

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

G. MATT JOHNSON and)	Civ.18-4108-RAL
LORA HUBBEL,)	
)	
Plaintiffs,)	
)	
v.)	AFFIDAVIT
)	OF
)	SHANTEL KREBS
SHANTEL KREBS, Secretary of State,)	
in her official capacity, and MARTY J.)	
JACKLEY, Attorney General, in his)	
official capacity,)	
)	
Defendant.)	

I, Shantel Krebs, being first duly sworn upon oath, states as follows:

1. I am the properly elected and qualified Secretary of State for the State of South Dakota.
2. The Secretary of State performs official duties by virtue of her office in Hughes County, Pierre, South Dakota.
3. The Secretary of State is charged with various ministerial duties involving the elections held in the State of South Dakota.
4. On April 23, 2018, I received notice of the convention of the Constitution Party of South Dakota (CPSD) to be held on July 14, 2018.
5. On Friday, July 13, 2018, I received notice of a convention for the CPSD to be held in Pierre, SD on August 14, 2017, at 9 a.m. This notice was signed by Lora Hubbel who asserted she was the state party chairman of the CPSD.

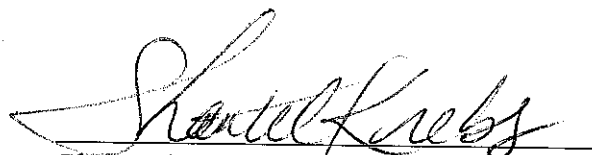
6. On Sunday, July 15, 2018, I received an email purportedly sent by Lori Stacey with a notice of a convention of the CPSD to be held in Pierre, SD at 11 a.m. on August 14, 2018.
7. Due to the two different notices signed by different individuals both claiming to be the CPSD state party chairman, I reminded the CPSD of the requirements of SDCL § 12-5-14 requiring certification of the state party chairman to the Secretary of State and requested that the CPSD certify who held the position of the state party chairman.
8. On July 23, 2017, I received notification that Joel Bergan had assumed the position of state party chairman from Lora Hubbel. He also provided his contact information.
9. On August 1, 2018, Dan Lederman, the chairman of the South Dakota Republican Party, filed an application for writ of prohibition requesting that the state court order me to refrain from certifying for the 2018 general election ballot any CPSD chosen at convention.
10. On August 6, 2018, I received a letter, purportedly signed by Lori Stacey, certifying that she was no longer state party chairman and that the position was now held by Mike Gunn.
11. On August 14, 2018, I received two slates of CPSD candidates; one from each of the conventions noticed. The slate of candidates resulting from the convention held by the Lora Hubbel/Joel Bergan faction made the following nominations: G. Matt Johnson for United States House of Representatives,

Lora Hubbel for Governor, Tara Volesky for Lt. Governor, Katherine Rice for District 29 representative, George Ferebee for District 32 representative; and Janette McIntyre for District 34 representative. The slate of candidates resulting from the convention held by the Lori Stacey/Mike Gunn faction made the following nominations: Terry LaFleur for Governor; Rick Gortmaker for Lt. Governor; Mike Gunn for Public Utilities Commission.

12. On August 16, 2017, the hearing was held in state court to determine if the CPSD candidates would be certified for the 2018 general election ballot. At the conclusion of the hearing, the state court ordered that the writ of prohibition be granted and that the CPSD candidates could not be certified.
13. South Dakota contracts with an outside vendor to print the ballots used during elections. Because the vendor prints the general election ballots for a number of states, the vendor sets deadlines by which certain tasks must be completed. If South Dakota, or any other state, misses its deadline, the vendor will not guarantee that the work will be completed by the delivery date. In this instance, the vendor set the following pertinent deadlines which South Dakota was required to submit all ballot information on or before August 17, 2018, in order to receive the printed ballots by September 19, 2018, as required by state law, and to commence absentee voting on September 21, 2018, as required by both state and federal law:
14. Accordingly, on August 17, 2018, I certified the statewide candidates to the county auditors pursuant to SDCL § 12-8-8.

15. I have been informed that all ballots have been printed and delivered to all county auditors in compliance with the requirements of SDCL § 12-16-1.
16. Absentee voting commences on Friday, September 21, 2018, in accordance with SDCL § 12-19-1.2 and 52 U.S.C. § 20302.
17. On August 31, 2018, I received, by certified mail, a copy of the Complaint in this matter. There were no other documents or envelopes enclosed in the envelope.
18. On September 4, 2018, I received two envelopes from Plaintiffs. In one envelope there was a copy of the summons, a form entitled "Notice, Consent, and Reference of a Civil Action to a Magistrate Judge", and a copy of a receipt from the Meadows Postal Store and a copy of a certified mail receipt. The second envelope contained a copy of the "Motion to Prevent the Printing of Ballots Until This Case is Heard Writ of Prohibition to Enjoin the Secretary of State from Printing Ballots" and a copy of "Memorandum in Support of Plaintiffs Motion for Preliminary Injunction". No other documents or envelopes were contained in these two letters.
19. I have not been served with a copy of the Amended Complaint with accompanying exhibits.

Dated in Pierre, South Dakota this 20th day of September, 2018.


Shantel Krebs, Affiant

Subscribed and sworn to before me, a notary public, this 20th day of
September, 2018.


Notary Public - South Dakota

(SEAL)

My commission expires:

Sept 20, 2022