

Alora Thomas-Lundborg*
 Jonathan Topaz**
 Dale Ho*
 AMERICAN CIVIL LIBERTIES UNION
 125 Broad Street
 New York, NY 10004
 (212) 519-7866
 (212) 549-2693
 athomas@aclu.org
 jtopaz@aclu.org
 dale.ho@aclu.org

Alex Rate (MT Bar No. 11226)
 Akilah Lane
 ACLU OF MONTANA
 P.O. Box 1968
 Missoula, MT 59806
 406-224-1447
 ratea@aclumontana.org
 alane@aclumontana.org

Attorneys for Plaintiffs
 *Admitted *pro hac vice*
 ***Pro hac vice* pending

Jacqueline De León*
 Matthew Campbell*
 NATIVE AMERICAN RIGHTS FUND
 1506 Broadway
 Boulder, CO 80302-6296
 (303) 447-8760
 jdeleon@narf.org
 mcampbell@narf.org

Samantha Kelty*
 NATIVE AMERICAN RIGHTS FUND
 1514 P Street N.W. (Rear) Suite D
 Washington, D.C. 20005
 (202) 785-4166
 kelty@narf.org

Theresa J. Lee*
 ELECTION LAW CLINIC, HARVARD LAW SCHOOL
 6 Everett Street, Suite 5112
 Cambridge, MA 02138
 (617) 998-1010
 thlee@law.harvard.edu

MONTANA THIRTEENTH JUDICIAL DISTRICT COURT
 COUNTY OF YELLOWSTONE

WESTERN NATIVE VOICE, Montana)	Consolidated Case No. DV 21-0451
Native Vote, Blackfeet Nation, Confederated)	
Salish and Kootenai Tribes, Fort Belknap)	Judge Michael G. Moses
Indian Community, and Northern Cheyenne)	
Tribe,)	AFFIDAVIT OF ALEX RATE IN
Plaintiffs,)	SUPPORT OF PLAINTIFFS'
v.)	MOTION FOR PRELIMINARY
)	INJUNCTION
Christi Jacobsen, in her official capacity as)	
Montana Secretary of State,)	
Defendant.)	
)	
)	

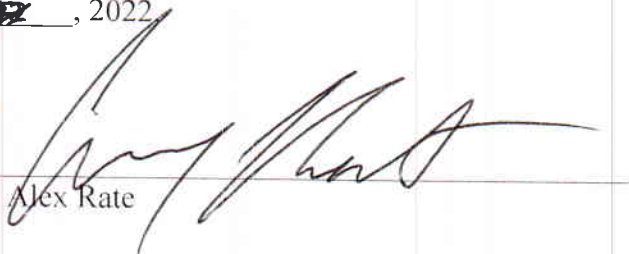
I, Alex Rate, submit the following Affidavit in support of Plaintiffs' Motion for Preliminary Injunction. I am the Legal Director of the American Civil Liberties Union of Montana (ACLU-MT) and counsel to Plaintiffs in the above-captioned case. I have become familiar with the documents that are attached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

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

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

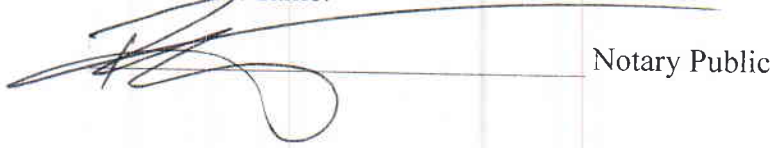
I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, based on my personal knowledge.

Executed in Livingston, MT on 1/12, 2022


 Alex Rate

State of Montana
 County of Park

On this 12th day of January, 2022, before me personally appeared Alexander Howard Rate, whom I know personally, and acknowledged that ~~she~~ executed the same.


 Notary Public

