

Exhibit 5

Second Affidavit of Constance Van Kley

Constance Van Kley
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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT, DISTRICT OF MONTANA
HELENA DIVISION**

BOB BROWN; HAILEY SINOFF;
and DONALD SEIFERT,

Plaintiffs,

vs.

CHRISTI JACOBSEN, in her
official capacity as Montana
Secretary of State,

Defendant.

Cause No.

6:21-cv-92-PJW-DWM-BMM

**Second Affidavit of
Constance Van Kley**

[illegible]

Constance Van Kley, being first duly sworn, deposes and states as follows:

1. I am over 18 years old and a resident of Missoula, Montana. The matters set forth in this Affidavit are based upon my personal knowledge.
2. I am counsel of record in the above-captioned case and employed as Litigation Director for Upper Seven Law, which is headquartered in Helena, Montana.
3. On February 6, 2022, I visited <https://www.census.gov/quickfacts/MT>. This web address is hosted on the official U.S. Census website. The webpage shows 2020 Census data for Montana. According to this webpage, the total population of Montana as of the 2020 Census is 1,084,225. According to this webpage, 6.7% of Montana residents are American Indian or Alaska Native.
4. On February 6, 2022, I visited <https://tribalnations.mt.gov/littleshell>. This web address is hosted on the official Governor's

Office of Indian Affairs website. According to this webpage, the Little Shell Tribe of Chippewa Indians is a band of the Chippewa Indians headquartered in Great Falls, Montana, with 4,500 members.

5. On February 6, 2022, I visited <https://www.census.gov/tribal/?st=30&aianihh=4345>. This web address is hosted on the official U.S. Census website. On that webpage, I searched the database for "Turtle Mountain Reservation and Off-Reservation Trust Land." That search shows a map of land held in trust for the Turtle Mountain Band of Chippewa Indians, much of which is found in north-central and northeastern Montana.

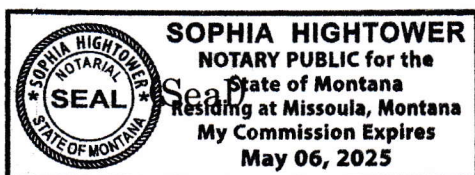
Further Affiant Sayeth Naught.


DATED this 7th day of February, 2022.



Constance Van Kley

Subscribed and sworn to before me this 7th day of February, 2022 by Constance Van Kley.





Notary Public for the State of Montana

Printed Name: SOPHIA HIGHTOWER

Residing at: 3010 American Way Missoula MT, 59808

My commission expires: 05/06/2025