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Appearing *Pro Hac Vice*  
for Plaintiff Donald N. Daien

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO  
SOUTHERN DIVISION**

DONALD N. DAIEN,

Plaintiff,

v.

BEN YSURSA, in his official  
capacity as Secretary of State of  
Idaho,

Defendant.

Civil Case No. 1:09-cv-00022-REB

**PLAINTIFF'S STATEMENT OF MATERIAL FACTS**

COMES NOW THE PLAINTIFF, Donald N. Daien ("Daien"), by and through his attorneys, The Bernhoft Law Firm, S.C., (Attorney Daniel J. Treuden, admitted *pro hac vice*), and respectfully files Statement of Material Facts which contains the material facts Daien contends are not in dispute. This Statement is filed pursuant to Local R. 7.1(b)(1).

**Material Facts**

1. Donald N. Daien ("Daien") is a resident of and domiciled in Arizona. (Decl. of Donald N. Daien, ¶ 3) (hereinafter "Daien Decl.").

2. Daien would like to help Presidential candidates, like Ralph Nader, or another similarly-minded candidate, gain ballot access throughout the United States, including Idaho, but will be unable to do so if it is illegal in Idaho. (Daien Decl., ¶ 5.)
3. Daien does not wish to subject himself to criminal or civil financial penalty to circulate petitions. (Daien Decl., ¶ 7.)
4. Daien believes it is his right to circulate petitions personally. (Daien Decl., ¶ 4.)
5. Daien believes he can associate with others to achieve the common goal of obtaining ballot access for Presidential candidates in all states in the United States, including Idaho. (Daien Decl., ¶ 4.)
6. In 2012, and under current law, an independent candidate for President will need approximately 6,550 signatures to obtain ballot access. (Decl. of Daniel J. Treuden, ¶ 3, Ex. A) (hereinafter "Treuden Decl.") *See also* I.C. § 34-708A.
7. In 2012, and under current law, an independent non-Presidential statewide candidate will need 1,000 signatures to obtain ballot access. *See* I.C. § 34-708(2)(b).

Respectfully submitted on this the 8th day of September, 2009.

THE BERNHOFT LAW FIRM, S.C.  
Attorneys for the Plaintiffs

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