

**2020**  
**IDAHO HIGH SCHOOL**  
**MOCK TRIAL CASE**



**IDAHO LAW**  
**FOUNDATION**

**Essie Rivera**  
**vs.**  
**Micah Donnelly**

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Dear 2020 Mock Trial Teams:

Welcome to the 2020 Idaho High School Mock Trial season! All of us with the Law Related Education Program look forward to working with you throughout the season.

The Mock Trial Case Committee is excited to provide you the opportunity to try this civil case that explores voting rights during a city council election. We developed this case in part to celebrate the upcoming 100<sup>th</sup> anniversary of the 19<sup>th</sup> Amendment that gave women the right to vote. Our hope is that this case will give you the chance to grapple with some legal issues while getting to know some interesting characters and learning more about how voting works in our communities.

Case materials were developed by the 2020 Idaho Mock Trial Committee including Greg Dickison, David Lloyd, and Hon. Jessica Lorello. Materials were reviewed by committee members as well as Cindy Wilson and Tracy Oneale. Thank you to everyone for their hard work, dedication, and invaluable assistance.

Mock trial could not operate without the generous contributions of our donors and volunteers. The Idaho Law Foundation's Law Related Education Program would like to thank the many individuals and organizations who provide ongoing support for our program.

As you participate in the mock trial season, please remember the many people who make this competition possible. Teacher sponsors and attorney coaches will likely spend countless hours preparing you for competition. You will also meet judges, coordinators, and staff members who gladly give their time to support the mock trial program. Make sure you thank all these people for their commitment to making the mock trial program a wonderful experience for you.

Please feel free to contact me at (208) 334-4500 or [cshoufler@isb.idaho.gov](mailto:cshoufler@isb.idaho.gov) with any questions or concerns at any time throughout the season. Best of luck to you and your team as you prepare for the 2019 mock trial season.

Cheers!

Carey A. Shoufler  
Law Related Education Director

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## CASE BACKGROUND

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In August, 2019, Essie Rivera began his/her sophomore year at Tree City University in Tablerock, Idaho. Shortly after the beginning of the Fall 2019 semester, Essie decided to seek a seat on the Tablerock City Council, running against a four-term Council Member, Tammy Hall. On November 5, 2019 Essie lost the election by 49 votes.

Essie believes the election loss was due to systemic voter suppression that interfered with a free and fair election and is suing Mikah Donnelly, Treasure Valley County Clerk, who is in charge of the elections office.

## DISCLAIMER

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This is a work of fiction. The names, characters, businesses, organizations, places, events and incidents herein are the product of the authors' very vivid imaginations.

## VERSION CHANGES AND CLARIFICATIONS

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### Version 1.0

Version 1.0, dated 17 November, 2019, does not include any changes.

### Final Version

The Final Version of the case, dated January 15, 2020 includes the following changes:

**Q: There are several places in the materials that refer to Boise. Is that correct?**

*A: Any instance of "Boise" has been changed to "Tablerock".*

**Q: Do we have to prove that misconduct changed the outcome? The pre-trial order says "yes", and the jury instructions say "no"?**

*A: Both the pre-trial order and the jury instructions indicate that the issue of whether or not any proven misconduct would have changed the outcome of the election will be addressed in a separate trial.*

**Q: Is the case against Donnelly in their official capacity?**

*A: Yes. The case is against Donnelly in his/her capacity as county clerk.*

**Q: Does the statute require voter registration forms be turned in by the voter in person?**

*A: No. Refer to Jury Instructions Nos. 12 and 13 for more information.*

**Q: Is the poll of all adults; of registered voters; or of likely voters?**

*A: The type of polling sample is not at issue for this trial.*

**Q: Did all witnesses actually make the statements attributed to them on Tree City Connect?**

*A: Yes. A stipulation will be added to indicate that all witnesses made the statements attributed to them.*

**Q: Is the definition of residence what Donnelly says it is?**

*A: The following jury instructions will be added as Jury Instructions No. 9 and 10:*

*Instruction No 9.*

*A resident is anyone who has been domiciled in Idaho with a bona fide intent to make Idaho their place of permanent abode.*

*Instruction No 10.*

*No person shall gain or lose residency merely by reason of his absence from or presence in Idaho*

*a) while serving in the United States military,*

*b) while a student at any institution of higher learning,*

*c) while absent from Idaho for any reason with the intent to have Idaho remain his residence, or*

*d) while present in Idaho for any reason with the intent to have another state remain his residence.*

**Q: Do you allow any motions in limine that aren't merely housekeeping items?**

*A: No. For mock trial purposes, there are no pretrial motions, which would include motions in limine.*

**Q: Are teams permitted to use an easel in the courtroom during the competition.**

*A: No. We decided several years ago to prohibit the use of easels in courtrooms. We want the teams to rely on verbal rather than visual persuasion.*

**Q: Is Jury Instruction No. 3 correct as written?**

*A: No. Jury Instruction No. 3 will be changed to read: "Misconduct is the intentional or willful commission of a wrongful, improper or unlawful act, done in an official capacity, which affects the performance of official duties."*

**Q: Were there other precincts or polling locations involved in this case?**

*A: The case indicates that the moving of the polling place is one of three options teams can use to prove misconduct. The case materials are complete as written concerning that issue.*

**Q: Is the new recreation center a remodel of the old recreation center or is the new recreation center in a different location.**

*A: The new recreation center is a new building in a different location on the campus.*

**Q: Are the poll results being used to prove the truth of the matter asserted?**

*A: The pretrial order governs the purpose for which the evidence may be offered even though additional objections could have been raised. The pretrial order should be considered final and the admissibility of the polling results may*



*not be revisited at trial. The following limiting instruction relating to the poll results will be added to the case materials:*

*Jury Instruction No. 22 – To the extent evidence of poll results was admitted at trial, you may only consider that evidence for a limited purpose. Such evidence, to the extent you deem it credible, may only be considered as a factor in deciding whether the Defendant had a motive to take the actions s/he did. You may not consider the poll results for any other purpose.*

# STIPULATIONS

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- 1) All exhibits included in the case materials are authentic and accurate representations of the items they depict, and their proper chain of custody with regard to the exhibits has been maintained. All parties must use the proper procedures for admitting exhibits into evidence, and all exhibits are subject to objection except as to their authenticity.
- 2) The signatures and signature representations (items marked with /s/) on the witness statements and all other documents, including exhibits, are authentic. No challenges based on the authenticity of a witness' signed document will be considered. Each witness was given an opportunity to update or amend his/her statement shortly before trial, and no changes were made.
- 3) The dates of witness statements are not relevant and are not included. No challenges based on the dates of the witness statements will be considered. All statements were taken after the alleged incidents but before trial.
- 4) The jurisdiction and venue are proper.
- 5) All parties have agreed to the jury instructions.
- 6) Each witness can be portrayed by a student of either gender. Any instances where a witness is referred to as only "him" or "her" or only "he" or "she" are inadvertent.
- 7) It is anticipated that the trial time will not permit the use of all the exhibits provided in the following materials. Each party should select and use only those exhibits that best support and illustrate that party's theory of the case.
- 8) All witnesses made the statements attributed to them.

# COMPLAINT & DEMAND FOR JURY TRIAL

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Dickison, Lorello, Lloyd & Shoufler, P.A.  
Attorneys for Plaintiff  
By: Jem Trotter, Attorney at Law  
501 North Maple Street, Suite 302  
Tablerock, ID 83706

## IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO FOR THE COUNTY OF TREASURE VALLEY

ESSIE RIVERA,	)	
	)	Case No. IDMT2020
	)	
Plaintiff	)	
vs.	)	
	)	<b>COMPLAINT &amp; DEMAND</b>
MICAH DONNELLY,	)	<b>FOR JURY TRIAL</b>
	)	
	)	
Defendant	)	

---

COMES NOW ESSIE RIVERA, a qualified elector, the Plaintiff in the above-entitled action, and complains and alleges against MICAH DONNELLY, the Defendant, as follows:

### JURISDICTION AND VENUE

- 1) Plaintiff is and has been at all times relevant hereto a resident of Tablerock, Treasure Valley County, Idaho.
- 2) Defendant is and has been at all times relevant hereto the Clerk of the County of Treasure Valley County, Idaho.
- 3) All the actions complained of herein took place in Treasure Valley County, Idaho.

### GENERAL ALLEGATIONS

- 5) As of August 20, 2018, Plaintiff was and has been enrolled as a full-time student at Tree City University in Tablerock, Idaho.
- 6) On September 5, 2019 Plaintiff filed a Declaration of Candidacy with the Tablerock City Clerk stating an intention to run for a seat on the

Tablerock City Council. Plaintiff's candidacy was part of a class project at Tree City University, Political Science 376, American Political Institutions and Behaviors.

- 7) On September 9, 2019 Plaintiff created the page Essie 4 Change on the Tree City University social media platform, known as Tree City Connect, in support of the class project.
- 8) On October 17, 2019 Tree City University suspended Plaintiff's Essie 4 Change account under the pretext that the page violated the Tree City Connect Social Media Policy. The account was suspended at the instigation of Defendant.
- 9) On October 24, 2019 Defendant changed the polling place from the Tree City University Recreation Center to Hawthorne Elementary School, a site two miles from campus and across two busy highways. This change was done for the purpose of preventing Tree City University students from voting and was done without proper notice.
- 10) On several occasions prior to the voter registration deadline, Plaintiff and others presented legible, accurate, and complete Voter Registration Applications to Defendant's office. Defendant and/or representatives of his/her office acting on direction of the Defendant refused to accept many of the Applications.
- 11) On November 5, 2019 several eligible voters appeared at the Hawthorne Elementary School polling place. Defendant and/or representatives of his/her office acting on direction of the Defendant refused to allow anyone to vote who said they were a student at Tree City University.
- 12) Also, on November 5, 2019 several eligible voters appeared at the Hawthorne Elementary School polling place, but without the legally required identification. Defendant and/or representatives of his/her office acting on direction of the Defendant refused to provide them with the Personal Identification Affidavit prescribed by the Idaho Secretary of State.

## **ALLEGATIONS OF MISCONDUCT**

Plaintiff alleges that with respect to the above, the Defendant and representatives of his/her office engaged in several acts of misconduct.

### **Contacting Tree City University and Advocating the Plaintiff's Campaign Page Be Shut Down**

- 13) Treasure Valley Code Section 34-2104 states: The election of any person to any...municipal office may be contested: (1) For misconduct, fraud or corruption as provided in section 34-2107...on the part of one or more election officials....
- 14) Treasure Valley Code Section 34-2107 states: Misconduct on the part of election officials is sufficient to set aside the election if the misconduct would change the result regarding that office.
- 15) Plaintiff alleges that Defendant and/or election officials in Defendant's office engaged in misconduct sufficient to change the result of the election as follows:
- 16) Tree City University created and maintained a social media platform called Tree City Connect. All students, faculty, and administration had access to Tree City Connect by logging in with their campus email address and a password. Tree City University paid for the server that hosted Tree City Connect, and Tree City University employees were responsible to maintain it.
- 17) Plaintiff created a page called Essie 4 Change on Tree City Connect to promote Plaintiff's campaign for the City Council election. Plaintiff's campaign made posts to Essie 4 Change, and many other Tree City Connect members added comments to the posts. Essie 4 Change clearly indicated it was a class project related to Political Science 376.
- 18) Defendant contacted Tree City University Associate Dean of Students Jordan Bell and stated that Essie 4 Change was in violation of the Tree City Connect social media policy. Defendant urged Dean Bell to shut down Essie 4 Change, which Dean Bell subsequently did.

- 19) Essie 4 Change was not in violation of the Tree City Connect social media policy. Furthermore, even if it was in violation of the policy, Defendant acted outside the scope of her/his official duties when s/he contacted Dean Bell and advocated that Essie 4 Change be shut down. Due to the Defendant's misconduct Plaintiff was unable to communicate with potential voters and was unable to notify potential voters that the polling place had been changed or how to get to the new polling place.
- 20) At least 12 voters were unable to vote for Plaintiff as a direct and proximate result of the Defendant's misconduct, as shown in the affidavits filed in conjunction with this Complaint. These votes, combined with other votes for Plaintiff that were prevented by Defendant's misconduct, are sufficient to change the outcome of the election.

**Improperly Moving the Polling Place to an Inconvenient Location and without Proper Notice**

- 21) Treasure Valley Code Section 34-1102 states: Except as provided herein, all polling places shall be designated no later than thirty (30) days prior to the date of the election. Insofar as possible, the polling place designated for the general election shall be the same place that was designated for the primary election. Whenever it shall become impossible or inconvenient to hold an election at the place designated, the county elections office shall identify the nearest convenient place for holding the election and shall make all reasonable efforts to notify registered and non-registered voters impacted by the change as soon as practicable.
- 22) In all prior elections since 1998, including the most recent primary, the old Tree City University gym was used as a polling place. The Defendant refused to designate the old gym as a polling place for the 2019 City Council election on the grounds that the old gym was not accessible under the Americans With Disabilities Act.

- 23) Tree City University opened a new recreation center between the primary and general elections that was compliant with the ADA. The Defendant refused to designate the new recreation center as a polling place. Instead, the Defendant designated a polling place that was two miles from the Tree City University campus, and across two busy highways, thus making the polling place inconvenient to voters from Tree City University. Furthermore, the Defendant did not adequately notify voters of the change. Thus, voters did not know about the new polling place, or, if they did know, could not get to the new polling place.
- 24) At least 21 voters were unable to vote for Plaintiff as a direct and proximate result of the Defendant's misconduct, as shown in the affidavits filed in conjunction with this Complaint. These votes, combined with other votes for Plaintiff that were prevented by Defendant's misconduct, are sufficient to change the outcome of the election.

**Violating the Law by Refusing to Allow Qualified Electors to Vote**

- 25) Treasure Valley Code Section 34-402 states: Every male or female citizen of the United States, eighteen (18) years old, who has resided in this state and in the county for thirty (30) days where he or she offers to vote prior to the day of election, if registered within the time period provided by law, is a qualified elector.
- 26) Treasure Valley Code Section 34-404 states: All electors must register before being able to vote at any City Council election. Registration of a qualified person occurs when a legible, accurate and complete registration application is received in the office of the county clerk or is received at the polls pursuant to section 34-408A, Treasure Valley Code.
- 27) Treasure Valley Code Section 34-408A states: An individual who is eligible to vote may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing a registration application, making an oath in

the form prescribed by the Secretary of State and providing proof of residence. An individual may prove residence for purposes of registering by:

- a. Showing an Idaho Driver's License or Idaho Identification Card issued through the Idaho Department of Transportation; or
- b. Showing any document which contains a valid address in the precinct together with a picture identification card; or
- c. Showing a current valid student photo identification card from a postsecondary educational institution in Idaho accompanied with a current student fee statement that contains the student's valid address in the precinct.

28) Treasure Valley Code Section 34-1113 states: All voters shall be required to provide personal identification before voting at the polls. The personal identification that may be presented shall be one (1) of the following:

- a. An Idaho Driver's License or Identification Card issued by the Idaho Department of Transportation;
- b. A passport or an identification card, including a photograph, issued by an agency of the United States government;
- c. A tribal identification card, including a photograph; or
- d. A current student identification card, including a photograph, issued by a high school or an accredited institution of higher education, including a university, college or technical school, located within the state of Idaho.

29) Treasure Valley Code Section 34-1114 states: If a voter is not able to present personal identification as required in section 34-1113, Treasure Valley Code, the voter may complete an affidavit in lieu of the personal identification. The affidavit shall be on a form prescribed by the Secretary of State and shall require the voter to provide the voter's name and address. The voter shall sign the affidavit. Any person who



knowingly provides false, erroneous or inaccurate information on such affidavit shall be guilty of a felony.

Defendant violated the above statutes, as follows:

- 30) Prior to election day Plaintiff and others presented legible, accurate and complete registration applications to Defendant's office. Defendant refused to accept many of the registration applications presented on the pretense that university students are not allowed to vote in local elections, even though said applications included the required proof that the applicants were residents of Tablerock.
- 31) On election day university students appeared at the polls prepared to vote. Defendant and his/her poll workers refused to allow university students to vote, even though they presented the proper identification and/or completed a registration application. Furthermore, if students appeared without the required identification, Defendant refused to provide the affidavit prescribed by the Secretary of State.
- 32) At least 24 voters were unable to vote for Plaintiff as a direct and proximate result of the Defendant's misconduct, as shown in the affidavits filed in conjunction with this Complaint. These votes, combined with other votes for Plaintiff that were prevented by Defendant's misconduct, are sufficient to change the outcome of the election.


### **PRAYER FOR RELIEF**

Plaintiff seeks the following relief:

- A. That this court find that the Defendant engaged in misconduct as set forth above;
- B. That this court find that the Defendant's misconduct was sufficient to change the outcome of the election;
- C. That this court overturn the election, and order that a new election take place; and

D. That Plaintiff be awarded such other relief as shall seem just.

**DATED** this 15th day of November, 2019

  
\_\_\_\_\_  
JEM TROTTER  
FOR: Dickison, Lorello, Lloyd & Shoufler, P.A.



Defendant is without sufficient information to admit or deny whether or why Essie 4 Change was suspended, and therefore paragraph 8 is DENIED. Further, Defendant DENIES that the page was suspended at the instigation of the Defendant.

Defendant ADMITS changing the polling place. Defendant DENIES the change was done for the purpose of preventing Tree City University students from voting and was done without proper notice.

Defendant DENIES paragraph 10 - 13.

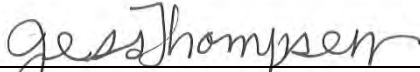
### **PLAINTIFF ALLEGATIONS OF MISCONDUCT**

Defendant DENIES each and every allegation of misconduct alleged in paragraphs 14 – 32.

### **PRAYER FOR RELIEF**

Defendant requests that the relief submitted by the Plaintiff be denied, and that the Plaintiff's Complaint be dismissed.

**DATED** this 20th day of November, 2019

  
\_\_\_\_\_  
JESS THOMPSEN  
FOR: Bandini, Lambert & Locke

# PRETRIAL ORDER

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## IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO FOR THE COUNTY OF TREASURE VALLEY

ESSIE RIVERA, )  
 ) Case No. IDMT2020  
 )  
 ) Plaintiff )  
 vs. )  
 )  
 ) **PRETRIAL ORDER**  
 MICAH DONNELLY, )  
 )  
 )  
 )  
 ) Defendant )

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ON December 11, 2019, the parties and their counsel appeared by order of this Court to settle any pretrial matters.

### AFFIDAVITS

One matter to be decided was how to handle the fifty-seven (57) affidavits filed by Plaintiff Rivera in support of his/her Complaint. Each affiant alleges that they are a qualified elector resident in the city of Tablerock, and that they would have voted for Rivera in the City Council election but for misconduct on the part of the Defendant Donnelly. The misconduct alleged by the affidavits falls into three categories:

- 1) Twelve (12) affidavits allege misconduct in suspending the Essie 4 Change Tree City Connect account
- 2) Twenty-One (21) affidavits allege misconduct in changing the polling place
- 3) Twenty-Four (24) affidavits allege misconduct in denying the affiants' attempts to register to vote

The difference in votes between incumbent Tammy Hall and Essie Rivera was forty-nine (49). Plaintiff Rivera has the burden in this case to prove misconduct on the part of Defendant Donnelly, AND that the misconduct changed the result of the election. Assuming the jury accepts all of the Plaintiff's affidavits (about which more below), the Plaintiff must also successfully convince the jury that the Defendant's actions amounted to misconduct on all three counts. If Plaintiff

proves misconduct on only one or two counts, there will not be enough affidavits related to those counts to show the misconduct changed the outcome of the election.

The Defense wants to depose each of the affiants before trial, making the argument that if more than eight of the affidavits are invalid then the Plaintiff's case necessary fails. The Plaintiff's response is that s/he can present plenty of affidavits over and above the number submitted but chose to submit only a sufficient number to support his/her Complaint. The Plaintiff is prepared to call as many witnesses as necessary to testify that they would have voted for Plaintiff but could not.

This Court believes that the more pertinent matter to be decided is whether or not misconduct occurred, and that it will be more efficient to present that matter to the jury first. Given how close the final tally was, there is little doubt in the Court's mind that, if proven, misconduct of the kind alleged by the Plaintiff could have changed the outcome. At the same time, the law is clear that misconduct alone is not sufficient to overturn an election, and the burden of proving that the outcome would have been different remains on the Plaintiff.

Therefore, it is this Court's order that the trial will proceed as scheduled on the issues of misconduct. Those issues will be presented to a jury, and if the Plaintiff is successful on any of the misconduct counts then the parties will conduct a bench trial on the issue of whether the proven misconduct changed the outcome of the election.

### **POLLS**

Another matter to be decided is whether the Plaintiff may submit evidence of polls conducted before the election. The Defendant objects to the evidence on the basis that polls are not scientific and are not reliable indications of how an election will be decided. The Plaintiff asserts that s/he is not submitting the poll evidence to show how the election should have been decided, but instead is submitting them as evidence that the Defendant had a motive to suppress the student vote.

This Court finds that evidence of poll results is not in and of itself sufficient to prove motive. However, the Court agrees that, in the context of this case, the poll results are relevant. The Plaintiff is also prepared to present evidence that witnesses communicated with the Defendant about the polls, and those communications were in the context of taking action detrimental to the Plaintiff's campaign. It will be up to the Plaintiff to convince the jury what part, if any, the polls played in the Defendant's actions.

It is the order of this Court that Plaintiff may offer evidence of the polls, and that the jury will be instructed that poll evidence is not in and of itself proof of motive, but that if the jury finds the poll evidence credible then it may be considered as one factor in deciding whether the Defendant had a motive to take the actions s/he did. In short, the Defendant's objection, while well-taken, goes to the weight of the evidence, rather than its admissibility.

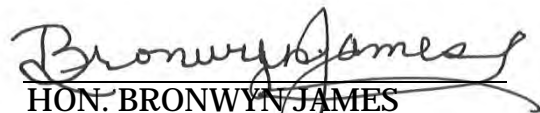
#### **ELECTION RESULTS**

Finally, the parties have stipulated to the election results, as follows:

In the election for Tablerock City Council Seat No. 2, 21,765 votes were cast, as follows:

- Tammy Hall: 8,966
- Essie Rivera: 8,917
- Other candidates: 3,882

**IT IS SO ORDERED** this 19th day of December, 2019.

  
HON. BRONWYN JAMES  
Fourth District Judge

# WITNESS STATEMENTS

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## Plaintiff Witness Statements

### *Essie Rivera, Candidate for Tablerock City Council, Plaintiff*

1 My name is Essie Rivera. I'm 19 years old. I've lived in Tablerock all my life. I  
2 graduated from Tablerock High School in 2018 and began attending Tree City  
3 University that same fall. I am currently a sophomore studying Political Science  
4 with an emphasis on American Government and Public Policy.

5 Some people say I'm difficult, but I prefer to think of myself as ambitious. I'm  
6 pretty driven. I don't like to let anyone or anything get in my way. You know that  
7 age old question: would you rather be loved or respected? Put me in the respected  
8 camp. I know my insistence on respect can be intimidating to some, but let's be  
9 real here: most of my peers want everything punctuated with a heart emoji and I  
10 just can't be bothered with that. I'm just more focused on my future.

11 I've been politically active for as long as I can remember. I guess it started  
12 when I was nine years old and I successfully petitioned my elementary school for  
13 better lunches. I've known ever since then that I would study political science and  
14 be a career politician. Politics is in my blood. If you go to the Statehouse in  
15 Tablerock, my great, great, great grandfather has his name engraved on a plaque  
16 as one of the early Senators for the state of Idaho.

17 For five generations my ancestors on both my father's and mother's side have  
18 been movers and shakers on the Idaho political scene, either holding local or  
19 state office, working in the capitol building, or serving on city and county  
20 commissions, often all three. So, politics has been my path for a long time. I  
21 mean, I've lost count of the number of times I was voted class president. And who  
22 else but me could be voted Student Body President of her/his high school all four  
23 years? The last one in my senior year was a squeaker that I only won by a few  
24 votes. There were some real shenanigans pulled by my jealous, bitter opponent,  
25 Beaux Hall, so I certainly would know what it's like to be involved in a tough  
26 election.



27        You might say I'm a bit of a political animal. When the other kids were  
28 reading Harry Potter books, I was digging in to *All the King's Men*, and *Advise*  
29 *and Consent*, and even *Primary Colors*. I know the books I gravitated to weren't  
30 as popular as the ubiquitous tales of everybody's favorite wizard, but I've never  
31 really cared about being popular. Besides, in this day and age, it's critical that all  
32 of us are informed citizens who pay attention to what is going on in our  
33 government. It's the only way we can live up to the promise of our Founding  
34 Fathers.

35        So, I had decided on a political science major before I ever set foot on the TCU  
36 campus. I requested Dr. Landry Silver for my Academic Advisor because s/he's  
37 the best there is at the university. It's pretty unusual for Dr. Silver to take on a  
38 freshman, but Dr. Silver clearly, and not surprisingly, saw something in me that  
39 s/he liked. I've taken several of her/his classes since I started at TCU. In fact, I'd  
40 say that Dr. Silver is my mentor. With her/his guidance, I'm on the road to  
41 becoming a first-rate political scientist – all before the age of 20.

42        It was in Dr. Silver's class, American Political Institutions and Behaviors – I  
43 was the only sophomore accepted into that upper division class – that Dr. Silver  
44 and I developed the plan to have me run for City Council. When Dr. Silver  
45 announced s/he would give extra credit for anyone involved in a political project,  
46 I of course decided to run for City Council. I probably would have run anyway,  
47 but the extra credit was a nice added incentive. S/he always encourages her/his  
48 students to look for real world applications of what we are learning and what's  
49 more real world in politics than running for office?

50        At first, I was running for the experience and didn't really expect to win. After  
51 all, a City Council election is quite a bit different than running for student body  
52 president, and Dr. Silver told me that I was a longshot. But then my candidacy  
53 took off, and I thought, "why not?" After all, I've never lost an election, so why  
54 can't I win this one? I built a lot of support among TCU students, who were  
55 excited to have someone their age, and who understood their issues, running for  
56 office. I would love to be the youngest person ever to be on the Tablerock City

57 Council. At the end of the day, though, age is only a number. It's my superior  
58 ideas that will win the day.

59 It was pretty tough balancing school and work with the campaign. I work as a  
60 clerk at a Sack-O-Suds convenience store. Not the best job for a budding  
61 politician, but you gotta eat. I applied to work for several Idaho officials, since the  
62 Statehouse is right downtown, but nothing panned out. I figured with all my  
63 experience and deep family connections I'd have my pick of positions, but this  
64 town can be pretty fickle. Apparently, some of the establishment people at my  
65 high school were ticked off that I was such an active student body president. They  
66 had connections to Tammy Hall, my City Council opponent, and put the word out  
67 to their pals in the swamp that I was, "radical," that I was "never satisfied," and  
68 that I was "a loser." No wonder they worked so hard to beat me in the City  
69 Council race.

70 Why did I decide to run? Simple. For the longest time, it has usually been  
71 older people who are making all the decisions, but when it comes down to it, it's  
72 my generation that's going to be impacted by the decisions that are being made  
73 now. We're the ones that are going to have to face the repercussions and it's  
74 better that we get in there now rather than later. We want to be the makers of  
75 policy, not the victims of it.

76 Plus, Dr. Silver was super encouraging. When I was in high school not many  
77 of the teachers were supportive of my political goals. In fact, some were openly  
78 hostile. I have no idea why. So, I was surprised that Dr. Silver would take such an  
79 interest in me so quickly. Sometimes it was very intense. It was almost like s/he  
80 was willing me to run for office. Sometimes I really wasn't sure whether it was me  
81 running or her/him.

82 When I announced my candidacy to Dr. Silver's class, I asked for volunteers to  
83 help with the campaign. Not only would they be helping one of their own and  
84 pushing for direct representation on the City Council, they would also be getting  
85 credit for Dr. Silver's class. One of the first people to step forward was Shawn  
86 Hall. I was grateful, but a little surprised. Shawn was Dr. Silver's graduate

87 assistant. S/he'd always been pretty aloof from the students and acted more like a  
88 full professor than a grad assistant. Of course, I had no idea that Shawn was  
89 related to Tammy Hall or Beaux Hall, or I never would have accepted his/her  
90 help. I mean, Hall is a fairly common name, and I know lots of Halls that aren't  
91 related to Shawn, so I just didn't connect the dots. As it was, I thought having an  
92 experienced older grad student on my campaign would be a huge boost to  
93 bringing in the grad student vote. I put Shawn in charge of my social media  
94 campaign.

95 Shawn decided to use the school's social media platform, Tree City Connect,  
96 to generate support for my candidacy. Shawn said it would be the best way to  
97 reach students, so I should focus all my efforts on that. I told Shawn I didn't want  
98 to ignore the non-student voters, since they would take a lot of convincing that  
99 someone as young as me would be worth voting for instead of an experienced  
100 incumbent. Shawn wasn't really interested in that idea, so I ended up leaving  
101 Shawn in charge of just Tree City Connect, while other volunteers used more  
102 traditional media tools. Students are traditionally low-turnout voters, so even  
103 though the students were my base, I wanted to make sure I didn't put all my eggs  
104 in that basket.

105 Shawn created the Essie 4 Change page. I had no idea what the TCC social  
106 media policy said. Shawn set up the page and was responsible for reviewing and  
107 posting all the comments. I trusted Shawn to use TCC properly.

108 At first, no one seemed to care what Shawn posted. My campaign was posting  
109 3-4 times a day for a couple of months, and no one said anything. Then the first  
110 polls came out and had me four points ahead of Tammy Hall. All of a sudden  
111 there were several comments on TCC saying my posts were "inappropriate," and  
112 that they violated the terms of use. I pretty much blew them off. That was  
113 Shawn's job to sort out. I figured these trolls were just more establishment  
114 lackeys whose lackluster lives made them envious that someone so young was  
115 accomplishing so much. Besides, Dr. Silver told me when it came to my right to  
116 free speech the school couldn't touch me.

117 At the same time, to my surprise, I started to get a lot of push-back from a  
118 particular group of grad students. Some of them opposed me as a candidate, and  
119 just said, “Rivera’s a loser. Vote for Tammy!”, but a lot of them just didn’t want to  
120 hear hard political truths. Those were the comments that said things like, “stop  
121 cluttering this platform with political junk,” or “your stupid City Council  
122 campaign is not what this platform was built for.” And those were the nice  
123 comments. I asked Shawn about that, since as a grad student s/he had  
124 connections and was supposed to help bring in the grad student vote. Shawn just  
125 told me not to worry about it, and that if I couldn’t stand the heat I should get out  
126 of the kitchen. Shawn said that if criticism bothered me, then maybe I was just  
127 too young and immature to be in politics. I just laughed it off. There was no way I  
128 was going to look weak in front of a grad student, so I didn’t bring it up again.

129 But, still, what was really weird was that it looked like the accounts posting  
130 some of the critical comments were fake. The accounts had all been created after  
131 the first polls came out. We tried to trace the accounts to real people (and by “we”  
132 I mean Dr. Silver and I; Shawn didn’t seem interested), but we couldn’t find any  
133 students or faculty with those names. The names were close to names of people  
134 with real accounts, but with maybe a different middle initial, or one different  
135 letter in the first or last name. A lot of the comments were exactly the same, like  
136 someone had just copied the same comment and posted it under multiple  
137 accounts. Probably the work of establishment trolls. I’m sure Tammy Hall put  
138 them up to it.

139 At some point during all this I logged on to the Essie 4 Change page and saw a  
140 notice from Jordan Bell. The notice said that my campaign page was in violation  
141 of the TCC social media policy, and that we had to respond, or the page would be  
142 shut down. The notice was dated three days earlier, and we only had two days left  
143 to respond. I asked Shawn why s/he hadn’t told me about this, and if s/he’d  
144 responded to Bell. Shawn said s/he hadn’t taken it seriously, and just forgot  
145 about it. I told Shawn to respond right away and to keep me posted. In hindsight  
146 I suppose I should have dealt with it myself. Then again, why should I have? It

147 was Shawn's responsibility. I can't be held responsible for Shawn violating the  
148 Tree City Connect policy.

149 Besides, the First Amendment gives me the absolute right to say what I want.  
150 It was all political speech, right? Which is the very thing the First Amendment  
151 was designed to protect. By shutting down Essie 4 Change the school violated not  
152 only my rights, but the rights of every student to exchange their political ideas  
153 and views. I'm no lawyer, but everyone knows that!

154 Anyway, all that went on for a couple of weeks, and then another poll came  
155 out with me still four points ahead of Tammy. On that same day I tried to log in  
156 to Tree City Connect to post the poll results on my campaign page, but it was shut  
157 down! There was a notice from Dean Bell saying the account had been suspended  
158 for violating the platform's policy! I was pretty frosted at Shawn. How could s/he  
159 let that happen? Dr. Silver tried to work with Dean Bell, but Bell refused to deal  
160 with it. At that point I was done with Shawn. S/he'd been outstandingly  
161 incompetent at handling TCC, and I wasn't about to give him/her anything else to  
162 do.

163 Another emphasis of my campaign was voter registration. I've been running  
164 youth voter registration drives since 7th grade, so I know all the rules and how to  
165 jump through the hoops. It actually started as a dare. My parents were active on  
166 the local precinct committee, and I wanted to help. A bunch of older people said I  
167 was too young to be helpful, but at one precinct meeting I blurted out, "I bet I  
168 could register 50 voters!" My dad backed me up. He told the other adults, "My kid  
169 says s/he can register 50 voters, s/he can register 50 voters." So, the challenge  
170 was on. Later my dad asked me, "What did you have to say 50 for? Why couldn't  
171 you say 35 or 39?" I figured it was something to do. It was hard, but I did it, and  
172 I've been active in voter registration campaigns ever since.

173 One problem we faced at TCU was apathy. Our City Council district  
174 encompasses most of the campus. Usually the students get ignored. Most kids  
175 here don't bother to vote in local elections. They still think in terms of where their  
176 parents live, and don't think of Tablerock as "home." I decided to change that. I

177 revved up the ol' Rivera Registration Express. I told Dr. Silver it would be a great  
178 way for other students to get involved in the campaign and take advantage of the  
179 extra credit project. Dr. Silver thought it was a great idea and recruited most of  
180 the class.

181 Before the City Council election, we went door to door through the TCU  
182 housing and neighborhoods where a lot of students live encouraging young  
183 people to vote. A lot of people think you have to be 21 to vote. They're surprised  
184 when I tell them the voting age is 18. Some of them say their parents told them  
185 they had to be 21. Can you believe that? Parents, disenfranchising their own kids!  
186 It just goes to show what we're up against.

187 Several students tried to register early, but the election office gave them a  
188 really hard time. The election officer would ask where they intended to live after  
189 they graduated. Anyone who said anything other than Tablerock got turned away,  
190 even if they had all the right identification. Dr. Silver and I talked about it and  
191 decided to tell students to say Tablerock when they were asked that question.  
192 When they went back to the election office to register, it worked! Apparently, the  
193 election workers didn't remember them from when they went to the county office.

194 I got Tommie Watson to be my right-hand-person, since s/he was doing an  
195 internship in the county elections office. Tommie was hesitant at first, since as an  
196 intern s/he's not supposed to be involved in campaigns. I reminded Tommie that  
197 voter registration wasn't just about me. We would just be registering people to  
198 vote, no matter who they wanted to vote for. So, we would register students and  
199 maybe do a little campaigning on the down low while we were at it. Tommie  
200 could just look the other way at that little piece of electioneering.

201 Twenty-six days before the election, I took the registration forms we gathered  
202 to Micah Donnelly. Donnelly first refused to take them, saying they had to be  
203 turned in by the voter in person. Like I said, when it comes to voter registration, I  
204 know the rules by heart, so I quoted them to Donnelly, at length. I reminded  
205 Donnelly that TVCS 34-404 said that to register all someone had to do was  
206 complete a registration application. I also reminded Donnelly that IVCS 34-1113

207 required voters to show proof of residence, like a utility bill or ID, at the polls, but  
208 not necessarily when you registered. Finally, Donnelly relented and took the  
209 forms. Donnelly muttered something about it will take a lot of time, and it might  
210 not get done before the election. I reminded him that if we brought the forms in  
211 25 days before the election, we had done our job, and now it was up to Donnelly  
212 to do his/hers.

213 Even though my campaign was banned from Tree City Connect, and we were  
214 fighting an uphill battle trying to get students registered to vote, I still thought I  
215 had a pretty good chance. I don't usually think, "What if I don't win." I've never  
216 lost an election.

217 But then Micah Donnelly pulled the ultimate move - the old close the polling  
218 place trick. See, the old school gym had been the polling place for years, including  
219 in the recent primary. A lot of campaigns organize transportation to the polls, but  
220 since the gym is right on campus and everyone walks by it to go to class it didn't  
221 even occur to me. Two weeks before the election Donnelly said it wasn't legal to  
222 use the old school gym, and that the new gym wasn't available. S/he said that  
223 students would have to vote across town at another polling place. I tried to  
224 intimidate Donnelly with my knowledge of the voting laws. I reminded him/her  
225 that TVCS 34-1102 said s/he could only change the polling place 30 days before  
226 the election, and that this was nothing but a naked power move to keep students  
227 from voting. Donnelly told me the gym wasn't available, so that was that, and I  
228 would just have to "stop whining and deal with it."

229 At that point we were pretty much hosed. How were students supposed to get  
230 to the polls? We tried to organize busses, but they were expensive, especially on  
231 short notice. We did manage to get a couple of students with vans to volunteer to  
232 transport students, but they could only do it part of the day since they had  
233 classes. Besides, without the Essie 4 Change page there was no way I could  
234 communicate the change to my constituents. After the election a lot of students  
235 told me they wanted to vote for me, but they either didn't know about the new  
236 polling place, or just couldn't get to it.

237 The day before the election I was still two points ahead of Tammy Hall in the  
238 polls. I'm not surprised it had slipped, since I hadn't been able to communicate  
239 with my voters since my page was shut down. But I was really surprised that I  
240 lost. It was close, but there's no way I would have lost if they hadn't moved the  
241 polling place. Tommie Watson also told me that many of the voter registrations I  
242 had turned in were rejected by Micah Donnelly, so a lot of students wouldn't have  
243 been able to vote even if they could get to the polls.

244 My campaign headquarters were pretty tense on election night. We were  
245 pretty sure I'd win based on the latest polls, but we had no idea what effect being  
246 locked out of TCC and the last-minute change to the polling place would have. I  
247 was crushed when I saw the results.

248 At first, I didn't know what could be done. Then the cockroaches began to  
249 come out from under the cupboards. The day after the election there was a front-  
250 page story about Tammy Hall being elected to another term. There was a picture  
251 of Tammy at her victory party, and there was Shawn Hall in the background! It  
252 had never occurred to me that Shawn and Tammy were related, but now Shawn's  
253 inept handling of my TCC account made total sense. Dr. Silver and I confronted  
254 Shawn, and s/he admitted that Tammy Hall was his/her aunt. Shawn wouldn't  
255 say anything else and wouldn't admit s/he was trying to sabotage my campaign,  
256 although s/he was adamant that Tammy didn't know s/he was working for me.  
257 Dr. Silver wasn't convinced and said that Shawn had violated his/her trust by not  
258 disclosing his/her relationship to Tammy. Dr. Silver dropped Shawn as his grad  
259 assistant, and I haven't interacted with him/her since.

260 Because the election was so close, and because of all the irregularities we  
261 discovered, Dr. Silver helped me hire an attorney to request a recount. The  
262 recount was denied, so I filed this lawsuit to halt the certification of the election  
263 and order a new election. We were robbed and I only want what's right for my  
264 campaign and the students of Tree City University.



265

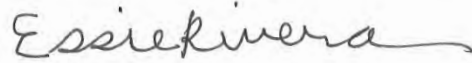
**WITNESS ADDENDUM**

266

I have reviewed this statement and I have nothing of significance to add at

267

this time. The material facts are true and correct.

A handwritten signature in cursive script that reads "Essie Rivera". The signature is written in black ink on a light-colored background.

Essie Rivera

*Dr. Landry Silver, Associate Professor of Political Science, Tree City University*

1 My name is Dr. Landry Silver. I am 56 years old and am a Professor of  
2 Political Science at Tree City University and have served as Dean of the Political  
3 Science Department for the last five years. I earned my BA in Political Science at  
4 Pomona College in 1986 and my PhD from the University of Washington in 1992.  
5 My doctoral thesis at the University of Washington was written about the effects  
6 of public opinion on American voting behavior.

7 I have been a Professor of Political Science since earning my PhD, and  
8 conducting research, writing and teaching about the impact of public opinion on  
9 the American voting process has been a primary focus of my academic career. I  
10 have also conducted research and taught on the topics of campaigns and  
11 elections, American government, comparative politics, and quantitative  
12 methodologies.

13 I am a fellow of the Society for Political Methodology and was recognized by  
14 Scientific American magazine for outstanding acts of leadership in political  
15 science and technology in 2004. I received the Emerging Scholar Award in the  
16 Elections, Public Opinion, and Voting Behavior Section of the American Political  
17 Science Association in 2001. I also received the Tree City University Student  
18 Mentoring Award for three straight years from 2008 to 2011.

19 During my career, I have maintained an academic interest in testing models of  
20 elections and voting behavior. Much of my work has related to studying current  
21 voting technologies and election administration and procedures as well as  
22 developing ways to improve the system.

23 For example, I studied the efforts to recall Idaho State Schools  
24 Superintendent in the effort to test basic assumptions about the effect of public  
25 opinion on decision making during the recall process. I concluded that the effort  
26 to obtain sufficient signatures for the recall petition failed due to the limited  
27 information available to the public regarding the recall process, not the  
28 underlying merits of the Superintendent's package of sweeping educational

29 reforms. This example shows the importance of unlimited public access to  
30 information regarding both the electoral procedures as well as the substantive  
31 views of the participants throughout the election process.

32       Among my academic credentials, I am most proud of my Student Mentoring  
33 Awards. While research is important to academic growth, making sure we are  
34 educating the next generation about the American electoral process is critical to  
35 the continued health of our democracy. In each of my classes, I require my  
36 students to apply political science theory and philosophy to political projects in  
37 the community. In my experience, students learn best from a mix of theory and  
38 hands on experience. These political projects can be anything related to politics  
39 as long as the students dedicate at least 20 hours a semester to their projects.

40       In the past, students have chosen projects such as supporting a candidate for  
41 local or statewide election, supporting a position on issues of public concern such  
42 as electoral process and voting rights reforms, and supporting restrictions on  
43 land use in order to mitigate the negative environmental impacts of urban  
44 growth. I try to make sure that the focus of the student's project is non-partisan  
45 and focused instead on issues of public concern.

46       Although I have my own views as to certain candidates and positions, I try not  
47 to let those intrude on my grading criteria. In grading the student's participation  
48 in their political projects, my grading rubric focuses on the student's participation  
49 and efforts, not the end result of their project. Because of the exponential growth  
50 and impact of online information and social media on the American electoral  
51 process over the last two decades, students are encouraged to make full use of all  
52 online resources available as part of their projects. In fact, I tell the students that  
53 the more use they make of online resources, the easier it will be for me to track  
54 and grade their project participation.

55       I have known Essie Rivera since learning that s/he had asked that I become  
56 his/her Academic Advisor at the outset of his/her Freshman year at Tree City  
57 University. Essie comes from a distinguished family steeped in Idaho politics and  
58 had an excellent high school record which included serving as the President of

59 his/her high school student body. Since becoming his/her Academic Advisor, it  
60 was obvious to me that Essie and I shared the same love of politics.

61 Essie clearly understood the importance of constant vigilance in order to  
62 maintain the health of our political system and the responsibility we all share in  
63 honoring the efforts of the Founding Fathers in creating our constitutional  
64 system of checks and balances. During our first meeting we discussed how, while  
65 other kids were reading about science fiction and fantasy while growing up, we  
66 both spent our time devouring every book on politics and reading everything we  
67 could about current political events. From the start, it always felt like I was  
68 preaching to the choir whenever Essie and I discussed politics.

69 I was very pleased when Essie was accepted into my American Political  
70 Institutions and Behaviors Course as a sophomore. I designed my American  
71 Institutions course as an upper division class dedicated to preparing the most  
72 promising students for careers in academia and politics. Essie was the first  
73 sophomore ever to gain acceptance into the American Institutions Course. As a  
74 student in this upper division course, Essie was given the opportunity to work  
75 closely with both myself and my graduate assistant, Shawn Hall. As my graduate  
76 assistant, Shawn attended all my classes, including American Institutions, and  
77 also proctored exams, reviewed student assignments, and assisted me in tracking  
78 student grades. I was confident that Essie would learn a great deal about the  
79 inner workings of politics as a student in the course.

80 I'll never forget the day that the students in the American Institutions class  
81 announced their political projects. Essie was so excited to tell us that s/he had  
82 decided to run for a seat on the City Council. I've had many dedicated and  
83 talented students, but I had never had a student with the ambition to run for  
84 political office while attending one of my classes.

85 I will never forget how excited Shawn appeared to be when s/he heard that  
86 Essie intended to become a candidate for City Council. Shawn immediately shook  
87 Essie's hand and told him/her that s/he would make an outstanding City  
88 Councilperson. I heard Shawn tell Essie that s/he would very much like to be

89 involved in all aspects of Essie's candidacy, including offering to assist with any  
90 use of online resources such as Tree City Connect and other social media  
91 platforms. The students in my American Studies class have often used Tree City  
92 Connect as part of their projects, with my approval, because they are directly  
93 related to TCU academics and activities. At the time, I was very pleased that  
94 Shawn offered his assistance so readily. Shawn is particularly talented with the  
95 use of technology and is especially familiar with Tree City Connect. I knew  
96 Shawn's assistance with Essie's campaign could make a big difference in  
97 generating on-line support.

98 In response to Essie's announcement, I immediately agreed to act as advisor  
99 for Essie's campaign and encouraged the other students in the course to consider  
100 helping out with Essie's campaign as part of their own projects. Although it would  
101 be unusual for a candidate as inexperienced as Essie to win an election, Essie had  
102 the background and the drive to overturn this conventional wisdom. With her/his  
103 family connections and with enough student support, I thought it was a real  
104 possibility for Essie to unseat Tammy Hall, who was running for her fourth term  
105 on the Council. I was in the process of applying for a large research grant from  
106 the American Institute for Political Science and knew that having a student in my  
107 class who had managed to get elected to local office would ensure the success of  
108 my grant application.

109 As the campaign progressed, Essie began to receive a great deal of support  
110 from other TCU students, both from the American Institutions class as well as  
111 other classes. The students were excited to have someone their age, who  
112 understood their issues, running for office. Many of the students at TCU have a  
113 great deal of experience with online platforms and databases as well as social  
114 media. As Essie's campaign began to attract more support, the students  
115 increasingly used TCU's Tree City Connect, to run a mostly social media-based  
116 campaign. I suggested that the students create the Essie 4 Change campaign page  
117 on Tree City Connect. The amount of traffic generated by the page was incredible.  
118 With the help of the groundswell created by the use of Tree City Connect, some of

119 the polls for Essie’s campaign began to reflect that Essie was leading the  
120 incumbent by several points.

121 Two weeks before the election, however, the Essie 4 Change page on Tree City  
122 Connect was shut down by the University Administration. I told Associate Dean  
123 of Students, Jordan Bell, that the page should not have been shut down because  
124 Essie’s campaign was a project that was specifically related to my class, but s/he  
125 said it violated University policy S/he would not identify the specific part of the  
126 policy violated and refused to reconsider his/her decision at my request. At the  
127 time the campaign page was shut down, polls still showed that Essie was 4 points  
128 ahead of the incumbent, Tammy Hall.

129 We next learned that there was some sort of “problem” with the regular  
130 polling places on the campus of TCU. The TCU campus polling place was always  
131 considered to be incredibly important to ensure that university students could  
132 exercise their right to vote and had never previously been moved off campus. I  
133 received a voice mail message from Micah Donnelly about the change, but I did  
134 not return the call. I’m pretty sure Micah didn’t really want to talk with me  
135 anyway.

136 Micah and I had a run in a couple years ago about his/her ridiculous  
137 insistence that we take care of the rampant voter fraud. I am a political scientist  
138 who focuses on voting behavior and I can assure you that voter fraud is  
139 statistically non-existent in this country. There’s a greater likelihood of getting hit  
140 by a bus walking across two busy roads to get to a new polling place than there is  
141 that someone will commit felony voter fraud. The whole voter fraud canard –  
142 including all the laws about voter identification – is about making sure only  
143 certain people get to vote and among those certain people, college students are  
144 not included.

145 When I made other inquiries on campus to find out why the polling place was  
146 being moved off campus, I was told that the recreation center where the voting  
147 was usually conducted was needed for “a pre-scheduled event” by a former TCU  
148 basketball star. It made no sense to me that the administration would be so inept

149 as to schedule an event in the same place elections have been held for so many  
150 years. The university had numerous other venues where the event could have  
151 been held, but only the student recreation center has ever been used as the  
152 polling place. Previously the administration had appeared to be favoring sports  
153 related activities over other campus activities including academics, but now  
154 appeared to be favoring sports over the student's fundamental right to exercise  
155 their right to vote. The administration clearly needs to reconsider its priorities so  
156 that all of us on the academic side are not further disenfranchised by the college  
157 sports machine.

158 After learning that the polling place was to be moved off campus, several  
159 students asked me what they should say about where they intended to live after  
160 graduation because they were being told that if they were not going to stay in  
161 Tablerock, they could not register to vote. I asked them if they were really sure  
162 they did not intend to stay in Tablerock – after all, anything is possible and their  
163 intentions could easily change, right? Why should such a fundamentally  
164 important right as the right to vote be further infringed just because the students  
165 could not afford to return home to vote and “may” not stay in Tablerock after  
166 graduation?

167 Unfortunately, it rained the entire day of the City Council election, Tuesday  
168 November 5, 2019. Historically, rain on election day tends to suppress voter  
169 turnout and favor the incumbent. We later learned that the voters who turned out  
170 were mostly older folks who were already registered to vote and that there were  
171 reports that TCU students who attempted to register on voting day were not  
172 allowed to do so. In fact, Essie and I were told by TCU student Tommie Watson  
173 that a higher than usual number of students were turned down at the polling  
174 place where most of the Tree City students had been forced to vote. As reports of  
175 the election results came in that evening, we were disappointed to see that Essie  
176 was lagging behind Tammy Hall in the vote.

177 It was not until mid-day on Wednesday, November 6 that we learned that  
178 Essie had lost the election by only 49 votes out of a total of 21,765 votes cast!  
179 Based on my experience in the statistical and computational analysis of election

180 data and my studies of rational choice decision making and its impact on the  
181 election process, it is highly unusual for a four point lead by a candidate to  
182 evaporate in the last week before an election in the absence of inappropriate  
183 outside interference in the campaign.

184 Then, we were all shocked to see a newspaper article with a picture showing  
185 Shawn standing behind Tammy Hall at the election victory party. I couldn't  
186 believe that I never realized that Shawn and Tammy were related, but Hall is a  
187 fairly common name. Essie and I immediately confronted Shawn about his/her  
188 failure to tell us that Tammy Hall was his/her Aunt. My classes always focus on  
189 ethics and I was shocked to learn that one of my students would fail to disclose  
190 such a glaring conflict of interest. When Shawn admitted that Tammy Hall was  
191 his/her Aunt, I immediately dismissed him/her as my Graduate Assistant and  
192 made a complaint to the University about Shawn working on Essie's campaign  
193 despite his family relationship with the opposing candidate.

194 By the way, it is absolutely not true that I suggested to Shawn that s/he take a  
195 student's political leanings into account when grading assignments. What Shawn  
196 say is a "hit list" is simply a memo of how students were filling their project  
197 assignments. I would never lower a student's grade based on how they vote.

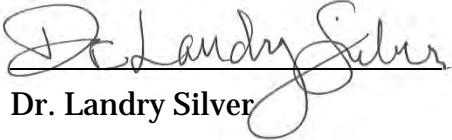
198 Because of what I considered to be substantial irregularities in the process  
199 and because the final vote tally was so close, I advised Essie to hire an attorney to  
200 request a new election. Based on the small disparity in the votes cast and the  
201 margin of error that historically arises in small scale contested elections and clear  
202 violations of the law that occurred, a new election should have been a no-brainer.



203 I've never heard of a request for a new election being denied under similar  
204 circumstances. When Essie's request for a new election was denied, I was  
205 shocked. I immediately advised Essie to file a lawsuit to halt the certification of  
206 the election and order a new election, and I told Essie that I would provide any  
207 assistance necessary to ensure that this injustice would not stand.

208 **WITNESS ADDENDUM**

209 I have reviewed this statement and I have nothing of significance to add at  
210 this time. The material facts are true and correct.

  
Dr. Landry Silver

## *Tommie Watson, Intern with Treasure Valley Elections Office*

1 My name is Tommie Watson. I'm 26 years old. I'm a senior at Tree City  
2 University, also known as TCU. I will graduate in May 2020 with a BA in Public  
3 Relations. My plan is to go on to get my MPA, which means master's in public  
4 administration. It's probably clear by my education choices that I'm interested in  
5 interacting with the public. I know a lot of PR people are in the business to be the  
6 pretty face for their organizations and while I am very good looking, I have more  
7 to offer than just my looks. That's why when I saw the announcement for the  
8 internship at the Treasure Valley County elections office I was drawn to it. I  
9 thought it was a chance to prove my value and gain some skills. Plus, I learned  
10 that Micah Donnelly already has an MPA, even if it is from that other Idaho  
11 college, so I thought it would be good to work under someone who studied in the  
12 field I plan to go into. Turns out I could have picked a better person to learn from.  
13 Mr./Ms. Donnelly is not doing a good job serving the public or his/her interns.

14 Anyway, what I was supposed to do as an intern was learn about how the  
15 elections office serves the public through the voting process. I was asked to assist  
16 with outreach and voter education, help process voter registration forms, answer  
17 questions from the public and from candidates, handle some behind the scenes  
18 planning tasks like preparing election supplies, and testing ballots and voting  
19 equipment. What I ended up doing most of the time was running errands and  
20 picking up dry cleaning. I know we all have to pay our dues, but it would have  
21 been nice to have that balanced out with some experience in my chosen field.  
22 Micah Donnelly just really wasn't interested in providing any kind of professional  
23 guidance, at least not for me. I don't think s/he could probably pick me out of a  
24 line up.

25 At least I did get to do a few things related to elections. Just before election  
26 day, there was some sort of problem with one of the regular polling places. That  
27 place happened to be on the campus of TCU. I can't remember the exact day it  
28 was changed, but I do remember that a day or two before Mr./Ms. Donnelly told  
29 me the polling place was going to be moved, I heard him/her talking on the

30 phone to Tammy Hall. I know who it was because I took the call. Again, not really  
31 how I was hoping to spend my time, but it is what it is.

32       Anyway, I answered the phone and a woman said, “Hi, this is Tammy Hall  
33 from Tablerock City Hall. Put me through to Micah.” Yeah. I know. The rudeness  
34 wasn’t lost on me either. But I didn’t say anything. I just handed the phone to  
35 Micah. I couldn’t really hear the entire conversation. There were a lot of “yes” this  
36 and “no” that. But I do know for sure I heard Micah say, “Don’t worry,  
37 Councilwoman Hall. I will take care of moving it. That’s my job. We’re on the  
38 same page here.”

39       I didn’t think much of it at the time because s/he talks on the phone all the  
40 time. But when I heard about the close election between Tammy Hall and Essie  
41 Rivera, I thought there might be something to it. I don’t know what, but it could  
42 be something. Someone should ask Mr./Ms. Donnelly about it. Anyway, because  
43 of the change in location, Mr./Ms. Donnelly told me that we had to notify folks  
44 who normally voted at the TCU polling place that they would not be able to vote  
45 there this time. Mr./Ms. Donnelly told me s/he had drafted a letter that the office  
46 would send to all registered voters in that area notifying them of the change.

47       But, because other folks who were not already registered would also need to  
48 be notified, s/he tasked me with posting flyers in and around the TCU campus.  
49 S/he didn’t give me any direction on where or how to post them, so I just did  
50 what I thought made sense. I started by putting a big stack in the Student Union  
51 Building. I know from being a student at TCU that a lot of students hang out, or  
52 at least pass through, that building almost every day. If there’s a student who  
53 doesn’t pass through there at least once a week, then that student isn’t involved in  
54 campus life and probably isn’t going to vote anyway. It’s true that I didn’t get the  
55 flyers soon enough to have them distributed at TCU for the entire week before  
56 election day, but they were there for at least a few days prior to the election. I also  
57 put a flyer on all of the bulletin boards I knew of in the buildings that housed  
58 classrooms and in the gym. I didn’t put any in the dorms because I don’t really  
59 think anyone pays attention to those. If students are in their dorms, they are  
60 either too busy studying, asleep, or leaving in a hurry to class, so I didn’t want to

61 waste flyers in those areas, especially since I wanted to have as many as possible  
62 to leave in the stack at the student union building. I could have done more with  
63 more time and more flyers, but it's not my fault everything was so rushed.

64 On election day, I got to work as a Registration Clerk. I knew there were a lot  
65 of TCU students who were excited about the election. After all, one of our very  
66 own was on the ballot! I was definitely planning to vote for Essie, and I know a lot  
67 of other TCU students who were too. But I was surprised at how few actually  
68 showed up to vote. I know the polling place was changed, but the students still  
69 could have gone the extra few miles to get there. I understand that a lot of them  
70 don't have cars - partly because freshmen aren't allowed to have cars on campus  
71 and partly because a lot of the students just don't have cars because they don't  
72 need them, especially with Uber and Lyft. But, still. If you can fork out a few  
73 dollars to get a ride downtown to hang out on Main Street, you can definitely fork  
74 out a few dollars to perform your civic duty. It's not like transportation services  
75 were overwhelmed like they were when Garth Brooks came to town!

76 The new polling place was still pretty busy. The voters who turned out were  
77 mostly older folks who were already registered to vote, but there were also people  
78 who still needed to register. My job was to verify the voters were at the correct  
79 polling place, check for valid ID and proof of residency, and help with Same Day  
80 Registration. Mr./Ms. Donnelly told me ahead of time not to expect many same  
81 day registrants because the number of such registrants was historically low in  
82 that area. But because the polling place I was working at was closest to TCU, I  
83 was briefed on what to look for with regard to any TCU student who tried to  
84 register. Specifically, I was told that the students would need to provide proof of  
85 residency. That didn't surprise me because I was pretty sure that's what the law  
86 required. But I was also told to find out if the student moved here from out of  
87 state and, if so, I was supposed to tell the student it was illegal to register in Idaho  
88 if the student was already registered in his or her home state. That part surprised  
89 me because I thought all that was required was proof of residency. Admittedly, I  
90 don't know all of the nuances of election law in Idaho at this time because I am  
91 just an intern, but I don't think it's right to single out students. I would be

92 shocked if the law allowed that. Plus, I always hear people grumbling about out-  
93 of-towners taking over Idaho. I'm sure you've seen the bumper stickers and t-  
94 shirts bragging about being here *before* it was cool. There's no doubt in my mind  
95 that's why I was told to ask students if they were from out of town and warn them  
96 about the illegality of dual registration. If the goal was to prevent students from  
97 registering, it worked because most of the students who had moved here from out  
98 of state weren't sure if they were registered in their home state and didn't want to  
99 take the risk of being charged with a crime. So, they just left without voting. I bet  
100 those students were planning to vote for Essie.

101 I also turned away several voters who didn't have proof of residency. One of  
102 the voters was a student I knew from TCU. She told me that the law said she  
103 could complete an affidavit in lieu of proof of residency, but I was never told this  
104 was an option and didn't have any affidavits to hand out. There were a few people  
105 behind her in line that left after hearing our conversation, which makes me think  
106 they were in the same position she was in. After that happened, I called Mr./Ms.  
107 Donnelly to ask about the affidavits, but s/he just got annoyed and hung up on  
108 me. I didn't ask any of the other Election Office workers because they were busy  
109 helping other customers.

110 On the bright side, several of the students who did make it to the polling place  
111 to vote told me they knew about the change in polling place because they picked  
112 up one of my flyers from the Student Union Building. In fact, I even saw one  
113 person carrying the flyer! It made me feel like I did a really good job with that  
114 task. I will take whatever positive feedback I can get since I never got any from  
115 Mr./Ms. Donnelly.

116 Speaking of feedback, I gave Mr./Ms. Donnelly some based on my experience  
117 at the polling place. In addition to telling him/her about some of the issues I have  
118 already explained, I said that some of the folks told me that although they had  
119 been registered voters in the TCU precinct for several years, they never received  
120 the letter Mr./Ms. Donnelly supposedly wrote and had the staff send to those  
121 voters, but luckily one person heard about the new polling place from a friend. Or  
122 maybe I should say unluckily since I heard that same person say she was voting

123 for Tammy Hall. Regardless, it seems like I did a better job with notifying voters  
124 about the polling place change than Mr./Ms. Donnelly did, if s/he even sent the  
125 letter at all. I wouldn't be surprised if s/he didn't. I certainly didn't see anyone  
126 carrying one of the letters around like that one person was carrying my flyer  
127 around.

128 All of this makes me think one thing: #stolenelection. And, I think Mr./Ms.  
129 Donnelly may have facilitated the theft. Why else would s/he be talking to  
130 Tammy Hall just days before the election and right before the polling place was  
131 moved? It can't be a coincidence. In fact, I am not sure the reason the polling  
132 place was moved is even legitimate. I heard Mr./Ms. Donnelly say the move was  
133 because the school needed the recreation center, where the voting was usually  
134 conducted, for a pre-scheduled lecture by a former TCU basketball star.

135 I do remember hearing about the lecture, but it doesn't make sense that they  
136 would have scheduled the lecture in the same place elections have been held for  
137 several years. It's not like election day is a surprise. It's always the same day so  
138 it's pretty easy to figure out. Maybe it was a scheduling error. Maybe not. But it  
139 seems easier to move a lecture than it is to move an entire polling place,  
140 especially so close to election day! I know sports are super important at TCU and  
141 athletes get preferential treatment all the time, but I am sure even the former  
142 basketball star would agree that elections are more important than he is! If  
143 nothing else, the school could have just moved the lecture to a different location.  
144 I understand that the recreation center may have been the best place due to its  
145 size, but surely there was another place that would have been almost as good.

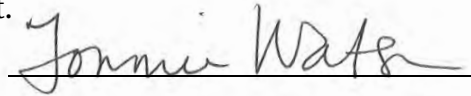
146 I know the lecture event was advertised and invitations were sent to several  
147 dignitaries, but the election was advertised, too, and everyone is invited to attend  
148 that...at least everyone who is legally registered to vote. Like I said,  
149 #stolenelection.

150 I hope Essie gets another shot at replacing the incumbent. We need new blood  
151 in the City Council who works to represent all generations, including mine, and  
152 not just the business crowd and big money campaign donors.

153

**WITNESS ADDENDUM**

154 I have reviewed this statement and I have nothing of significance to add at  
155 this time. The material facts are true and correct.

A handwritten signature in cursive script that reads "Tommie Watson". The signature is written in black ink and is positioned above a horizontal line.

Tommie Watson

## Defense Witness Statements

*Jordan Bell, Associate Dean of Students, Tree City University*

1 My name is Jordan Bell. I am 32 years old and have been the Associate Dean  
2 of Students at Tree City University since January, 2016. I earned my BA in  
3 History from the University of Utah in 2009. I then attended graduate school at  
4 Idaho State University where I earned my master's degree in Counseling in  
5 Student Affairs in 2011. Although a graduate degree in Counseling in Student  
6 Affairs is not yet a well-known or widespread field of study, the program at ISU  
7 was designed to provide a comprehensive view of college student services in  
8 order to prepare graduate students to work in university student affairs  
9 departments.

10 A focus of the master's Program in Student Affairs at ISU was on the laws  
11 affecting public universities and the importance of protecting the civil rights of all  
12 students attending public institutions of higher learning. This type of training is  
13 critical to those of us who work in student affairs at public universities such as  
14 TCU because public colleges and universities are considered governmental  
15 entities. As a governmental entity, TCU is responsible for ensuring that the  
16 constitutional and legal rights applicable to all areas of government are strictly  
17 enforced on behalf of all of our students.

18 My job as Associate Dean of Students can be critical to whether or not a  
19 student is successful at the University. People who work in student affairs are  
20 there to assist students throughout their time at the University. While professors  
21 and other academic personnel focus on in-classroom activities and academics,  
22 our job is to make sure that students have all the support they need outside of the  
23 classroom environment. It is our job to help all students feel connected, valued,  
24 and heard.

25 As part of my duties, it is also my job to ensure that students are held  
26 accountable for their behavior if any of their activities violate University policies  
27 or the rights of other students. My role is to assist the university administration  
28 in the disciplinary process for any alleged student misconduct, including



29 ensuring that students are aware of and agree to follow the university's social  
30 media policy when using Tree City Connect. Tree City Connect is the official TCU  
31 social media account created as a joint project by the University Marketing and  
32 Communications Departments.

33 Tree City Connect was designed to be a limited public forum where all  
34 members of the campus community could have a voice on any matters related to  
35 University academics and activities. Tree City Connect is the only officially  
36 recognized social media platform authorized by the University that allows  
37 students to create their own pages and participate in campus wide  
38 communications open to all of us at TCU. Tree City Connect is a cutting edge on-  
39 line and social media platform used by academics, administrators, and students  
40 alike. Because of the widespread use of Tree City Connect by all interest groups at  
41 TCU, it is critical to the success of the University that the use of Tree City Connect  
42 by students is limited only to school related activities. I am proud to say that Tree  
43 City Connect has become a major selling point in recruiting new students to  
44 attend TCU.

45 In this day and age of the what I like to call the "blogosphere," enforcing  
46 TCU's social media policy has become almost a full-time job. And, while we have  
47 on occasion missed some pages that should be taken down, I consider our office  
48 to be very diligent and monitoring activity on the page. I mean, there are over  
49 20,000 students at this institution. We can't be expected to catch everything, but  
50 we certainly will address issues that are brought to our attention.

51 Although I helped draft the TCU social media policy to be a model of clarity in  
52 order to ensure that students know exactly what uses of Tree City Connect are  
53 impermissible, misuse of Tree City Connect has unfortunately become the norm,  
54 not the exception. According to the TCU social media policy, any student who  
55 creates a page or contributes to Tree City Connect must comply with all  
56 provisions of the social media policy.

57 During their orientation, all students are provided a copy of the social media  
58 policy and are asked to sign and return the agreement indicating they will not

59 engage in any activities violating the provisions of the policy. As part of their  
60 initial log-in to Tree City Connect, students are required to check the box  
61 confirming this agreement before they can even access the network. As the  
62 Associate Dean of Students, I am responsible for investigating all violations of the  
63 social media policy including allegations of abuse and or misuse of Tree City  
64 Connect by students. In this capacity, I personally serve as a hearing and  
65 mediation officer, and issue any sanctions for violations of the social media policy  
66 as necessary.

67 I was the one who determined that Essie Rivera's election page was violating  
68 the terms of the social media policy for Tree City Connect and I stand by that  
69 decision. Four weeks before the November 2019 election, I received a phone call  
70 from someone named Micah Donnelly. At first, I didn't return the call because,  
71 frankly, I thought it was just another helicopter parent who was having the  
72 vapors over something they saw on Tree City Connect. Since people outside the  
73 university aren't supposed to have access to the TCC, I usually give it a day or two  
74 before doing anything. Most of the time, parents will calm down and let it go. I  
75 guess I should have known that something was up when Micah left five messages  
76 over two days.

77 Eventually, our University President contacted to let me know that Micah  
78 Donnelly is the Treasure Valley County Clerk and "suggested" I call him/her back.  
79 You know how it goes. When your boss tells you to make a call, you make that  
80 call. Micah advised me that s/he had learned that a web page on Tree City  
81 Connect had been set up to support a student candidate, Essie Rivera, for a seat  
82 on the City Council.

83 Of course, I immediately became alarmed because there is simply no way that  
84 a web page on Tree City Connect promoting a candidate for a non-university  
85 office could be related to University academics or activities. And none of the  
86 professors had contacted me to let me know that there were any student projects  
87 related to any off-campus elections.

88 In response to the phone call from Mr./Ms. Donnelly, I immediately logged on  
89 to Tree City Connect and located the web page supporting Essie Rivera's  
90 candidacy for the City Council seat. It clearly was not necessary for me to conduct  
91 any type of investigation. I could tell just from looking at the page that it violated  
92 social media policy restricting uses of Tree City Connect to campus related  
93 academics and activities. To make it worse, the campaign web page had postings  
94 going back several weeks!

95 I was very concerned that the Dean of Students would determine that I should  
96 have been more proactive during my weekly reviews of Tree City Connect content  
97 and located the web page myself. After all, that is my job and I am expected to  
98 carefully police Tree City Connect for violations of the social media policy by  
99 students. In compliance with the Notice requirements of the social media policy I  
100 posted a Notice on the campaign web page indicating that the use of the web page  
101 and postings related to any non TCU activities such as political campaigns were  
102 inappropriate and clearly violated the terms of use of the social media policy.

103 Under the terms of the social media policy, students are also required to  
104 police themselves and are given a grace period of one week to contact my office to  
105 discuss any decisions I make regarding alleged violations of the social media  
106 policy while using Tree City Connect.

107 Imagine my surprise when Micah called my office the following week, just two  
108 weeks before the November, 2019 election, and told me that the Essie Rivera  
109 campaign web page was still active on Tree City Connect. Mr./Ms. Donnelly told  
110 me that not only had postings on the page not been removed since our previous  
111 phone call, but they had actually increased in volume! I was so shocked that I did  
112 not even think to ask how s/he had repeatedly gained access to Tree City  
113 Connect. As soon as I could log on to Tree City Connect, I immediately suspended  
114 the account and deleted all related postings entirely from the system.

115 During my last conversation with Mr./Ms. Donnelly, s/he also told me that  
116 their office had just received notice from the TCU President's Office that a former  
117 basketball star from TCU was coming to campus on November 5, 2019 to make a

118 presentation for the dedication of the new recreation center. I was surprised that  
119 Mr./Ms. Donnelly said she had just received notice of the change because I was  
120 told about the event several weeks earlier. One of our city council members,  
121 Tammy Hall, had gone to a great deal of trouble to set up the event and we were  
122 informed that November 5 was the only day the former basketball star was  
123 available.

124 There is a great deal of planning and advance security work that goes into  
125 preparing for such an event, especially given the number of dignitaries expected.  
126 We may have some other facilities on campus that are almost as large as the new  
127 recreation center, but there was no way we were going to disappoint the boosters  
128 by scheduling the event anywhere else other than the new recreation center. This  
129 particular player had played during the unforgettable run up to the Women's  
130 NCAA Tournament. The success of the TCU Women's Basketball Team that  
131 season has led to millions of dollars in contributions to the University.

132 Besides, many of our students at TCU are from out of state and exercise their  
133 right to vote through the absentee voting process in their home states. The  
134 Administration, therefore, made the determination that it would be better to  
135 change the location of the polling place than it would be to consider any other  
136 venue for the event. Mr./Ms. Donnelly assured me that they would be able to find  
137 an alternative location for the polling place that was close to the campus so the  
138 local students would still be able to vote.

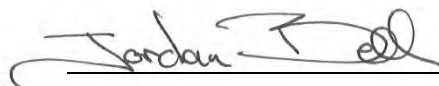
139 During this discussion. Mr./Ms. Donnelly asked if there were any electronic  
140 methods of communicating the change in the polling place that we might be able  
141 to take advantage of through the University. I told him/her that I would ask one  
142 of the graduate assistants in the Political Science Department, Shawn Hall, to  
143 prepare and post an electronic notification on Tree City Connect. Shawn has  
144 helped my office with previous Tree City Connect projects and is very familiar  
145 with the platform. I also suggested s/he contact Dr. Silver who is Dean of the  
146 Political Science Department at TCU. Dr. Silver is one of our most respected  
147 professors and I thought s/he would be a great contact because of his/her

148 connections with the political science students who were most likely to be  
149 interested in local politics.

150 Micah said, "Oh, I know Dr. Silver." So, it appeared that s/he had the process  
151 of notifying the students about the change in the polling place well in hand. I  
152 didn't see a need to make any efforts through my office to notify TCU students  
153 about the change.

154 **WITNESS ADDENDUM**

155 I have reviewed this statement and I have nothing of significance to add at  
156 this time. The material facts are true and correct.

A handwritten signature in black ink that reads "Jordan Bell". The signature is written in a cursive style with a horizontal line underneath the name.

Jordan Bell

*Micah Donnelly, Treasure Valley County Clerk, Defendant*

1 My name is Micah Donnelly. I'm 46 years old. I have an undergraduate degree  
2 in Economics and a master's degree in Public Administration, both from the  
3 University of Idaho. I am currently the Treasure Valley County Clerk; I was  
4 elected to the position in 2018. But I have worked at the elections office for 14  
5 years and worked my way up through the ranks.

6 My job is to serve the more than 200,000 registered voters in 145 precincts in  
7 Treasure Valley County. I make sure that each precinct has the resources they  
8 need to run efficient, fair, and transparent elections and make sure that poll  
9 workers are trained and ready to serve the public. Really, my overall goal is for  
10 voters to have confidence in the election process in our county.

11 I also oversee the interns in our office. I think it's important to involve college  
12 students in the election process and I try to give everyone a fair chance. I was  
13 definitely responsible for hiring Tommie Watson to help out in our office. S/he's  
14 a nice enough kid but not the best intern I've ever had. I hate to say this because I  
15 know Tommie is a senior, but I really think s/he needs to find another line of  
16 work. Tommie is way too political to work in the elections office.

17 I know it may sound strange to say someone is too political for an office  
18 responsible for carrying out our most important political process, but you can't  
19 focus on making sure the elections office is running a fair election and be out  
20 campaigning for certain candidates at the same time. That's just the way it is. It's  
21 important for our election staff to appear non-partisan so the public doesn't think  
22 the system is rigged. I told Tommie that, but it doesn't seem like s/he listened to  
23 me. In fact, I think Tommie's obvious and public support of Essie and his/her  
24 comments about our office, and me, is part of the reason we're in the pickle we're  
25 in now.

26 I will start with what I have heard that Tommie has said about the polling  
27 place change. It's my understanding that Tommie has suggested that I moved the  
28 polling place in order to prevent students from voting for Essie because I am a  
29 supporter of Tammy Hall. As I already mentioned, behaving in a non-partisan

30 way is an important characteristic of people who work at the elections office and  
31 it is a characteristic that I embody.

32 I have known Tammy for a long time and it's true that I did vote for her, but I  
33 didn't change the polling place for her. Nor was the polling place changed to hurt  
34 Essie's candidacy. Any suggestion otherwise is just not true. And any suggestion  
35 or claim that I conspired with Tammy in order to prevent students from voting  
36 for Essie is flat out false.

37 I did talk to Tammy on the phone before the polling place change, but it was  
38 not to conspire about anything. I am willing to talk to any candidate, or voter, or  
39 citizen who calls and inquires about anything election related. In fact, I talked to  
40 Essie the day after I talked to Tammy and personally informed him/her about the  
41 polling place change and the reasons for it. So, any implication that I treat  
42 candidates differently depending on their political affiliation is unfair and untrue.

43 Like Essie, Tammy called to ask me about the polling place change and  
44 whether voters were going to be notified about the change. I told her I would take  
45 care of it because that's part of my job. And I did. I prepared a letter notifying  
46 registered voters of the change in location and directed my staff to mail it to the  
47 voters impacted by the change. I have no reason to believe the letter was not sent  
48 as directed. In fact, I happen to be a registered voter in that area, and I received  
49 the letter, so I am confident other voters did as well unless they moved or had  
50 some other issue with their mail that was not the responsibility of the elections  
51 office.

52 The only real problem with the polling place change was the timing of it.  
53 Because we didn't get much notice about the unavailability of our normal location  
54 in the TCU recreation center, we had limited time to notify the voters about the  
55 change. But that's why the law has the "reasonable efforts" provision. And we  
56 definitely made reasonable efforts.

57 In addition to the notification to registered voters by letter, I also directed  
58 Tommie to post notices around the TCU campus. I figured that as a student at  
59 TCU, s/he would be the one in the best position to know where to post the flyers

60 to get the most exposure. I prepared the flyer and gave Tommie instructions to  
61 post it in every location the University authorized postings and to leave loose  
62 flyers in all public locations regularly frequented by students. I suggested the  
63 Student Union Building as an example of such a location. I know the flyers were  
64 seen because the elections office received calls from individuals about the content  
65 of the flyers and asking for directions to the new polling location.

66 Our office also fielded complaints from some students about the change in  
67 location because not all students have cars or other forms of transportation. I  
68 instructed my employees to explain the reason for the change and to suggest  
69 options for transportation, which included public transportation, Uber, and Lyft.  
70 Our employees were also told that they could advise prospective voters that it was  
71 our understanding that the League of Women Voters was offering to provide  
72 transportation. We would have included the League of Women Voters offer in our  
73 letter and flyer notifications, but we were not aware at the time that the League  
74 had made such an offer.

75 I guess we could have also listed other transportation alternatives, but that  
76 wasn't required by the statute and I assumed college students would be smart  
77 enough and familiar enough with those options to figure out how to get to a  
78 polling place. Honestly, if they aren't smart enough in this day and age to know  
79 how to get an Uber, maybe they shouldn't be voting.

80 Although I think the letters and flyers satisfied the reasonable efforts standard  
81 set forth in the law, I went above and beyond and reached out to Jordan Bell, the  
82 Associate Dean of Students at TCU. When s/he finally returned my call, I asked  
83 him/her about any electronic methods of communication we might be able to  
84 take advantage of through the University.

85 As it turns out, Jordan was the one who shut down Essie's election page. But  
86 Jordan said s/he could work with Shawn Hall to craft and facilitate electronic  
87 notification. Jordan also suggested that I contact Dr. Silver who is a political  
88 science professor at TCU. Jordan thought Dr. Silver would be a good contact



89 because of his/her affiliation with political science students who would most  
90 likely be interested in the local political scene.

91 Dr. Silver and I have had a few chances to get to know one another over the  
92 years. Let's just say we have very different ideas about the importance of  
93 combatting voter fraud. But in spite of our past dealings, I did try to call Dr.  
94 Silver on a couple of different occasions. S/he never returned my call. I finally  
95 gave up on that route because I was on a short timeframe and didn't have time to  
96 chase down other notice options. Plus, as I mentioned, my efforts with respect to  
97 electronic notice through the University were just gravy since the elections office  
98 already complied with the reasonable efforts requirement in the statute.

99 I believe the elections office did its best efforts at notification under the  
100 circumstances. It was not foreseeable that TCU would take away the voting place  
101 we had been using for years with so little notice. Frankly, the Election Office often  
102 has no control over issues that impact the polling places. Different institutions,  
103 like schools, allow us to use their facilities, but they are not obligated to do so. So,  
104 if there's a conflict, like there was in this case, there's nothing the elections office  
105 can do other than try to find an alternative, which we did in this case. In fact, we  
106 worked very hard to find an alternative that was as close to the TCU location as  
107 possible.

108 I know some (and probably Tommie) have suggested a conspiracy theory  
109 about the location change, but it seems clear to me that there was a legitimate  
110 scheduling conflict. It's not every day that a former basketball star from TCU  
111 comes to Tree City to dedicate a new building. It is my understanding that there  
112 was a lot of planning and advance security work that was involved in planning for  
113 the event. It was easier to change the polling place than it was to change the  
114 venue for the event or, worse, cancel the dedication altogether. I mean, you really  
115 can't dedicate a new building anywhere other than the new building, right? Plus,  
116 a change in location was probably for the best due to some ADA compliance  
117 issues we have had in the past in relation to the old recreation center.

118 As for Tommie's work at the polling place on election day, it sounds like s/he  
119 spent more time eavesdropping and stirring voters up than doing the assigned  
120 tasks. I specifically recall briefing him/her, and all other election workers, on  
121 what to look for in examining the identifications of anyone who was registering  
122 that day. Examining IDs is one of the most critical aspects of election day  
123 registration given all the election fraud that has happened recently. It seems like  
124 anyone can make a fake ID these days, and young people are the most likely to  
125 have that experience from making IDs to try and get into bars or illegally buy  
126 alcohol. That's not bias against young people, that's just fact.

127 I also told the election workers, including Tommie, to make sure students  
128 knew they could not vote in two places. Most students are not residents. The law  
129 says "a qualified elector shall not be considered to have gained a residence in any  
130 county or city of this state into which he comes for temporary purposes only,  
131 without the intention of making it his home but with the intention of leaving it  
132 when he has accomplished the purpose that brought him there." We simply asked  
133 students where they lived, and where they were going to live after they graduate.  
134 If they said anywhere other than Tablerock, I instructed the election workers that  
135 the students were not residents and not entitled to vote.

136 I am sure a lot of the TCU students weren't qualified to register to vote  
137 because TCU has a lot of out-of-state students, so this was a particular concern  
138 for any voters who went to school there. I also know from experience that many  
139 students cast absentee ballots in their home states, so it's important to make sure  
140 would-be student voters know they can't do that. I did explain to Tommie and  
141 other staff members that voting twice is a felony, but I certainly did not say it was  
142 a felony to be "registered" in two places. If Tommie said I did s/he is either  
143 confused or lying.

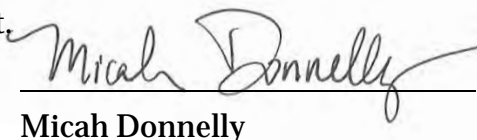
144 I also don't know why Tommie is claiming there were no affidavits available at  
145 the polling place. I had a stack of them available for use. Tommie even called me  
146 from the polling place to ask about them. I was annoyed because I had already  
147 explained the affidavits at one of our pre-election day training sessions. I was  
148 admittedly a little fed up with Tommie by this point, so I was abrupt during the

149 call. I think I may have even hung up on him/her after telling him/her to look  
150 around.

151 At the end of the day, the elections office did its job to the best of its ability  
152 and the election was fair. It was not stolen. Some folks just apparently can't  
153 accept defeat.

154 **WITNESS ADDENDUM**

155 I have reviewed this statement and I have nothing of significance to add at  
156 this time. The material facts are true and correct.



Micah Donnelly

## *Shawn Hall, Graduate Assistant for Dr. Silver*

1 My name is Shawn Hall. I am 22 and a graduate student in political science at  
2 Tree City University. I know 22 might seem a little young to already be a graduate  
3 student, but I have been focused on getting my education as quickly as possible,  
4 so I've taken extra classes along the way to help get me to that goal. Right now,  
5 I'm wrapping up this degree and looking for PhD programs at universities that  
6 are as far away from Tablerock as I can get. If there's one thing that's become  
7 clear to me in this whole situation with Essie's campaign, it's that it's time to get  
8 away from here and experience what it's like to not be from a well-known family.

9 What do I mean by that? Well, this City Council election ended up turning  
10 into a perfect storm for me and has just about ruined my life. See, Essie Rivera's  
11 opponent for City Council is my aunt, Tammy Hall. Aunt Tammy has been  
12 involved in local politics for most of my life, and on the City Council since I was in  
13 junior high. Tammy is my dad's sister, and both of their parents - my  
14 grandparents - were political animals. My grandfather was in the state legislature  
15 back in the day, and my mother was the senior secretary to a powerful state  
16 official, so they were both very well connected. My mom has always been on one  
17 city commission or another, and my dad's law firm works with a lot of lobbyists.

18 The bottom line is, with all the politicians in the family, we pretty much can't  
19 go anywhere without someone wanting to talk to about some issue or idea they  
20 have. So, it was natural that I would major in political science. Honestly, it's not  
21 my favorite subject, but what am I going to do?

22 To add to the layers of complexity in this situation, I am - or was - Dr. Landry  
23 Silver's graduate assistant. Dr. Silver and I are not cut from the same cloth when  
24 it comes to political perspective, but I still thought I could learn from her/him. In  
25 fact, I was really hoping that I could work alongside Dr. Silver on his grant  
26 project. I knew that a project like that, with someone as reputable as Dr. Silver,  
27 would be a real career boost, so I was trying hard to be in Dr. Silver's good graces.  
28 Don't misunderstand - I wasn't trying to be a teacher's pet or anything.

29 As a graduate assistant I am kind of the teacher behind the teacher. I sit in on  
30 Dr. Silver's classes, proctor exams, review assignments, and track student grades.  
31 So, you might say I've had a front row seat to this whole election episode. I was  
32 floored when I found out Essie had conned his way into Dr. Silver's advanced  
33 class. I was there when Essie announced that s/he was going to run for office and  
34 I have to say, it was a little scary. There's something off about that kid with the  
35 Machiavellian glint in his/her eye.

36 Let me give you a little background. Essie and I both grew up in Tablerock.  
37 I'm three years older than Essie and was also three years ahead of him/her in  
38 high school. Essie and I were never friends, but everyone knew Essie. S/he made  
39 sure of that. Essie is his/her own biggest fan and has this way of drawing  
40 attention to him/herself. As a high school freshman Essie ran for student body  
41 president. That's strictly a position for upperclassmen. I mean, obviously there's  
42 no written rule or anything. Any student is eligible to run. But it's just  
43 understood. But Essie had the chutzpah to run, and then actually win. I don't  
44 think the other candidates really took him/her seriously. They didn't think a  
45 freshman, especially a freshman like Essie, was a serious threat, so they just ran  
46 the usual high school popularity contest. But Essie ran a real campaign, with real  
47 issues that the students cared about. S/he walked away with it.

48 I graduated and thought I'd left Essie behind for good. My younger brother,  
49 Beaux, was in Essie's class, and he said as Essie got older, s/he got more  
50 insufferable. By the time Essie was a senior and running once again for student  
51 body president, a lot of the students were fed up. My brother decided to run  
52 against Essie. In addition to his main campaign, he and some of his friends  
53 formed a kind of shadow campaign, the only goal of which was to defeat Essie.  
54 Since I was a political science major and advancing pretty quickly through  
55 college, they asked me for advice. I suggested a couple of things. First, have some  
56 real issues to talk about. Second, go after Essie's character. I mean, this was high  
57 school, so there wasn't a lot of character to talk about. It's not like Essie was  
58 corrupt. But they did find students who were willing to post comments on Essie's  
59 Facebook page that suggested Essie didn't really care about the students and was

60 a favorite of the school administration. They even blamed Essie for tearing down  
61 some of the other candidate's posters. Maybe s/he did. Maybe not. Basically, they  
62 claimed that Essie had become part of the establishment and was more about  
63 Essie than the students. The result was that we almost toppled Essie. S/he won,  
64 but by only a handful of votes. I thought that would have humbled him/her some  
65 but being undefeated just made Essie even more obnoxious.

66 So, now Essie comes to college and decides to run for City Council. It really  
67 ticked me off. It's not that hard for someone to be the big fish in the small pond of  
68 high school, and I thought Essie would get a little humble pie at college. TCU is  
69 25,000 students from all over the state, country, and even the world. Making a  
70 splash in a college pond is a whole lot harder. But here was Essie, just a  
71 sophomore and trying to get a Tablerock City Council seat.

72 Two other things made it even more galling. First, Dr. Silver seemed to be  
73 overly enamored with Essie. I don't know how s/he was so blind to Essie's  
74 emptiness, but Dr. Silver seemed to think Essie would make the ideal City  
75 Council candidate, as if Essie actually had a mind of his/her own that could  
76 understand any issue more complex than Essie. Second, Essie was trying to take  
77 my aunt's seat. I assumed Essie knew that Tammy Hall is my aunt, or that Beaux  
78 Hall was my little brother, but when Essie asked for my help with his/her  
79 campaign it dawned on me that s/he hadn't a clue. I'm no dummy, and when  
80 Essie and Dr. Silver both didn't make the connection, I saw an opportunity!

81 I told Essie I would love to help with his campaign, and that I was eager to do  
82 anything I could. I volunteered to handle Essie's social media campaign, and  
83 Essie agreed. I set up the Essie 4 Change page on Tree City Connect and did most  
84 of the posting. I didn't actually write any of the posts - I couldn't fake that much  
85 enthusiasm for Essie - but I did vet the ones that Essie and other students wrote  
86 and put them on the feed. Essie was using other, more traditional forms of  
87 campaigning, but I encouraged him/her to focus on the campus social media  
88 platform, since that's where his constituency was. I thought if Essie focused on  
89 students, who are traditionally low-turnout voters, then that would keep him/her

90 off the radar of the real voters, the ones who lived and worked in Tablerock, and  
91 who had a real stake in the outcome of the election.

92 We never talked about the Tree City Connect terms of use policy. Neither  
93 Essie or Dr. Silver said anything about it to me, and I figured since Dr. Silver was  
94 encouraging it that using Tree City Connect was okay. I suppose it was implied  
95 that paying attention to the terms of use was part of my job. Not that I really  
96 cared. I had to click some button or check some box saying I agreed to the policy  
97 when I set up Essie's campaign page, but who really reads those things? I sure  
98 didn't. Besides, even after the page went up and was live for several weeks no one  
99 ever said boo about it. If anyone was monitoring the sight, they were apparently  
100 fine with everything on it.

101 I did not make any fake accounts. I didn't have to. There were plenty of people  
102 who had access to the platform who didn't like Essie. For example, the graduate  
103 students are a pretty tight group. We're only a year or two removed from the  
104 undergraduate pond, but it doesn't take us long to start looking back at the  
105 undergrads as pond scum. A lot of them were really irked at Essie and thought  
106 s/he was way out of his league. I pointed out that Tree City Connect was an open  
107 forum, and that they were free to make their sentiments known. But I had  
108 nothing to do with those accounts Essie thinks were fake. There may have been  
109 some other people who used aliases. If you're in one of Dr. Silver's classes and  
110 you oppose Essie, you probably want to be smart and not say so publicly.

111 I thought Dr. Silver's direct participation in a political campaign was pretty  
112 unprofessional. I mean, think about that. You're in Dr. Silver's class, maybe even  
113 his graduate assistant, and s/he's preaching the good news of Essie Rivera in  
114 practically every class. What are you supposed to do? Dr. Silver did say that s/he  
115 would not be partisan, but it was obvious where his/her sympathies lay. More  
116 than once Dr. Silver suggested to me that a particular student whose essay I was  
117 grading had "unfortunate views" on this or that issue. Dr. Silver's most blatant  
118 move was during Essie's campaign. Dr. Silver handed me a stack of papers to  
119 grade, and right on top was a list of student names and student IDs under the

120 heading “Chose not to support Essie’s campaign”. The implication was clear that I  
121 was supposed to take that into account on their grade, but I never did.

122 I never thought Essie had a chance to win, so sabotaging the campaign wasn’t  
123 on my radar. My intention all along was only to feed my Aunt Tammy lots of  
124 inside information, but she had nothing to do with Essie’s loss. Tammy had no  
125 idea I was working for Essie’s campaign, or even that I knew Essie. As far as Aunt  
126 Tammy knew Essie and I were complete strangers. Even though I really wasn’t  
127 doing anything wrong, I thought it would be best if Aunt Tammy had plausible  
128 deniability. I just presented what I had as being “from the student’s point of  
129 view,” and she never questioned it. I guess if she’d thought about it, that point of  
130 view was pretty specific about what Essie’s campaign was up to. But if she ever  
131 had questions about how I got my information, she kept them to herself. After all,  
132 you don’t want to look a gift horse in the mouth.

133 Anyway, as the election got closer, I was surprised to see that Essie was ahead  
134 of Aunt Tammy in the polls. I couldn’t believe it! How could this self-centered  
135 child actually be ahead of an experienced politician? I decided I needed to do  
136 something. I read the social media terms of use, and it was pretty obvious that  
137 Essie’s campaign page was a blatant violation. Some of the comments even said  
138 as much. I wasn’t sure how to make Essie less popular, so I decided to try to make  
139 Essie less visible. I suggested to my grad student buddies that maybe someone  
140 should make a complaint to the school.

141 Honestly, I didn’t know if it would work because TCC is pretty inconsistent  
142 about what does and does not violate the social media policy. I remember when I  
143 was an undergraduate, they took down a page that was students supporting  
144 eliminating plastic straws but left up a page that was dedicated to letting students  
145 know the best places for getting cheap beer. I mean, c’mon.

146 I also knew that Aunt Tammy and Micah Donnelly went way back. I know  
147 that’s how I first met Micah, was through Aunt Tammy. Micah and I aren’t  
148 friends, but we certainly know each other. I knew that Micah was what Aunt  
149 Tammy called “reliable” - someone who was as honest as they needed to be, but if



150 there was a close call you could rely on them to uphold the status quo. That's why  
151 I alerted Micah to the Essie 4 Change page.

152 I don't know who, if anyone, actually made a complaint, but shortly after that  
153 Jordan Bell put a notice on Essie 4 Change saying that Essie's page was in  
154 violation. Bingo! I assumed Essie or Dr. Silver would see it, so I didn't bother to  
155 say anything. I don't know what they did with it, but neither of them told me to  
156 back off, so I kept on posting campaign stuff that had nothing to do with the  
157 university. All of a sudden, blam-o! The plug was pulled. There was nothing left  
158 for me to do, especially since Dr. Silver was so focused on Essie's campaign and  
159 was ignoring both me and the grant project, so I just went back to being a grad  
160 student and waited for Essie to lose the election. Which, I'm happy to report, s/he  
161 did.

162 At some point I did get asked if I was related to Aunt Tammy. Another of  
163 Essie's campaign workers saw me watching a television interview Aunt Tammy  
164 did with the local news station, noticed we had the same last name, and asked if  
165 there was a connection. I didn't explicitly deny it, because that would have been  
166 lying, but I did manage to dodge the question. That's what a good politician does,  
167 right? So, I played it like I thought s/he was joking. I said something like, "of  
168 course there's a connection, that's why I'm here working for Essie!" S/he looked  
169 at me a little funny, but s/he dropped it. No one else ever asked. Hall is not that  
170 uncommon a name.

171 But connection or not, at the end of the day, Essie's loss had nothing to do  
172 with me. Essie just got out-campaigned. Of course, Aunt Tammy was concerned  
173 with how Essie was polling. Only a fool ignores that. Her response was to get out  
174 there and work harder. She spent a lot of time going door to door, meeting with  
175 people, talking to them about what they cared about. It's true she never really  
176 tried to connect with the students before, but who knew they cared? Most  
177 students come to TCU, put in their time, get their degree, and hit the road. They  
178 don't consider Tablerock home, and they don't pay attention to local politics.  
179 When Aunt Tammy realized they actually did care, she met with them, connected  
180 with them, and won their support. After all, she's got experience, and deep roots

181 in Tablerock. Essie's just a climber. I will hand it to Essie, though, for getting the  
182 students involved. If it wasn't for Essie's campaign and effort to turn out the  
183 student vote, Aunt Tammy wouldn't have had the opportunity to represent them.

184       Essie just can't come to grips with the fact that, once people get to know  
185 him/her, nobody can stand him/her. Essie has some grand conspiracy theory for  
186 why s/he couldn't get a job at the Statehouse, but Essie biggest liability is that  
187 s/he's Essie. I mean, c'mon. The Sack-O-Suds? That's the best you can do? That's  
188 not a conspiracy, that's just being an idiot.

189       I managed to get through the entire election without Essie or Dr. Silver  
190 getting wise. I was only discovered after the election, when a picture in the  
191 newspaper revealed that I was in the background at Aunt Tammy's victory party.  
192 It probably wasn't the best idea to show up there. I stayed at Essie's campaign HQ  
193 until it was clear s/he'd lost the election, then I made my excuses, and said I was  
194 tired and was going home. Honestly, though, I was pretty jacked and felt more  
195 like celebrating than going to bed. I also thought it would look weird if I didn't  
196 show up to provide the ol' family support. I thought it was late enough that media  
197 people would be gone. Anyway, when Essie and Dr. Silver saw the picture, they  
198 confronted me. Inquiries were made, and I came clean and admitted that Tammy  
199 was my aunt.

200       The fallout has been a little over the top. I'm a private citizen, not a  
201 government official, so nothing I did was in any way illegal. All's fair in love, war,  
202 and politics, right? I didn't set out to use Tree City Connect to torpedo Essie's  
203 campaign. I really didn't know a City Council campaign wasn't allowed. Besides,  
204 if you can't run a political campaign on Tree City Connect, then what I did was  
205 actually helpful to Essie. Essie 4 Change was up for most of the campaign, which  
206 means my work gave Essie a huge boost s/he never would have had if s/he had  
207 paid attention to the terms of use and never set up Essie 4 Change at all.

208       Even so, Dr. Silver dismissed me as his grad assistant - talk about a fall from  
209 grace! - and there is talk of me being disciplined by the university, although  
210 nothing has come of it. I don't think there is anything they can discipline me for.

211 My parents were not pleased. Tammy was pretty angry, and she banned me from  
212 any future campaign and even from City Hall. She said she couldn't have it look  
213 like she was approving of what I did. I get that, but I'm pretty sure her anger is  
214 just for show, and that Tammy is secretly pleased she has such a clever relative.

215 I must admit, seeing Essie go down in flames was pretty sweet. It's  
216 unfortunate I got caught, but that was my own fault for not laying low for a while.  
217 Next time I'll know better. I learned a lot from this experience, and I see a career  
218 in opposition research on the horizon.

219 Not here, though. I'm done with this town.

220

**WITNESS ADDENDUM**

221 I have reviewed this statement and I have nothing of significance to add at  
222 this time. The material facts are true and correct.



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Shawn Hall

# EXHIBITS

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Exhibit 1: Idaho Voter Registration Form

Exhibit 2: Idaho Personal Identification Affidavit

Exhibit 3: Tree City Connect Social Media Policy

Exhibit 4: Essie 4 Change Posts

Exhibit 5: Essie 4 Change Suspension Notice

Exhibit 6: Map Showing Changed Polling Place

Exhibit 7: Text Messages Between Shawn Hall and Micah Donnelly

Exhibit 8: Polling Averages

Exhibit 9: Memo from Dr. Silver to Shawn Hall

# Exhibit 1: Voter Registration Form

## Idaho Voter Registration Form

**You can use this form to:**

- register to vote in the state of Idaho.
- let us know that your name or address has changed.
- affiliate with a political party or change your status to unaffiliated.

**To register to vote in Idaho you must:**

- be a U.S. Citizen,
- have resided in Idaho and in the county for thirty (30) days prior to the day of election, and
- be at least 18 years old.

**You cannot register to vote in Idaho if:**

- you have been convicted of a felony and have not had your civil rights restored.  
Persons convicted of a felony in Idaho have their rights automatically restored upon completion of sentencing including probation or parole.

**IMPORTANT! If mailed, this card must be postmarked by the 25th day before an election. If you are a first-time voter in Idaho, a copy of a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck or government document that shows your name and address must be submitted with this form or shown at the polls prior to voting.**

**How to register to vote:**

- You may mail or deliver your completed card to your county. County addresses are on the back of this form.
- If mailed, your county elections office will mail you a card to let you know that your registration was received.

**Political Party:**

- If no political party is selected, you will be registered as unaffiliated (no political party preference).

**Questions?**

- Call one of the county election offices listed on the back of this form.

[Click here to clear form.](#)

Use Black Pen - Please Print Clearly

Detach Here

Idaho Voter Registration Form															
<p><b>1</b> Last Name <i>(Print clearly in black ink.)</i></p>	First Name	Middle Name	<p><b>2</b> Enter Idaho Driver's License #</p> <table style="width: 100%; text-align: center;"> <tr> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> </tr> </table> <p>If no Idaho Driver's License, enter last 4 digits of Social Security #</p> <table style="width: 100%; text-align: center;"> <tr> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> </tr> </table> <p>I have not been issued an Idaho DL number or SSN. <input type="checkbox"/></p>												
<p><b>WARNING:</b> Any elector who supplies any information knowing it to be false is guilty of perjury which is punishable by imprisonment and a fine of up to \$50,000.</p>															
<p><b>3</b> Are you a citizen of the United States of America? Yes <input type="checkbox"/> No <input type="checkbox"/> If you checked "No" for either question, do not complete this form.</p> <p>Will you be at least 18 years of age on election day? Yes <input type="checkbox"/> No <input type="checkbox"/></p>															
<p><b>5</b> Residence Address (Do not use PO Box or business address. If no street address, describe location of residence by cross streets, section, township, range, or other physical description.)</p>															
<p><b>6</b> Mailing address if different from above</p>		City	County												
		Zip													
Address where previously registered		City	State												
		Zip													
<p><b>8</b> <input type="checkbox"/> Check box if name change</p>		Previous Name	City												
		County	State												
<p><b>9</b> Do you have any legal disqualifications? Yes <input type="checkbox"/> No <input type="checkbox"/> Idaho felon's rights are automatically restored upon completion of all sentencing conditions including probation or parole.</p>															
<p><b>UNDER PENALTY OF LAW:</b> By signing this card, I certify that I am a citizen of the United States and that I shall have been a resident of Idaho and the county for 30 days before the next election at which I vote; that I am at least 18 years of age on election day, and I declare under oath or affirmation that the information supplied herein is true.</p>															
<p><b>10</b> Signature - Sign on line below.</p> <p style="text-align: center;">X</p> <p style="text-align: center;">Date of Signature    month    day    year</p>															
		Precinct	Clerk												
			Date												
<p>ERM-1 Registration Card, Rev. 2011</p>															



## Exhibit 3: Tree City Connect Social Media Policy

**Note: This exhibit appears on this page and the next. Both pages are part of the same exhibit.**

### **Statement of Purpose**

Tree City Connect (TCC) is the officially recognized social media platform of Tree City University (TCU). TCC was created as a limited public forum to give all members of the campus community a voice on matters related to University academics and activities. TCC is open to use by all members of the Tree City University Community.

### **Approval and Administration**

TCC is the official TCU social media platform created as a joint project by the University Marketing and Communications Departments. TCC is operated and maintained by the TCU Department of Administration. The Dean or Associate Dean of each Faculty Department and the Dean or Associate Dean of Students will serve as the Administrator of TCC, responsible for authorizing faculty and student users and accounts, for monitoring TCC, and for identifying and responding to violations of the Posting and Comments Policy.

User registration is available to any current university student, administrator, or faculty member. Registration requires a current university ID number, a university email account, and a username. Usernames must be the user's real name, or a name that is readily associated with the user. Anonymous user accounts are not allowed. Users must acknowledge that they have read and accept the terms of this policy as a condition of registration.

### **Posting and Comment Policy**

- TCC shall operate as a limited public forum where members may create pages and posts or comment publicly on the pages and posts created by others. All pages, posts, and other content shall subject to certain guidelines:
- All TCC pages and posts must be related to University academics or activities.
- Pages and posts may not contain lewd, vulgar, or obscene language.
- Pages and posts may not contain discriminatory or harassing comments.
- Pages and posts may not promote violence or illegal conduct.
- Pages and posts may not express or imply that they are made by or on behalf of the University, or that the content of the post is approved by the University.

- No post may contain confidential or proprietary information (including copyrights, trademarks, or other intellectual property) about or belonging to the University or any student, staff, administrator, or faculty member.
- Posts must respect individual privacy.
- Pages and posts should generally avoid the use of political statements. As a tax-exempt organization, the University is prohibited from participating in a political campaign on behalf of or in opposition to any candidate.

### **Notice of Violation**

Notice of a violation of the above guidelines will be posted by the Administrator and the faculty, administrator or student whose account was used to create the web page or posting will have seven days to contact the Administrator posting the notice to protest the Notice. Failure to contact the Administrator to protest within seven days shall constitute waiver of the right to appeal the Notice and the offending web page or post will be subject to immediate deletion.



# Exhibit 4: Essie 4 Change Posts

The following posts that appear on pages 65 to 73 are all part of the same exhibit.

## **Post #1**

### **Essie Rivera**

September 9, 2019

Hi, Everyone! Today, I'm pleased and honored to announce my candidacy for Boise city council!

I've been politically active ever since I can remember. I guess it started when I was nine years old and I successfully petitioned my elementary school for better lunches. Politics is in my blood. If you go to the Statehouse in Boise, my great, great, great grandfather has his name engraved on a plaque as one of the early Senators for the state of Idaho. For five generations my ancestors on both my father's and mother's side have been movers and shakers on the Idaho political scene, either holding local or state office, working in the capitol building, or serving on city and county commissions, often all three. So, politics has been my path for a long time.

Why did I decide to run? Simple. For the longest time, it has usually been older people who are making all the decisions, but when it comes down to it, it's my generation that's going to be impacted by the decisions that are being made now. We're the ones that are going to have to face the repercussions and it's better that we get in there now rather than later. We want to be the makers of policy, not the victims of it.

This is also a class project. If you want to volunteer you may be able to get academic credit.

### **3 Comments**



**Polly Humble**

September 9, 2019

This is so cool! I'm so glad you're running. It's been fun watching your dust in class. I know you'll go far!

REPLY



**William Wu**

September 9, 2019

Wow! That takes some guts, Essie. Good luck to you. It would be nice to have a student voice on city council. Not sure your the one for the job, but my hat's off to you for giving it the old college try.

REPLY



**Essie Rivera**

September 9, 2019

Thanks, Polly and William. I'm told I'm a longshot, but I know if I just follow my dreams, believe in myself (and I do!), and don't give up, I can make it. Let's do this!

REPLY

## **Post #2**

### **Landry Silver**

September 10, 2019

I just want to say how thrilled I am that Essie decided to run for Boise city council! Essie is remarkably gifted for someone so young. Essie's unique position as both an experienced politician *and* a university student will provide a new energy to the city council sorely needs. Longshot? Hardly! I'd say more like a darkhorse.

Most of you are probably unaware of this, but Essie is the only undergraduate student I have ever accepted into this class. I recognized Essie's abilities right away. I've long wanted a student who I could guide toward a promising career in government service! What an extraordinary opportunity for us!

And, as Essie mentioned, this is, incidentally, a class project. If you want to volunteer you may be able to get academic credit.

### **2 Comments**



**Nathan Bates**

September 10, 2019

What the hey?! Why is this political garbage clogging up Tree City Connect? Can't you read? Why should I vote for someone who can't even understand a simple social media policy? Typical politician.

REPLY



**Shaun Jones**

September 12, 2019

Geez, Landry. Who's running, anyway? Sounds like you want to teach Essie to walk and to talk like a regular lady. Enjoy your project. Heads up, Essie!

REPLY

## **Post #3**

### **Essie Rivera**

September 15, 2019

I've heard rumors that I'm not a serious candidate, and that this is more about school credit than anything else. Don't you believe it! I am dedicated to this campaign, TCU students, and the city of Boise. Let's get out the vote!

### **3 Comments**



**Cherilyn Garner**

September 17, 2019

Essie, thank you for running for city council. TCU students need a voice that can be heard and respected outside the confines of campus. I want to help!

REPLY



**Shawn Hall**

September 18, 2019

Thanks, Cherilyn! Come to Room 346 any afternoon and we will get you involved.

REPLY



**Miranda**

September 16, 2019

Ha! If this was a serious campaign then you would be a serious candidate.

REPLY

## **Post #4**

### **Ralph Downer**

October 1, 2019

Essie and Dr. Silver, I'm baffled by your blatant disregard of the Tree City Connect social media policy! "Web pages and posts should generally avoid the use of political statements." I don't know how that is not clear to you. I, like most people, use TCC to talk about classes, assignments campus events, and other matters of general interest to students. I DON'T COME HERE FOR POLITICAL RANTS!!! Or do the rules somehow magically not apply to you? Typical political hubris! What's good for thee does not apply to me!

### **1 Comment**



**Landry Silver**

October 1, 2019

Some of you seem to have forgotten the First Amendment. Unfettered political discourse is at its core. Besides, as the faculty dean I am an administrator of Tree City Connect, and I can assure you this class project is well within the scope of the social media policy.

REPLY

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## **Post #5**

### **Stephen Hayden**

October 2, 2019

Essie, where do you stand on how to improve the city bus system?

### **1 Comment**



**Essie Rivera**

October 2, 2019

Thanks for the question. I'll be meeting with the system managers soon to see what can be done to increase the number of busses on high traffic routes.

REPLY

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## **Post #6**

### **Essie Rivera**

October 4, 2019

Hi, everyone. Just want to let y'all know I'll be revving up the Rivera Registration Express soon. Did you know that college students are the demographic that is least likely to vote? That's not okay! The future belongs to us, so we should have a voice in what that future looks like. Register to vote!

### **2 Comments**



**Missy Pain**

October 4, 2019

How can we register to vote here if we're just students? It's not like we really live here.

REPLY



**Essie Rivera**

October 4, 2019

Hey, Missy! While you're here at school you don't really "live" anywhere else. Don't worry, we will be educating students on the residency requirements during the registration drive. On election day, will you have lived here for 30 days? Then you're a resident, and entitled to vote!

REPLY

## **Post #7**

### **Stephen Hayden**

October 5, 2019

Hey, Essie. How was your meeting with the bus system managers? Eager to hear!

### **3 Comments**



**Essie Rivera**

October 5, 2019

Sorry! That's been delayed. Turns out it's hard for a busy college student to find time to do non-student things. Hopefully we'll meet in the next couple of days.

REPLY



**Ryan Clifton**

October 7, 2019

Essie's apparently not smart enough to ride a bus.

REPLY



**Ryan Clifton**

October 7, 2019

Essie's apparently not smart enough to ride a bus.

REPLY

## **Post #8**

### **Landry Silver**

October 10, 2019

Don't forget: you may be able to get credit in a political science class if you volunteer to help with Essie's campaign. Contact Essie, me, or Shawn Hall if you're interested. We need you!

### **0 Comments**

**Post #9**

**Jordan Bell**

October 12, 2019

Essie, this site appears to be a serious violation of the Tree City Connect social media policy. Please contact me immediately. If you don't resolve this in the next five days I will have no choice but to shut it down.

**1 Comment**



**Crawford Merrick**

October 12, 2019

About time!

REPLY

---

## **Post #10**

### **Essie Rivera**

October 13, 2019

Hey, everyone. Don't forget Election Day is November 5th. Students can vote at the old gym - the usual place. Polls are open from 8am - 8pm

### **4 Comments**



**Kameron Winthrop**

October 13, 2019

Put a sock in it, loser!

REPLY



**Carlie Northrop**

October 14, 2019

Put a sock in it, loser!

REPLY



**Karlie J. Northrop**

October 15, 2019

PUt a sock in it, loser!

REPLY



**Shawn Hall**

October 15, 2019

Wow! Talk about not understanding the social media policy!

REPLY



## **Post #11**

### **Shawn Hall**

October 15, 2019

I want to remind everyone that there is a candidate forum tonight. 7:00 at city hall. Seating will be tight, so come early. All the candidates for city council will be there.

### **1 Comment**



**Essie Rivera**

October 15, 2019

Especially me!

REPLY

---

## **Post #12**

### **Essie Rivera**

October 17, 2019

Hey, everyone. We are only a little more than two weeks away from the election! I've really appreciated the tremendous student support. This started out partly as a class project, but it's become so much more than that. This is about making sure our voices are heard, about not letting the establishment disenfranchise us, and about a new direction for Boise. We are TCU! Hear us roar!

### **1 Comment**



**Jordan Bell**

October 17, 2019

This account is now suspended

REPLY

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## Exhibit 5: Essie 4 Change Suspension Notice

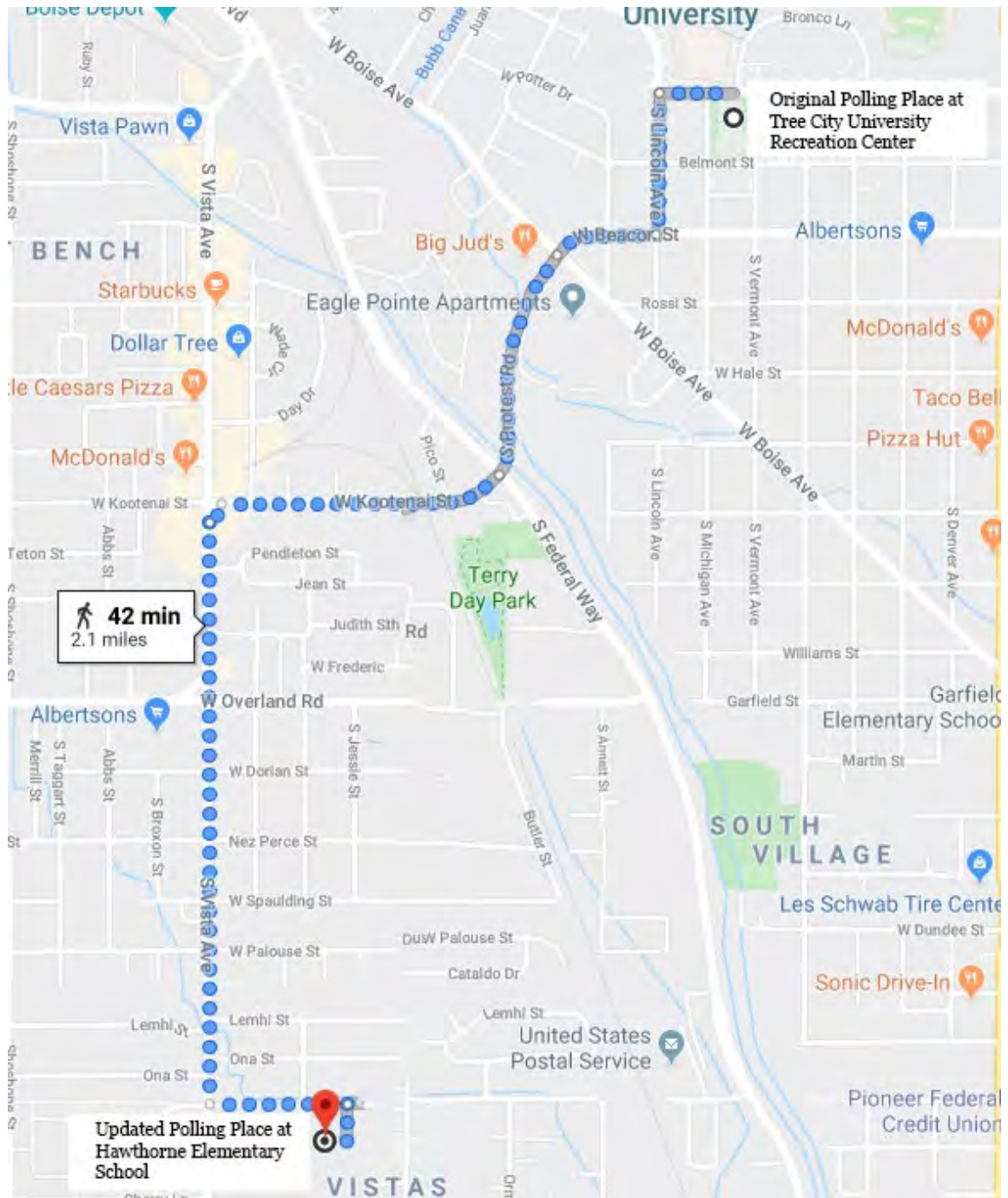
### Tree City Connect

#### NOTICE OF VIOLATION!

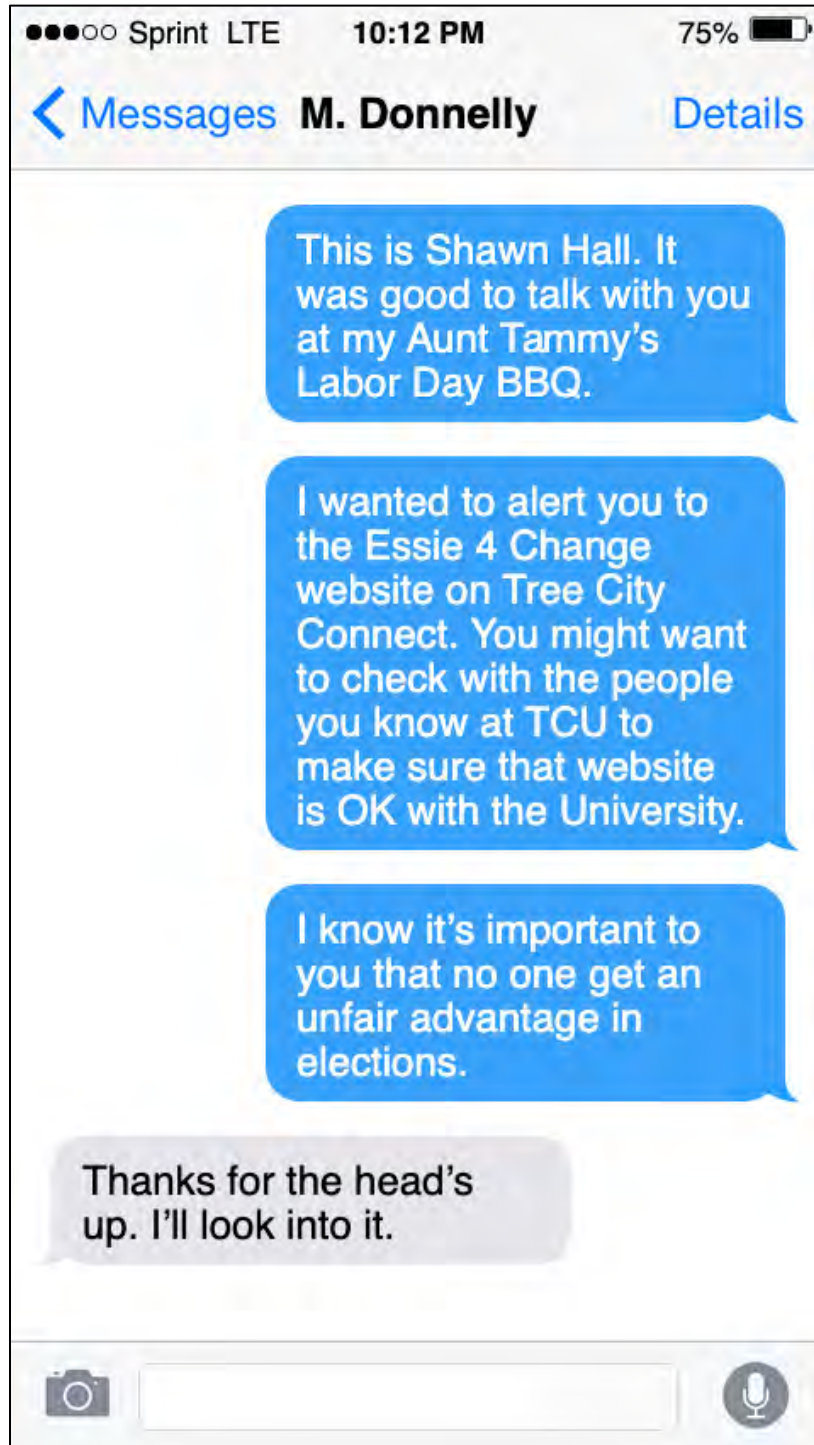
THIS ACCOUNT HAS BEEN SUSPENDED FOR VIOLATING THE  
TREE CITY CONNECT TERMS OF USE. CONTACT ASSOCIATE  
DEAN OF STUDENTS JORDAN BELL FOR INFORMATION

[Tree City Connect Terms of Use](#)

## Exhibit 6: Map Showing Changed Polling Place



## Exhibit 7: Text Messages between Shawn Hall and Micah Donnelly



## Exhibit 8: Polling Averages

**This poll was taken from September 16 to 19, 2019.**

<i>Polling Source</i>	<i>Candidate</i>	
	<b>Tammy Hall</b>	<b>Essie Rivera</b>
Idaho Statesman	51%	49%
Tablerock Weekly	45%	55%
Idaho Press Tribune	48%	52%
<b>AVERAGE</b>	-4%	+4%

**This poll was taken from October 21 to 24, 2019.**

<i>Polling Source</i>	<i>Candidate</i>	
	<b>Tammy Hall</b>	<b>Essie Rivera</b>
Idaho Statesman	52%	48%
Tablerock Weekly	47%	53%
Idaho Press Tribune	46%	54%
<b>AVERAGE</b>	-3.2%	+3.2%

These polling averages have a +/- error rate of 2.5%

## Exhibit 9: Memo from Dr. Silver to Shawn Hall

### MEMORANDUM TO FILE

FROM: Dr. Landry Silver

TO: Shawn Hall

Please take note and handle accordingly

#### Supporting Essie:

Sonya Morocco  
Alexandria Burdick  
Harold Hypolite  
Angel Boedeker  
Sena Wicker  
Marx Zamor  
Gala Frazer  
Tyler Stephen  
Leone Klopp  
Renee Taube  
Doria Guertin  
Dalene Womer

#### Some other project:

Ileana Dehaven  
Theodora Brodbeck  
Josephine Oakley  
Mario Parrett  
Sam Lax  
Jamee Rudd  
Leeann Trowbridge  
Barney Stoops  
Marlana Banegas  
Chen Rosenbeck

#### Undecided:

Clyde Keating  
Mallie Mcconico  
Lachelle Estabrook  
Meri Shelnutt  
Lawana Seo  
Amos Hunsaker

# **JURY INSTRUCTIONS**

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## **Instruction No. 1**

The Plaintiff alleges that the Defendant is an election official who engaged in misconduct and that this misconduct altered the outcome of the election.

## **Instruction No. 2**

When I say that a party has the burden of proof on a proposition by a preponderance of the evidence, or use the expression "if you find" or "if you decide," I mean you must be persuaded that the proposition is more probably true than not true.

## **Instruction No. 3**

“Misconduct” is the intentional or willful commission of a wrongful, improper or unlawful act, done in an official capacity, which affects the performance of official duties.

It is up to you, the jurors, to decide whether the Plaintiff has proven, by a preponderance of the evidence, that the Defendant engaged in misconduct.

## **Instruction No. 4**

You do not need to decide whether the Defendant’s alleged misconduct, if any, altered the outcome of the election. If you find that misconduct occurred, the court will hold a separate trial at a later date to determine whether that misconduct altered the outcome of the election.

## **Instruction No. 5**

The Plaintiff claims that the Defendant engaged in misconduct by contacting Tree City University Associate Dean of Students Jordan Bell for the purpose of having Tree City University shut down the Essie 4 Change social media account on Tree City Connect.

To find for the Plaintiff on this claim, you must find by a preponderance of the evidence that each of the following are true:

- a) that the Defendant contacted Associate Dean of Students Jordan Bell;
- b) that the Defendant communicated to Bell that Essie 4 Change should be shut down; and
- c) that the Defendant's actions meet the definition of misconduct.

## **Instruction No. 6**

The Plaintiff claims that the Defendant violated the law by changing the TCU precinct polling place. To find for the Plaintiff on this allegation, you must find by a preponderance of the evidence:

- a) that the Defendant closed or changed the TCU precinct polling place less than thirty (30) days prior to the date of the election, and any one of the following:
  - i. that it was not impossible or inconvenient to hold the election at the previously designated polling place, or;
  - ii. that the Defendant did not identify the nearest convenient alternative polling place, or;
  - iii. that the Defendant did not make all reasonable efforts to notify registered and non-registered voters impacted by the change as soon as practicable.

Something is “impossible” if it is incapable of being performed, or if there is no feasible way that it can be performed.

Something is “inconvenient” if it imposes hardship, or if it is disadvantageous or bothersome.

Something can be inconvenient, even if it is not impossible.

After considering all the evidence, if you find the Plaintiff has proven the necessary elements of this allegation, you should find that that Defendant violated the law by changing the TCU precinct polling place.



## Instruction No. 7

If you find that Defendant did not violate the law in changing the TCU precinct polling place, you must next consider Plaintiff's claim the Defendant's conduct in changing the polling place was misconduct. To find for the Plaintiff on this claim, you must find by a preponderance of the evidence that each of the following are true:

- a) that the Defendant closed or changed a designated polling place less than thirty (30) days prior to the date of the election,
- b) that the Defendant was motivated solely by a desire to hinder the Plaintiff's election to the Tablerock city council, and any one of the following:
  - i. that it was not impossible or inconvenient to hold the election at the previously designated polling place, or
  - ii. that the Defendant did not identify the nearest convenient alternative place for holding the election, or
  - iii. that the Defendant did not make all reasonable efforts to notify registered and non-registered voters impacted by the change as soon as practicable.
  - iv. After considering all the evidence, if you find the Plaintiff has proven all the necessary elements of this claim, your verdict must be for the Plaintiff. Otherwise, your verdict must be for Defendant.

## **Instruction No. 8**

The Plaintiff claims that the Defendant engaged in misconduct regarding the registration of certain voters, also known as qualified electors, and the procedures for accepting the proper identification from voters.

I am now going to give you several instructions as to the laws governing voter registration.

## **Jury Instruction No 9.**

A resident is anyone who has been domiciled in Idaho with a bona fide intent to make Idaho their place of permanent abode.

## **Jury Instruction No 10.**

No person shall gain or lose residency merely by reason of his absence from or presence in Idaho

- a) while serving in the United States military,
- b) while a student at any institution of higher learning,
- c) while absent from Idaho for any reason with the intent to have Idaho remain his residence, or
- d) while present in Idaho for any reason with the intent to have another state remain his residence.

## **Instruction No. 11**

Every male or female citizen of the United States, eighteen (18) years old, who has resided in the city of Tablerock, Treasure Valley County, in the State of Idaho, for at least thirty (30) days prior to the day of election, if registered within the time period provided by law, is a qualified elector.

## **Instruction No. 12**

All electors must register before being able to vote at any city council election. Registration of a qualified person occurs when a legible, accurate and complete registration application is received in the office of the county clerk or at the polls.

To register before election day, it is necessary only that the application be received. It is not necessary that the elector appear in person to present the application.

### **Instruction No. 13**

An individual who is eligible to vote may register on election day. To register on election day, the individual must appear in person at the polling place for the precinct in which the individual resides. The individual must complete a registration application, make an oath in the form prescribed by the Idaho Secretary of State, and must provide proof of residence. An individual may prove residence for purposes of registering by any one of the following:

- 1) Showing an Idaho driver's license or Idaho identification card issued through the department of transportation; or
- 2) Showing any document which contains a valid address in the precinct together with a picture identification card; or
- 3) Showing a current valid student photo identification card from a postsecondary educational institution in Idaho accompanied with a current student fee statement that contains the student's valid address in the precinct.

### **Instruction No. 14**

The qualifications of any person who requests to be registered shall be determined in the first instance by the registering official from the evidence before him or her. If the registering official determines that such person is not qualified, s/he shall refuse to register the person.

### **Instruction No. 15**

In addition to being registered to vote, all voters shall be required to present personal identification before voting at the polls. The personal identification that may be presented shall be any one (1) of the following:

- 1) An Idaho driver's license or identification card issued by the Idaho transportation department;
- 2) A passport or an identification card, including a photograph, issued by an agency of the United States government;
- 3) A tribal identification card, including a photograph;
- 4) A current student identification card, including a photograph, issued by a high school or an accredited institution of higher education, including a university, college or technical school, located within the state of Idaho.

## **Instruction No. 16**

If a voter is not able to present the required personal identification, the voter may complete an affidavit in lieu of the personal identification. The affidavit shall be on a form prescribed by the Idaho Secretary of State and shall require the voter to provide the voter's name and address and shall sign the affidavit.

## **Instruction No. 17**

The next group of instructions will advise you the findings you must make in order to find for the Plaintiff on the claim that Defendant engaged in misconduct regarding the registration of certain voters, also known as qualified electors, and the procedures for accepting the proper identification from voters.

## **Instruction No. 18**

The Plaintiff has alleged that the Defendant engaged in misconduct or violated the law by refusing to register qualified electors. In order to find for the Plaintiff, you must find by a preponderance of the evidence that each of the following are true:

- a) that prior to election day one or more legible, accurate, and complete registration applications were presented to the office of the Defendant;
- b) the Defendant rejected said applications; and
- c) the Defendant's actions in rejecting the applications were misconduct.

## **Instruction No. 19**

The Plaintiff has alleged that the Defendant refused to allow university students to vote, even though they presented a completed registration application at the polling place. In order to find for the Plaintiff, you must find by a preponderance of the evidence that each of the following are true:

- a) that on election day at the polling place one or more persons personally appeared with a completed registration application, and
- b) that the Defendant refused to accept said application and refused to allow the person to vote, and
- c) that the Defendant's actions were misconduct.

## **Instruction No. 20**

The Plaintiff has alleged that on election day the Defendant refused to allow university students to vote, even though they presented the proper identification. In order to find for the Plaintiff, you must find by a preponderance of the evidence that each of the following are true:

- a) that on election day at the polling place one or more persons presented proper identification, and
- b) that the Defendant refused to allow the person to vote, and
- c) that the Defendant's actions were misconduct.

## **Instruction No. 21**

The Plaintiff has alleged that on election day the Defendant refused to provide the affidavit prescribed by the secretary of state to students who appeared without the required identification. In order to find for the Plaintiff, you must find by a preponderance of the evidence that each of the following are true:

- a) that on election day at the polling place one or more persons requested to be allowed to vote but did not have the required identification, and

- b) that the Defendant did not make them aware of, or refused to provide to them, the affidavit prescribed by the secretary of state, and
- c) that the Defendant's actions were misconduct.

## **Jury Instruction No. 22**

To the extent evidence of poll results was admitted at trial, you may only consider that evidence for a limited purpose. Such evidence, to the extent you deem it credible, may only be considered as a factor in deciding whether the Defendant had a motive to take the actions s/he did. You may not consider the poll results for any other purpose.

After considering all the evidence, if you find the Plaintiff has proven all the necessary elements of any of the allegations in Instructions 18-22, your verdict must be for the Plaintiff. Otherwise, your verdict must be for Defendant.