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1 THE TELEPHONIC DEPOSITION OF STEVE ADAMS was  
 2 taken on behalf of the Defendant at the Attorney  
 3 General's Office, 954 West Jefferson Street, 2nd  
 4 Floor, Boise, Idaho, commencing at 1:07 p.m. on  
 5 Tuesday, September 21, 2010, before Emily L.  
 6 Nord, Certified Shorthand Reporter and Notary  
 7 Public within and for the State of Idaho, in the  
 8 above-entitled matter.  
 9  
 10 A P P E A R A N C E S  
 11 For the Plaintiffs:  
 12 Troupis Law Office, P.A.  
 13 BY MR. CHRIST T. TROUPIS  
 14 1299 East Iron Eagle, Suite 130  
 15 P.O. Box 2408  
 16 Eagle, ID 83616  
 17 For the Defendant:  
 18 Office of the Attorney General  
 19 BY MR. MICHAEL S. GILMORE  
 20 Deputy Attorney General  
 21 Civil Litigation Division  
 22 954 West Jefferson Street  
 23 P.O. Box 83720  
 24 Boise, ID 83720-0010  
 25 (Appearances continued . . . )

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1 A P P E A R A N C E S (Continued)  
 2  
 3 For the Defendant:  
 4 Givens Pursley, LLP  
 5 BY MR. GARY G. ALLEN  
 6 601 West Bannock Street  
 7 P.O. Box 2720  
 8 Boise, ID 83701-2720  
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I N D E X

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P R O C E E D I N G S  
(Exhibit 1 marked.)

4 MR. GILMORE: This is Michael Gilmore.  
 5 This is the Steve Adams deposition.  
 6 Gary?  
 7 MR. ALLEN: Gary Allen with Givens  
 8 Pursley, representing the Intervenors.  
 9 MR. TROUPIS: And Christ Troupis,  
 10 representing the Idaho Republican Party.  
 11 MR. GILMORE: And I forgot to say, I  
 12 represent the Secretary of State.  
 13 Before we call Mr. Adams, I will make  
 14 the following objections:  
 15 I object to paragraph 6, and to Exhibit  
 16 C, to the extent that they are offered for the  
 17 truth of the matters attributed to Beverly Beach.  
 18 I object to paragraph 7, to the extent  
 19 that it is offered for the truth of the matters  
 20 concerning what Beverly Beach or other Democrats  
 21 did or did not do in the 2004 primary election.  
 22 I object to paragraph 8, to the extent  
 23 that it assumes a fact not in evidence, that  
 24 there was a strategic crossover vote.  
 25 I object to paragraph 9, to the extent

# Summary of Comments on Adams Deposition.ptx


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Number: 1      Author: csmith      Subject: Sticky Note      Date: 10/8/2010 3:30:06 PM  
Objections to Adams Affidavit

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 Author: lwinmill      Subject: Sticky Note      Date: 10/11/2010 8:58:18 PM

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Overrule as to para. 6. Statement is offered without regard for its truth, since the fact that Beach made the statement inviting Democrats to vote in the Republican primary has independent relevance.

Overruled as to para. 7. It is offered again not for the truth of the matter asserted, but for the fact that it was stated in a public forum as a statement by a Democratic candidate inviting other democrats to crossover. It does not suggest what Democrats have or have not done, only what they should do.

Overruled as to para 8, 9, 10 and 13, since the reference to a "strategic crossover vote" refers to what Beach suggested Democrats should do, and this in the record.

Sustain as to para 13 and 14 to the extent that they opine as to his legal rights.

Overrule as to para 15 for reasons stated above.

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1 were a Democrat crossing over to vote in the  
2 Republican primary?  
3 A. Meet them and talk to them personally?  
4 Q. Yes.  
5 A. I did meet Bev several times, and I  
6 know she did. But I didn't -- I didn't campaign  
7 with Democrats. I campaigned with Republicans.  
8 Q. Did Bev tell you that she voted in the  
9 Republican primary, or did she encourage her  
10 supporters to do so?  
11 A. I would have to go and read her  
12 statement again, but it was very, very obvious to  
13 everybody that she was. Either that or she was  
14 incredibly hypocritical, which she's not. She's  
15 a pretty straight arrow.  
16 MR. GILMORE: Objection, hearsay.  
17 Before we go on.  
18 Q. (BY MR. ALLEN) So did she -- okay.  
19 We've probably taken that as far as we can.  
20 So where you're in a situation like  
21 this, where I'll represent to you that Idaho law  
22 does not include party representation, how do you  
23 tell the difference between Republicans voting in  
24 a primary and Independents?  
25 A. Well, I think that may be part of the

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1 concern. What I'm concerned about is that I want  
2 to freely associate, in my society, with people  
3 of like mind, and I want to be able to form that  
4 association in a manner that best represents me  
5 and what I want to see accomplished in my  
6 society.  
7 And if we don't -- if we are not  
8 allowed, as free citizens, to set up some  
9 structure to that, so that I know who I'm  
10 associating with so that we can build our own --  
11 you know, our own platforms, and nominate our own  
12 candidates, and know who we are supporting and  
13 why, then I'm not being allowed to exercise my  
14 freedom as a citizen in a free country.  
15 Q. What do you believe was the extent of  
16 crossover voting in your primary?  
17 A. (Indecipherable.)  
18 Q. And what do you base that --  
19 COURT REPORTER: I didn't understand  
20 that answer. I'm sorry.  
21 THE WITNESS: -- just numbers of people  
22 who voted and -- and I'd have to go back, and I  
23 think I actually addressed that in part of my  
24 Affidavit, from some stuff that I had in my  
25 record.

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1 MR. ALLEN: So I think we missed the  
2 answer to a question. Could you read the  
3 question back?  
4 COURT REPORTER: Yes. Would you please  
5 answer this one again:  
6 "What do you believe was the extent of  
7 crossover voting in your primary?"  
8 THE WITNESS: I guess I answered it  
9 fairly weakly, because I said it was extensive,  
10 and that doesn't clarify the extent very well.  
11 I guess I would point you to number 15,  
12 which is on the last page right before my  
13 signature. I lost to Joe by 936 votes. And if  
14 you look at the number of votes that were cast  
15 for Democratic candidates, they were minimal.  
16 Almost nobody voted in the Democratic primary,  
17 because the Democrats asked them not to.  
18 And if you look at the number of people  
19 who had voted for the Democratic candidate in the  
20 previous election, there were a lot more than 936  
21 votes.  
22 And so if you just make some very  
23 logical and easy-to-make assumptions, which is  
24 that the Democrats did what their local  
25 leadership asked them to do and voted in the


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1 Republican primary, because they didn't vote in  
2 the Democratic primary -- and that was evident,  
3 because there weren't any -- you know, very, very  
4 few votes were even cast for the Democratic --  
5 between the Democratic candidates -- then you  
6 have to assume that a large number, almost equal  
7 to or close to the number that voted in the  
8 previous general election, were Democrats,  
9 because they voted for Democrats in the previous  
10 election.  
11 I mean, there's some logic there to  
12 assuming that a large number of these people were  
13 Democrats, because they voted as Democrats. And  
14 there had to have been, in any stretch of  
15 anyone's logic, more than 936 Democrats voting in  
16 that primary for my opponent.  
17 Q. (BY MR. ALLEN) So let me -- I'll  
18 represent to you that I have, sitting in front of  
19 me, the election results from the 2002 and 2004  
20 primary elections. And it is true, is it not,  
21 that in 2004 there was no Democrat running for  
22 Seat B, what you were running for?  
23 A. There weren't, not in Seat B. But  
24 there was in the other seat, and there had been  
25 in the election before that as well.

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 Number: 1      Author: csmith      Subject: Sticky Note      Date: 10/3/2010 4:43:26 PM  
Objection to deposition question

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 Author: lwinmill      Subject: Sticky Note      Date: 10/11/2010 9:01:23 PM  
Overruled because there is no hearsay statement. Sustained with regard to reference that "it was very, very obvious to everybdoy that she was. No foundation.


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1 A. Now, I want to clarify something you  
2 said, too, because I do have statistical  
3 evidence. I just don't have absolute evidence.  
4 I think if you do any type of  
5 statistical analysis, any type of research-based  
6 -- you know, any scientific analysis of that  
7 data, it would support my findings dramatically.  
8 But it's not absolute, because we don't know, for  
9 a fact, who the Republicans are and who the  
10 Democrats are. That's the only reason I can't  
11 say it absolutely.  
12 Q. So as we sit here today, are you  
13 personally convinced that the reason that you  
14 lost this election was that Democrats crossed  
15 over and voted?  
16 A. Yes; and I believe that I have strong  
17 evidence to support that belief.  
18 Q. Have you already told us the evidence  
19 that -- I don't want to go back through your  
20 conversation with Mr. Allen about the vote totals  
21 or whatever; I think you've made your point  
22 there. But do you have anything else that you  
23 would like to clarify as to what you believe is  
24 the statistical evidence that supports that  
25 position?

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1 A. No, I think that -- that's really the  
2 statistical evidence, is that you have a fairly  
3 sizable number of Democrats or people who are  
4 voting for the Democratic candidate in a general  
5 election, and then you have this very small  
6 number who voted in the primary, and the next  
7 election cycle.  
8 And it would be my opinion that there  
9 are a lot more Democrats than vote in the  
10 Democratic primary, too, because -- for a lot of  
11 reasons. I mean, some of them just don't care  
12 which candidate makes it. Others don't think  
13 they have any chance, so they don't show up and  
14 vote. I mean, there's a lot of reasons for that.  
15 But if you have -- the easiest  
16 indicator of Democrat-versus-Republican  
17 separation in the community without registered  
18 voters, in one party or the other, if that's the  
19 case, is who voted for the Democrat and who voted  
20 for the Republican in the last general election.  
21 And if we use that statistical data and compare  
22 it to our primary, there's a huge disparity in  
23 the number of perceived Democrats in the general  
24 and the number of voting Democrats in the  
25 primary.

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1  Okay.  
2 A. So that's my biggest piece of  
3 statistical evidence. Plus just knowing people  
4 in the communities, talking to people. So that's  
5 where my opinion comes from.  
6 Q. Very good.  
7 MR. ALLEN: I'm going to object that  
8 Mr. Adams has not been qualified as an expert to  
9 offer that opinion.  
10 MR. TROUPIS: Okay. Mr. Adams, that  
11 concludes the questions that I have for you.  
12 Thank you very much. I don't know whether  
13 Mr. Gilmore or Mr. Allen might have follow-up.  
14 MR. GILMORE: I just have a couple of  
15 brief follow-up.  
16  
17 FURTHER EXAMINATION  
18 QUESTIONS BY MR. GILMORE:  
19 Q. This is Mr. Gilmore again. In our  
20 discussion, I haven't heard you mention  
21 Independents. Are you classifying everybody  
22 who's not a Republican as a Democrat, or are you  
23 allowing a middle ground of Independents who are  
24 neither Republicans nor Democrats?  
25 A. Well, I would say classifying someone


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1 as an Independent is up to them. I classify  
2 people as Republicans as people who want to  
3 associate with me to develop a platform and  
4 nominate candidates to office. I can't speak to  
5 people outside of that.  
6 Q. Well, I didn't phrase my question very  
7 well. Let me take another run at it.  
8 When you were discussing the  
9 statistical basis for your inferences of  
10 Democratic and Republican voting patterns in the  
11 primary versus the general election, are you  
12 assuming that all of the vote totals represent  
13 either Democrats or Republicans, or do those vote  
14 totals include Independents as well?  
15 A. No, I think there could be a  
16 significant percentage of Independents and my  
17 analysis would still hold true.  
18 Q. And there could be Independents voting  
19 for Republican candidates in the primary as well?  
20 A. Correct.  
21 MR. GILMORE: That's all I wanted to  
22 clarify. Any further?  
23 MR. ALLEN: No questions here.  
24 MR. GILMORE: Christ?  
25 MR. TROUPIS: None for me. And,

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 Number: 1      Author: csmith      Subject: Sticky Note      Date: 10/3/2010 4:44:04 PM  
Intervenor-Defendants' objection to deposition

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 Author: lwinmill      Subject: Sticky Note      Date: 10/12/2010 6:47:02 AM  
Sustained. No expertise to offer a statistical analysis.