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*\*Pro Hac Vice*

MONTANA THIRTEENTH JUDICIAL DISTRICT COURT  
 COUNTY OF YELLOWSTONE

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WESTERN NATIVE VOICE, Montana	)	
Native Vote, Blackfeet Nation, Confederated	)	
Salish and Kootenai Tribes, Fort Belknap	)	Cause No. DV 21-0451
Indian Community, and Northern Cheyenne	)	
Tribe,	)	Hon. Michael Moses
	)	
Plaintiffs,	)	<b>AFFIDAVIT OF RONNIE JO HORSE</b>
vs.	)	
	)	
CHRISTI JACOBSEN, in her official	)	
capacity as Montana Secretary of State,	)	
	)	
Defendant.	)	

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I, Ronnie Jo Horse, affirm that:

1.\_\_\_\_ I am the executive director of Western Native Voice, one of the non-profit plaintiffs in this case. I submit this affidavit in support of Plaintiffs' Motion for a Preliminary Injunction against enforcement of House Bill 176 and House Bill 530, two laws that will significantly frustrate the mission and purpose of our organization in future elections.

2.\_\_\_\_ Under HB 176, late voter registration is no longer available on Election Day.

3.\_\_\_\_ Under Section 2 of HB 530, no one may "provide or offer to provide" nor accept, "a pecuniary benefit in exchange for distributing, ordering, requesting, collecting, or delivering ballots." Violators will be fined \$100 per ballot unlawfully distributed, ordered, requested, collected, or delivered.

4.\_\_\_\_ I have lived in Montana for 22 years. I am a descendant of the Oglala Lakota and Northern Cheyenne Nations. I have been working as executive director for Western Native Voice for the past year.

5.\_\_\_\_ In my role as executive director, I helped direct and oversee Western Native Voice's get-out-the-vote ("GOTV") and ballot collection efforts during the 2020 election cycle. Those efforts included providing rides to the polls for voters on election day for same day voter registration and late voting. In addition, my responsibilities include fundraising, program development and oversight, and staff supervision.

**Western Native Voice's GOTV, Ballot Collection and Ride to the Polls Activities**

6.\_\_\_\_ Western Native Voice is a non-profit, non-partisan, social justice organization working to inspire Native leadership. We are a membership organization established in 2011. We have over 10,000 members across the state of Montana. Our members include Native

Americans who have been and will be affected by BIPA's limitation on ballot collection and conveyance.

7. Our organization's core goals include enhancing the political effectiveness of Native communities in Montana. We have four areas of focus: civic engagement, education, leadership development, and public policy advocacy. Our GOTV efforts are part of our civic engagement activities. Our GOTV efforts include canvassing reservations and urban Indian centers and discussing the importance of voting and civic participation and how and why to engage in the civic process.

8. Western Native Voice engages only in non-partisan GOTV work. We work on all seven reservations in Montana and in the cities of Billings, Great Falls, and Missoula. In our work with Native communities, we highlight the importance of civic engagement and greater participation in local civic affairs and in the electoral process.

9. In past statewide election cycles, Western Native Voice hired community organizers whose jobs include collecting ballots on each of the reservations in the state. Our organizers hand-collected and conveyed ballots from those reservations to county election offices and satellite voting locations.

10. The organizers we have hired were residents of the same reservations where they did civic engagement work for Western Native Voice. They each completed two to three days of training before beginning their GOTV work. We paid these organizers to collect and deliver voted ballots to election offices as well as to provide rides to the polls on election day. On occasion, when a voter needed a replacement ballot and did not have the means to go to the county elections office, our organizers would provide the appropriate forms provided by the

Secretary of State to help the voter obtain a replacement ballot. In 2018, we paid our organizers \$15 per hour. Collectively, our organizers spent over a thousand hours doing non-partisan GOTV work in 2018, and our organizations paid them over \$100,000 for the work that they did. In 2020, we had two tiers of organizers, Regional organizers who earned \$25/hour and digital organizers who were paid \$20/hour. Collectively, our organizers spent over a 11,941 hours doing non-partisan GOTV work in 2020, and our organization paid them over \$258,443 for the work that they did. \_

11. We work hard to recruit and hire diverse organizers. During the 2018 election cycle, our organizers ranged from people with no post-secondary education to people with doctoral degrees and people aged 20 through 73 years old. We strategically hire people from different age groups, social circles, and educational backgrounds. In 2018, we had to screen through a high volume of applicants to be able to hire organizers in all ten communities we serve due to lack of working phone numbers on applications, lack of qualifications, and lack of availability among our applicant pool. Some areas (such as the Fort Peck reservation) have historically been very difficult for us to staff. It takes 30 minutes to 1 hour for a group of 2 or 3 of our staff members to interview each candidate who makes it to that stage. In 2020, we \_hired 172 Community Organizers.

12. Our practice is to hire at least one organizer per community that we serve. During the 2016 presidential cycle, we hired 23 community organizers, some of whom worked on ballot collection. During the 2018 midterm cycle, we hired dozens of community organizers, of whom 14-22 were on staff at any given time. We trained all of these organizers on GOTV and ballot collection. After this training, we had each organizer sign a specific ballot collection form to

ensure that they are familiar with legal and ethical guidelines for ballot collection. In tandem with volunteers they recruited and trained, our organizers collected and hand-delivered at least 853 voted ballots that year. For context, this was a significant portion of the 9,446 total absentee votes that were cast in precincts with significant Native American populations that we were targeting in our GOTV efforts.

13. Through our GOTV, ballot collection and community organizing efforts, Western Native Voice helped increase voter turnout in Indian Country in Montana. Individuals canvassed by us or our partner organizations just one time were 4.1% more likely to vote, while those who were canvassed through face-to-face conversations at their doors multiple times were 12.2% more likely to vote.

14. During the 2018 election cycle, 80% of the people our organization contacted as part of our non-partisan GOTV effort actually voted. Those efforts included knocking on 33,769 doors, sending 11,064 text messages, registering 2,015 new voters, giving 482 voters rides to the polls, and collecting and conveying 853 ballots. With an overall turnout rate of 60.3% across Indian Country (73% among absentee voters), we had a record-breaking number of voters from tribal nations. Compared to the 2014 midterm election, 7,704 more tribal community members voted. There were significant increases in turnout on every reservation vis-à-vis the 2014 midterms (a jump from 39% to 70% voter turnout among tribal community members in Fort Belknap; 47% to 68% in CSKT, 32% to 59% in Fort Peck, 33% to 59% in Blackfeet, 29% to 57% in Crow, 23% to 51% in Rocky Boy's, and 30% to 50% in Northern Cheyenne). During the 2020 election cycle, the voter turnout increased from 67% to 67% in Fort Belknap; remained at

65% in Blackfeet; jumped from 51% to 55% in Crow; 66% from 62% in Fort Peck; 53% to 55% in Northern Cheyenne; and 43% up to 53% in Rocky Boy.

### **Voting in Indian Country**

15. Prior to the enactment of HB 530 and HB 176, people living within tribal nations in Montana already faced many obstacles to voting that are not prevalent in other parts of the state. One obstacle is lack of uniform and consistent addressing systems. During our voter registration efforts, Western Native Voice has had hundreds of voter registration forms rejected by county offices, largely due to inconsistencies in the home addresses provided by tribal registrants. We are investigating how we can create a uniform addressing system for use within tribal nations in Montana, perhaps by assigning a “Google Plus code” to homes in remote locations.

16. A second obstacle is the limited opportunity for residential mail delivery. Most tribal nation residents do not receive mail at home and must instead use a post office box, which is not always a free service in tribal communities. Multiple families frequently share a single post office box, and there are financial barriers associated with having to travel to collect and post mail and to pay for stamps. Even though Western Native Voice has helped more tribal members sign up to vote by absentee ballot, in recent years, the return rate for absentee ballots issued in tribal nations has decreased (from 91% in 2012 to 73% in 2018 to 64% in 2020).

17. A third obstacle is the long distances voters must travel to reach county election offices to hand-deliver their ballots and register to vote. On average, tribal community members in Montana must travel 85 miles round trip to reach their county election offices. Even though

there are a few satellite voting locations now open in Indian Country, they are generally staffed for very short periods of time and are often still located quite far from some of the rural communities within tribal boundaries.

18. A fourth obstacle is that tribal governments must submit written requests for satellite election services on an annual basis. For the past two federal election cycles and again for the upcoming election next year, Western Native Voice has invested considerable time in working with tribal governments to help them meet the January 31 deadline to properly request such services.

19. HB 530 and HB 176 exacerbate these problems.

#### **Effect of HB 176 on Western Native Voice's GOTV Activities**

20. Native Americans residing on reservations are more likely to be geographically isolated from polling centers where in-person voter registration or dropping off of a voter registration application can occur, and they often lack the means to travel to those locations to register to vote or drop off a voter registration application prior to an election.

21. Native voters are a highly mobile population due to moving around to seek employment and due to insecure housing. When a voter moves and becomes a resident of another county, they must re-register in that county.

22. Because of these barriers, many Native Americans residing on rural reservations rely on election day registration ("EDR") so that they can make only one trip to the polling center to register and vote on the same day.

23. Western Native Voice engages in robust election day activities, including door knocking, ballot collection and providing rides to the county seat for election day voter registration and late voting.

24. In prior election cycles, we have hired hundreds of individuals to work exclusively on election day.

25. For example, in 2018 Western Native Voice hired 20 organizers on the Fort Peck Reservation. These organizers provided rides to the county election office on election day in order to register voters.

26. In 2020, Lauri Kindness, an organizer for Western Native Voice, drove 150 people from the Crow Reservation to register to vote at the Big Horn County Elections Office.

27. Providing rides to the county seat is a key component of our strategy to increase turnout.

28. Providing rides to the county seat on election day is particularly important on rural reservations, where many individuals lack access to transportation. Many Native American voters also do not understand that if their address changes they will need to re-register to vote. They often find out about the necessity to re-register on election day itself, and rely on Non-Profit Plaintiffs to provide a ride to the county seat.

29. HB 176 is already impacting our operations. We expect that we will no longer be able to only employ organizers on election day as the opportunity for election day registration has been eliminated. Instead, we will be forced to spend additional resources to hire organizers earlier in the election cycle in order to mobilize turnout.



30. HB 176 eliminates a key tool for to increase voter turnout. By ending EDR, HB 176 prevents Native Americans living on reservations from full and equal participation in elections.

**Effect of HB 530 on Western Native Voice's GOTV Activities**

31. Western Native Voice collect ballots and delivers unvoted ballots to voters on all seven reservations in Montana, as well as in urban Indian centers such as Missoula, Great Falls, and Billings. We hire local organizers and pay them to collect voted ballots and deliver them to election offices. In 2016, we hired between 14 and 18 paid organizers to collect and deliver ballots. In 2018, we employed a total of 32 paid organizers, who collected and conveyed at least 853 ballots. Those 853 ballots represented fully 9-10% of all absentee ballots cast in the precincts targeted by Western Native Voice. In the 2020 general election, after the Montana Ballot Interference Prevention Act ("BIPA") was permanently enjoined by two Yellowstone County district court judges, Western Native Voice paid organizers to collect and convey over 555 ballots.

32. Since Western Native Voice relies on paid organizers to collect ballots, Section 2 of HB 530 outlaws all of our ballot collection efforts. These efforts are core to our GOTV work and could not be replaced by other measures. To the extent HB 530 does not ban all ballot collection efforts by Western Native Voice, its terms nonetheless chill any of our efforts due to the risk of substantial fines.

33. With HB 530 in effect we are no longer able to pay organizers to collect ballots in Montana. We would have to spend additional time explaining the new system to voters and encouraging them that it is still important to vote even though there are more hoops to jump

through. We would also have to spend additional resources on education and messaging to our communities about the new law.

34. HB 530 puts our communities and clients in a difficult position. Either we must subject some of our members engaged in critical GOTV work to civil penalties (\$100 per ballot), or we must effectively suspend our ballot collection operations. Apart from Western Native Voice, there are no organized ballot collection groups that could fill the void created by our discontinuation of these GOTV efforts.

### **Conclusion**

35. To counteract the effects of HB 176 and HB 530 we would need to hire additional organizers. It would be impracticable – indeed virtually impossible for the 2022 cycle, based on current resources and staff capacity – for our organization to recruit, hire, and train more organizers enough organizers to counteract the effects of HB 176 and HB 530. Reservations are already hard-to-staff areas, and we do not have the capacity to on-board and manage the work of so many people.

36. Western Native Voice also feels that our ability to engage in political expression has been curtailed by HB 530 and HB 176. Through our ballot collection and other GOTV efforts, we communicate with tribal communities the importance of civic engagement and encourage them to get involved in the political process. Many of the tribes and community members we serve will no longer hear our messaging about the importance of voting and we will no longer be able to engage in the expressive conduct that is core to our organizational mission.

37. When Native communities are able to vote and express their preferences through the ballot box, we have more agency and power. Our members feel most empowered when they

have participated in the political process. HB 530 and HB 176 hamper our organization's ability to deepen our connections with our membership and to recruit new members.

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 December on 17th, 2021.



\_\_\_\_\_  
Ronnie Jo Horse

State of Montana

County of Yellowstone

On this 17th day of December, 2021, before me personally appeared Ronnie Jo Horse, whom I know personally, and acknowledged that she executed the same.

Kailee M Notary Public

