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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

MONTANA DEMOCRATIC PARTY,
JOSEPH BREITENBACH, and CYNTHIA
ANNE GREEN)
)
)
Plaintiffs,)
)
)
vs.)
)
)
JACOB EATON, MAX HUNSAKER,
MONTANA REPUBLICAN PARTY, and
BRAD JOHNSON in his official capacity as
Montana Secretary of State.)
)
)
Defendants.)

Cause No.: CV-08-141-M DWM

**AFFIDAVIT OF JOSEPH
BREITENBACH**

STATE OF MONTANA)
) ss
COUNTY OF MISSOULA)

I, Joseph Breitenbach, having been first duly sworn, deposes and says:

I am a duly qualified elector of Missoula County, State of Montana. I have been made aware that my voter registration has been challenged. I reside at 2075 Cooper St, Apt. 324, Missoula, MT, 59808 and have registered to vote at this same address. Any statement to the contrary is false.

I am a student at the University of Montana Law School in Missoula, MT. On August 25, 2008, I moved within Missoula County from my old address at 5555 Nightingale Lane, Lolo, MT, 59847, to my new address at 2075 Cooper Street, Apt. 324, Missoula, MT, 59808. This is the first election cycle since I moved in August. Approximately two days after I moved, I changed my address with the post office so I would receive my mail at my new place. Also during the last week of August, I submitted a new voter registration form at a registration drive on my campus, stating that I had moved from my old address to my new address.

Since I was careful to update my mailing address and my voter registration when I moved, I was surprised to hear that I am on a list of challenged voters in Missoula County. I am frustrated because I feel I have done my job as an American citizen to properly registered to vote. However, I am now concerned that I am not going to be able to vote in this election because of the challenge.

I have been a resident of Montana for 23 years, since I was five years old, and for the past two years have been a resident and duly registered voter in Missoula County.

Any assertion that I am not a resident and qualified elector of Missoula County is untrue.

AFFIANT SAYETH NOTHING FURTHER.

DATED this 5th day of October, 2008.

Joseph D. Breitenbach
JOSEPH BREITENBACH

SUBSCRIBED AND SWORN TO before me this 5th day of October, 2008.

David R. Paoli
Notary Public for the State of Montana
DAVID R. PAOLI
Printed Name
Residing at Missoula
My commission expires 9/18/10

(seal)