Depo. Ex. 12)				
505	Declaration of Melissa McLarnon (Dkt. 81)				
506	Carter Baker Report (Depo. Ex. 28; Dkt. 82, Ex. 1-5)				
507	SB 169 February 23, 2021 Hearing Transcript (Dep. Ex. 29)				
508	Bozeman Daily Chronicle article on Voter Fraud in Gallatin County (Depo. Ex. 30)				
509	Helena IR article on Voter Fraud in Phillips County (Depo. Ex. 31)				
510	Declaration of Janel Tucek (Dkt. 85)				

511	Montana Voter Registration Application (Depo. Ex. 35)				
512	MSU Cat Card Requirements (Depo. Ex. 42)				
513	SB 169 Authorized Print Version (Depo. Ex. 43)				
514	Missoulian article on new Missoula elections center (Depo. Ex. 50)				
515	Montana Right Now article on Missoula municipal primary election turnout (Seaman Depo. Ex. 52)				
516	Print out of MCA 13-1-112 (Seaman Depo. Ex. 54)				
517	Bohn Voter File (Bohn Depo. Ex. 58)				
518	HB 530 Authorized Print Version (CSKT Depo. Ex. 59)				
519	State Tribal ID Document (CKST Depo. Ex. 60)				
520	CSKT 2021 Election Rules and Regulations (CSKT Depo. Ex. 63)				
521	CSKT GOTV Script (CSKT Depo. Ex. 66)				
522	CSKT Executive Summary of GOTV campaign (2018) (CSKT Depo. Ex. 67)				

523	CSKT Report for 2017 Montana Special Election (CSKT Depo. Ex. 68)				
524	Doug Ellis Declaration (Dkt. 88)				
525	Phillips County Notice to Appear and Complaint (Depo. Ex. 82)				
526	Declaration of Steve Fitzpatrick (Dkt. 84)				
527	Trende Report (Dkt. 89)				
528	Trende Rebuttal Report (Depo. Ex. 122)				
529	Declaration of Scott Gessler (Dkt. 87)				
530	Rebuttal Declaration of Scott Gessler (Dep. Ex. 137)				
531	Polling Place Quick Reference Guide (Depo. Ex. 150)				
532	Voter Confirmation Card (Dozier Depo. Ex. 1)				
533	Western Native Voice Ballot Collection Best Practices (WNV Rule 30(b)(6) (Perez) Depo. Ex. 10)				
534	Montana Native Vote 2020 Ballot Chase Agreement Form (WNV Rule 30(b)(6) (Perez) Depo. Ex. 11)				

535	Missoulain article on ballot collection concerns (WNV Rule 30(b)(6) (Perez) Depo. Ex. 12)				
536	2018 WNV Community Organizer Employee Handbook ((WNV Rule 30(b)(6) (Perez) Depo. Ex. 9)				
537	Montana Secretary of State Corey Stapleton, 2018 Statewide General Election Canvass (Dkt. 82, 1-12)				
538	Declaration of Greg Hertz (Dkt. 83)				
539	Bossert Affidavit (Gallatin County Production)				
540	Swanson Affidavit (Gallatin County Production)				
541	Semerad Affidavit (Gallatin County Production)				
542	Ballot Language for Legislative Referendum No. 129 (Dkt. 82, Ex. 1-13)				
543	HB 176 Authorized Print Version (Dkt. 82, Ex. 1-19)				
544	HB 506 Authorized Print Version (Dkt. 82, Ex. 1-20)				

545	Enrico Cantoni and Vincent Pons, Strict ID Laws Don't Stop Voters: Evidence from a U.S. Nationwide Panel, 2008-2018, National Bureau of Economic Research (Dkt. 82, Ex. 1-8)				
546	John Bowden, House Dems signal possible probe of disputed North Carolina election, Capital Hill Publishing Corp. (Jan. 5, 2019) (Dkt. 82, Ex. 1-9)				
547	Max Greenwood, North Caroline board calls for new election in contested House race, Capital Hill Publishing Corp. (Feb. 21, 2019) (Dkt. 82, Ex. 1-10)				
548	Michael Graff and Nick Ochsner, This Smacks of Something Gone Awry: A True Tale of Absentee Voter Fraud, Politico Magazine (Nov. 29, 2021) (Dkt. 82, Ex. 1-11)				
549	Kyle Endres and Costas Panagopoulos, Photo identification laws and percetptions of electoral fraud, Research & Politics (July 2021) (Dkt. 82, Ex. 1-7)				

550	Hugh B. Brown, Information on Voter Fraud, Liberty County Attorney's Office (June 20, 2012) (Dkt. 82, Ex. 1-17)				
551	MFPE Records Request to Missoula County (Bates No. Missoula 000121-127)				
552	Montana Voter Registration Applications from Missoula County (Bates No. Missoula 000128-262)				
553	Missoula County Emails (Bates No. Missoula 000318-327)				
554	Bradley Seaman Email regarding HB 176 (Bates No. Missoula 000338-340)				
555	Second Bradley Seaman Email regarding HB 176 (Bates No. 000500-502)				
556	Montana Voter Registration Portal Website				
557	Survey by Montana Clerk and Recorders regarding HB 176				
558	State Voter ID Laws, National Conference of State Legislatures				

559	Percent of 18 to 24 Year Old Enrolled in College, NCHEMS Information Center for Higher Education Policymaking and Analysis.				
560	Get Your CatCard Webpage				
561	Get Your GrizCard Webpage				
562	My Voter Page Website				
563	How to Vote Webpage, Montana Secretary of State's Office				
564	Voter Registration Deadlines, National Conference of State Legislatures				
565	Voter turnout 'Healthy' Missoula County Election Administrator Says, Missoulian (June 6, 2022)				
566	How did the primary play out for election officials? Montana Free Press (June 8, 2022)				
567	Press release regarding election fraud conviction of Michael Myers from United States Attorneys' Office				
568	Two Women to be Sentenced in Southern Arizona Ballot Harvesting Case, AZ Central				

569	Blackfeet Nation Ballot Drop Off Graphic (Blackfeet Nation Depo. Ex. 3)				
570	Email correspondence from Kweb Galbreath (Blackfeet Nation Depo. Ex. 4)				
571	Election Directive 01-2015 (Blackfeet Nation Depo. Ex. 5)				
572	Email from Audrey Dufrechou (Depo. Ex. 23)				
573	Missoula County Blog Post (Seaman Depo. Ex. 49)				
574	Facebook Post from Shirley Sawyer Wahl (Seaman Depo. Ex. 55)				
575	Forward Montana Foundation Instagram Post (Depo. Ex. 41)				
576	The Effects and Costs of Early Voting, Election Day Registration, and Same Day Registration in the 2008 Elections (Depo. Ex. 32)				
577	NPR/Ispos Poll, Seven in ten Americans say the country is in crisis, at risk of failing (Jan. 3, 2022) (Dkt. 82, Ex. 1-1)				

578	ABC News / Ispis Poll, A survey of the American general population (Jan. 6, 2022) (Dkt. 82, 1-2)				
579	Pippa Norris, Do perceptions of electoral malpractice undermine democratic satisfaction? The US in comparative perspective (Dkt. 82, 1-3)				
580	Charles Stewart III, Managing Polling Place Resources (Dkt. 82, 1-6)				
581	Sharad Goel et al, One Person, One Vote: Estimating the Prevalence of Double Voting (Dkt. 82, Ex. 1-18)				
582	All exhibits marked during Rule 30(b)(6) Deposition of Plaintiff Blackfeet Nation*				
583	All exhibits marked during Rule 30(b)(6) Deposition of Plaintiff Confederated Salish and Kootenai Tribes*				
584	All exhibits marked during Rule 30(b)(6) Deposition of Plaintiff Northern Cheyenne Tribe*				

585	All exhibits marked during Rule 30(b)(6) Deposition of Plaintiff Fort Belknap Indian Community*				
586	All exhibits marked during Rule 30(b)(6) Deposition of Plaintiff Western Native Voice*				
587	All exhibits marked during Rule 30(b)(6) Deposition of Plaintiff Montana Youth Action*				
588	All exhibits marked during Rule 30(b)(6) Deposition of Plaintiff Forward Montana Foundation*				
589	All exhibits marked during Rule 30(b)(6) Deposition of Plaintiff MontPIRG*				
590	All exhibits marked during Rule 30(b)(6) Deposition of Plaintiff Montana Democratic Party*				
591	Any and all admissible demonstrative Exhibits				
592	Any and all Exhibits used for Foundational Purposes				
593	Any and all Impeachment and/or Rebuttal Exhibits				
594	Any and all Non-Objectionable Exhibits identified by Plaintiffs				

* Exhibits marked with an asterisk will be addressed through the deposition designation process as indicated in the Final Pretrial Order.

TAB C

PLAINTIFFS' WITNESS LIST

Pursuant to Rule of Civil Procedure 32, Plaintiffs propose presenting some testimony through deposition designations. Plaintiffs reserve the right to present live testimony from any or all of these witnesses. Plaintiffs further reserve the right to call foundation witnesses, impeachment witnesses, and additional rebuttal witnesses, as necessary, as well as any witnesses identified or disclosed by Defendant.

No.	Name	May/Will Call	Witness Type	Proposed Form of Presentation
1	Thomas Bogle	Will call	Lay	In-person testimony
2	Mitch Bohn	Will call	Lay	In-person testimony
3	Yael Bromberg	Will call	Expert	Live testimony via remote appearance
4	Ali Caudle	May call	Lay	In-person testimony
5	Dana Corson	May call	Lay	In-person testimony and/or designation of prior trial and deposition testimony ¹
6	Geraldine Custer	Will call	Lay	In-person testimony
7	Delina Cuts the Rope	Will call	Lay	Designation of deposition testimony
8	Sarah Denson	Will call	Lay	In-person testimony
9	Audrey Dozier	Will call	Lay	Designation of deposition testimony
10	Monica Eisenzimer	Will call	Lay	Designation of deposition testimony
11	Doug Ellis	Will call	Lay	Designation of deposition testimony
12	Steve Fitzpatrick	Will call	Lay	Designation of deposition testimony

¹ Plaintiffs reserve the right to designate Dana Corson's trial and deposition testimony from *Western Native Voice v. Stapleton*, No. DV-2020-377 and *Driscoll v. Stapleton*, No. DV 20 0408.

13	Bernadette Franks-Ongoy	Will call	Lay	In-person testimony
14	Dawn Gray	Will call	Lay	Designation of deposition testimony
15	Michael Herron	May call	Expert	In-person testimony
16	Greg Hertz	Will call	Lay	Designation of deposition testimony
17	Jacob Hopkins	Will call	Lay	In-person testimony
18	Ronnie Jo Horse	May call	Lay	In-person testimony
19	Kiersten Iwai	Will call	Lay	In-person testimony
20	Christi Jacobsen	May call	Lay	In-person testimony
21	Austin James	May call	Lay	In-person testimony and/or designation of deposition testimony
22	Hunter Losing	Will call	Lay	Designation of deposition testimony
23	Kenneth Mayer	Will call	Expert	Live testimony via remote appearance
24	Daniel McCool	Will call	Expert	In-person testimony
25	Robert McDonald	Will call	Lay	Designation of deposition testimony
26	Kendra Miller	Will call	Lay	In-person testimony
27	Isaac Nehring	May call	Lay	In-person testimony
28	Angela Nunn	May call	Lay	In-person testimony
29	Ta'jin Perez	Will call	Lay	In-person testimony
30	Shawn Reagor	Will call	Lay	In-person testimony
31	Amara Reese-Hansell	Will call	Lay	Designation of deposition testimony
32	Bradley Seaman	Will call	Lay	In-person testimony
33	Lane Spotted Elk	Will call	Lay	In-person testimony

34	Stewart Fuller	May call	Lay	In-person testimony
35	Alexander Street	Will call	Expert	Live testimony via remote appearance
36	Keaton Sunchild	May call	Lay	In-person testimony
37	Janel Tucek	Will call	Lay	Designation of deposition testimony
38	Ryan Weichelt	Will call	Expert	In-person testimony
39	Secretary of State	Will call	Lay	In-person testimony and/or designation of deposition testimony

TAB D

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

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

Montana Democratic Party and Mitch Bohn,

Plaintiffs,

Western Native Voice, *et al.*,

Plaintiffs,

Montana Youth Action, *et al.*,

Plaintiffs,

vs.

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

Defendant.

Consolidated Case No. DV 21-0451

Hon. Michael Moses

DEFENDANT'S WITNESS LIST

Defendant Secretary of State Christi Jacobsen submits the following Witness List:

1. Audrey Dozier
2. Austin James
3. Plaintiff Blackfeet Nation
4. Bradley Seaman
5. Bret Rutherford
6. Plaintiff Confederated Salish and Kootenai Tribes
7. Doug Ellis
8. Plaintiff Fort Belknap Indian Community
9. Gavin Zaluski
10. Greg Hertz
11. Hailey Sinoff
12. Janel Tucek
13. Plaintiff Montana Democratic Party
14. Plaintiff Northern Cheyenne Tribe
15. Regina Plettenberg
16. Scott E. Gessler
17. Sean P. Trende
18. Steve Fitzpatrick

19. Plaintiff Western Native Voice
20. Any non-objectionable witness identified by Plaintiffs.
21. Any witnesses necessary for rebuttal.
22. Any witnesses necessary for impeachment.
23. Any witnesses necessary for foundation.
24. Any witnesses necessary for authentication of documents.