

**AFFIDAVIT OF BRET HEALY IN SUPPORT
OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

BRET HEALY submits this Affidavit in support of Plaintiff's Motion for Injunctive and Declaratory Relief:

1. I am a consultant for Four Directions Native Vote, Inc.
2. I was a non-testifying expert in *Wandering Medicine, et al. v. McCollough, et al.*, CASE NO. 1:12-CV-135-DWM, that resulted in Montana Secretary of State Election Directive 01-2015 regarding satellite location offices.
3. Montana election law has two provisions that make it easier for Montanans to exercise their electoral franchise. The first is known as "late registration," and the second is known as "early voting." Together, the two provisions offer a convenient one-stop approach to registration and voting that allows a voter to register and vote with a single visit to a local office any time within a 30-day window before Election Day.
4. Late registration is an option for Montanans who miss the regular mail-in registration deadline 30 days before an election. *See* MONT. CODE ANN. § 13-2-301 (2011). Starting the day after the regular registration deadline and continuing until the close of the polls on Election Day, an eligible voter may register to vote or update the voter's existing registration information by appearing in person at the county election office or other location designated by the county election administrator. *See* MONT. CODE ANN. § 13-2-304 (2011).
5. Early voting, which is also known as in-person absentee voting, allows any registered voter to receive, mark, and submit an absentee ballot in person at the county election office or other location designated by the county election administrator. *See* MONT. CODE

ANN. § 13-13-222 (2011). The early-voting period begins as soon as absentee ballots become available—typically 30 days before the election—and continues until noon on the day before the election. *See* MONT. CODE ANN. §§ 13-13-205, 13-13-211 (2011). Although late registration and early voting most often take place at the county election office, usually located in the county clerk’s office in the county seat, Montana law permits a county to create satellite election offices so late registration and early voting can take place in more than one location. On election day, late registration and in-person absentee balloting are available at the county clerk’s office and can be available at a satellite office from 7:00 AM to 8:00 PM, a thirteen (13) hour period.

6. Valley County currently, other than 4.5 hours on one day in the on-reservation community of Frazier, offers late registration and early voting only in the county seat.
7. Roosevelt County currently offers late registration and early voting only in the county seat of Wolf Point, Montana.
8. Both Valley County and Roosevelt County are geographically large and sparsely populated. Each county also contains a substantial Indian population, most of which lives on or near the Fort Peck Indian Reservation at a distance greater than sixteen (16) miles from the county seat.
9. I met in-person with Roosevelt County Clerk and Recorder Tracy Miranda on September 20, 2024, where I learned: (A) Prior to my visit, Roosevelt County would offer no late registration and early voting outside of the county seat; (B) Clerk Miranda believed that Election Directive #01-2015 only applied to the counties that had been defendants in *Wandering Medicine et. al. v. McCulloch et. al.*, CASE NO. 1:12-CV-135-DWM.; and (C)

After my visit, Clerk Miranda and Commissioner McDonald would consult with the rest of the Board of Commissioners on Monday, September 23, 2024, to reconsider the request made by Roosevelt County plaintiffs.

10. I met in-person with Valley County Clerk and Recorder Marie Phippen on September 20, 2024 where I learned: (A) There would be only 4.5 hours of late registration and in-person absentee balloting offered at a satellite location in Frazer, Montana for the 2024 election cycle; (B) All in-person election day voting in Valley County occurs at the Valley County Courthouse; (C) There is no in-person voting location on-Reservation in Valley County on election day; (D) Ms. Phippen did not take the satellite location request dated September 16, 2024 to the Valley County Commissioners; (E) Ballot on demand software and printing is not utilized by Valley County; (F) Valley County did not comply with Montana Secretary of State Election Directive 01-2015 paragraph 1, having not conducted “an analysis under the Voting Rights Act to determine whether a satellite office would be appropriate or required to protect the voting rights of Tribal members” – an analysis that under paragraph 1 required consultation with the Fort Pecks Tribal government, to be completed prior to January 1, 2024; and (G) Clerk and Recorder Phippen made no budget request to the Valley County Board of Commissioners to hire additional temporary staff for a satellite office for the 2024 general election.
11. Attached as **Exhibit 1** are true and correct copies of Fort Peck Tribes’ request for satellite offices to Valley County dated January 31, 2024.
12. Attached as **Exhibit 2** is a true and correct copy of Plaintiffs’ request to Roosevelt County for a satellite office dated September 16, 2024.

13. Attached as **Exhibit 3** is a true and correct copy of Plaintiffs' request to Valley County for a satellite office dated September 16, 2024.
14. Attached as **Exhibit 4** is a true and correct copy of the Frederick McBride, PhD, expert report filed in Case No. 4:13-cv-00065-BMM (Doc. 44-1).
15. Attached as **Exhibit 5** is a true and correct copy of the Daily Montanan September 3, 2024, article titled "Audio catches Senate Candidate Sheehy commenting on 'drunk Indians'".
16. Attached as **Exhibit 6** is a true and correct copy of the Daily Montanan September 10, 2024, article titled "Crow Chairman said Sheehy's racist remarks disrespect tribe, perpetuate stereotypes."
17. Attached as **Exhibit 7** is a true and correct copy of the Gerald Webster, PhD, expert report filed in Case 1:12-cv-00135-RFC.
18. Attached as **Exhibit 8** is a true and correct copy of Marie Pippen's September 11, 2024, email to Kimberly Everett.
19. Attached as **Exhibit 9** is a true and correct copy of Fort Peck Tribe's September 24, 2024, letter to Roosevelt County regarding adherence to Election Directive 01-2015.
20. Attached as **Exhibit 10** is a true and correct copy Fort Peck Tribe's September 23, 2024, letter to Valley County regarding a suitable location.
21. Attached as **Exhibit 11** is a true and correct copy of Montana Secretary of State Election Directive #01-2015.
22. Attached as **Exhibit 12** is a true and correct copy of Marie Pippen's September 20, 2024, email to me.

23. Attached as **Exhibit 13** is a true and correct copy of my calculation of travel costs for: 1) Plaintiffs to travel from Frazer, Montana to the Valley County seat, Glasgow, Montana and return; 2) Plaintiffs to travel from Poplar, Montana to the Roosevelt County seat, Wolf Point and return; and 3) Fort Peck tribal members to travel from Fort Kipp, Montana and Brockton, Montana to the Roosevelt County seat, Wolf Point, Montana and return; and 4) Fort Peck tribal members to travel from Oswego, Montana to the Valley County seat, Glasgow, Montana and return – all based on current Internal Revenue Service allowable mileage rate and on measured distances by me – driving on September 20-22, 2024.
24. Attached as **Exhibit 14** is a true and correct copy of the 2024 Montana Secretary of State Election Judge Training materials.
25. Attached as **Exhibit 15** are photographs I took of the Fort Peck Tribal building in Poplar, Montana on September 22, 2024.
26. Attached as **Exhibits 16A and 16B** are photographs I took of the Community Center in Frazer, Montana on September 20, 2024.
27. Attached as **Exhibit 17** is a true and correct copy of a September 23, 2024, email from Fort Peck Tribal Councilman Kirk to Tracy Miranda.
28. Attached as **Exhibit 18** is a true and correct copy of a September 23, 2024, email from Roosevelt County Attorney Theresa Diekhans to me.
29. Attached as **Exhibit 19** is a true and correct copy of a January 31, 2024, email from Attorney Cher Stewart to Montana Secretary of State Jacobson.
30. Attached as **Exhibit 20** is a true and correct copy of the September 23, 2024, memorandum from Fort Peck Tribes to Roosevelt County regarding a suitable location.

31. Attached as **Exhibit 21** is a true and correct copy of a memorandum from Fort Peck Tribes to Roosevelt County Officials requesting a copy of the Analysis conducted by Roosevelt County as called for in Paragraph No. 1 of the Election Directive.
32. Attached as **Exhibit 22** is a graph with voter turnout and census data for Roosevelt, Valley, Sheridan and Daniels counties derived from <https://www.census.gov/quickfacts/> and <https://electionresults.mt.gov/Default.aspx?eid=22> demonstrating that 2022 voting turnout was greatly reduced in Roosevelt County compared to Valley, Sheridan and Daniels Counties and that the reduction coincides with the greater American Indian and Alaska Native population in Roosevelt County as compared to Valley, Sheridan and Daniels Counties.
33. Attached as **Exhibit 23** are the Census Quick Facts reports for Roosevelt, Valley, Sheridan and Daniels counties. The four listed counties all have geography partially coincident with the boundaries of the Fort Peck Indian Reservation.

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Bret Healy
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Sworn and subscribed before me this 27th day of September, 2024.

Jaydon Daniels
Notary Public

