

Page 2

1 THE DEPOSITION OF ROD BECK was taken on  
 2 behalf of the Defendant at the offices of the  
 3 Deputy Attorney General Civil Litigation  
 4 Division, 954 West Jefferson Street, Boise,  
 5 Idaho, commencing at 9:00 a.m. on September 15,  
 6 2010, before Cindy L. Leonhardt, Registered  
 7 Professional Reporter and Notary Public within  
 8 and for the State of Idaho, in the above-entitled  
 9 matter.

10 APPEARANCES:  
 11 For the Plaintiffs:  
 12 Troupis Law Office P.A.  
 13 BY CHRIST T. TROUPIS  
 14 1299 E. Iron Eagle, Suite 130  
 15 P.O. Box 2408  
 16 Eagle, Idaho 83616  
 17 For the Defendant:  
 18 Deputy Attorneys General  
 19 Civil Litigation Division  
 20 BY MICHAEL S. GILMORE  
 21 954 West Jefferson Street  
 22 P.O. Box 83720  
 23 Boise, Idaho 83720-0010  
 24  
 25

Page 3

1 APPEARANCES (Continued):  
 2 For the Intervenors:  
 3 Givens Pursley LLP  
 4 BY GARY G. ALLEN  
 5 601 West Bannock  
 6 P.O. Box 2720  
 7 Boise, Idaho 83701  
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Page 4

I N D E X

TESTIMONY OF ROD BECK	PAGE
Examination by Mr. Gilmore	5
Examination by Mr. Allen	29
Further Examination by Mr. Gilmore	52
EXHIBITS	
1 - Affidavit of Rod Beck	5

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2  
3  
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Page 5

1 (Exhibit 1 marked.)  
 2 ROD BECK,  
 3 first duly sworn to tell the truth relating to  
 4 said cause, testified as follows:  
 5  
 6 MR. GILMORE: For the record I'll state  
 7 my name. My name is Michael Gilmore, I'll be  
 8 conducting the deposition. I represent the  
 9 defendant, Secretary of State Ben Ysursa.  
 10 MR. ALLEN: My name is Gary Allen with  
 11 Givens Pursley law firm. I represent the  
 12 intervenors.  
 13 MR. TROUPIS: And my name is Christ  
 14 Troupis, and I represent the plaintiffs, Idaho  
 15 Republican Party and Norm Semanko.  
 16 MR. GILMORE: And then just to explain  
 17 what's going on a little bit, Mr. Beck, before I  
 18 actually ask you any questions, because there's a  
 19 possibility that your affidavit will be  
 20 introduced into evidence until we get this  
 21 deposition, I'm going to make some formal  
 22 objections, and then I'll start asking your  
 23 questions.  
 24 I'll make the following formal  
 25 objections: In Paragraph 3, I'll object to the

# Summary of Comments on Beck Deposition.ptx

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Page: 2

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Number: 1      Author: csmith      Subject: Sticky Note      Date: 10/3/2010 4:45:19 PM  
Objections to Beck Affidavit

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Author: lwinmill      Subject: Sticky Note      Date: 10/12/2010 7:05:54 AM

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Sustained as to para 3. Conclusory as to "evidence of cross over voting." Hearsay as to unattributed statements by persons contacted by Mr. Beck. Sustained as to para 4 statement that IEA is "Democratic teachers union." Not hearsay, but is Mr. Beck's opinion which is not relevant and there is no showing fo any foundation as to what he bases that opinion on. Substained as to para 5. Opinion, no foundation, conclusory and assumes facts not in evidence. Sustained as to para 6. Opinion, no foundation, conclusory and assumes facts not in evidence.

Page 42

1 on them.

2 Q. The current Idaho Republican Platform

3 calls for repealing the 17th Amendment, which

4 gives people the right to vote for United States

5 senators. Most people who would call themselves

6 Republicans probably don't support that, do they?

7 A. I wouldn't know.

8 Q. The platform also calls for abolishing

9 the Federal Reserve and requiring that the dollar

10 be backed by gold and silver. Now, probably most

11 people who consider themselves Republicans don't

12 support that either, do they?

13 A. I wouldn't know that, either.

14 Q. Do you have to support those kinds of

15 things to be a Republican?

16 A. Not necessarily. In fact, I presented

17 -- it's also part of the platform now to ask

18 candidates to tell us which part of the platform

19 they do or do not support.

20 Q. So you can not support things in the

21 platform as a candidate as long as you disclose

22 that; that's the current position of the party,

23 or your understanding of it?

24 A. The platform has never been a document

25 that has required absolute fealty to the

Page 43

1 document.

2 Q. Well, I'm confused, then, about a

3 number of things you said in your affidavit about

4 how concerned you were about how Bunderson and

5 Bastian took positions contrary to the platform,

6 but you don't require fealty to it. What's the

7 difference?

8 A. There's two parties, two major

9 political parties, in the United States of

10 America, and other minor political parties, and

11 generally, people who claim to be Independent.

12 Generally, the Independent people,

13 according to our survey that we took, the

14 Independent people generally were more to the

15 left on the political spectrum and simply just

16 didn't want to be identified as a Democrat, so

17 they claim to be Independent as opposed to taking

18 on an affiliation.

19 In fact, a good example of that would

20 be Ben Staples. Ben Staples is a journalist,

21 used to live in Idaho, lives in Oregon now. He

22 personally told me that Oregon has party

23 registration, and he used to routinely vote in

24 Republican primaries in the state of Idaho, even

25 though he generally considered himself to be more

Page 44

1 of a Democrat, but he didn't want to swear a

2 party allegiance, so he chose, when he moved to

3 Oregon, to -- he can't participate in the primary

4 elections.

5 MR. GILMORE: I'll just object to the

6 answer as hearsay, but just continue.

7 THE WITNESS: But he told me that

8 personally. I don't know if that's hearsay or

9 not.

10 MR. GILMORE: Well, Mr. Troupis knows

11 what I'm doing. I'm just building a record.

12 Q. (BY MR. ALLEN) Well, I guess what I'm

13 really interested in here is if you're a voter

14 and you want to participate in the Republican

15 primary or call yourself a Republican, you're not

16 saying that you have to support the entire

17 Republican platform, correct?

18 A. I'm saying that generally -- since

19 1994, when the Republican Party took over control

20 of congress, they came out with a document. It

21 wasn't the -- it was all these candidates for the

22 House of Representatives in 1994 -- they called

23 it the "Contract with America" -- it was

24 generally designed around the Republican

25 platform. It wasn't necessarily all in the

Page 45

1 Republican platform, because it was specific

2 policy documents.

3 In 1994 the Republican Party said we're

4 going to do these things related to our party's

5 platform, and the people of the United States

6 supported them in large measure.

7 Over a period of time, and leading up

8 to 2006, the Republican Party had fallen away

9 from those principles, and people had left them

10 in droves, and that's the reason that they lost

11 control of the House of Representatives in 2006.

12 Right now there's such a thing called

13 the "Tea Party." Tea Party is not even an

14 organization that has a particular -- a platform,

15 but they generally have principles involving

16 government, involving tax policy, and they want

17 people to run for office -- or they want to

18 support people who will actually do what they

19 say.

20 And if you represent -- when you

21 represent yourself as a Republican, that

22 typically carries with it a certain franchise.

23 And then when you do not -- when you get in


24 office and you do not support that franchise,

25 that's when Republicans lose elections.

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 Number: 1      Author: csmith      Subject: Sticky Note      Date: 10/3/2010 4:45:52 PM  
Objection to deposition question

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 Author: lwinmill      Subject: Sticky Note      Date: 10/12/2010 7:07:31 AM  
Sustained. Hearsay.

Page 46

1 Q. Okay. So the question was: If you're  
2 a voter and you wanted to declare yourself to be  
3 a Republican, you don't have to support  
4 everything in the platform, do you?  
5 A. No.  
6 Q. Do you have to support anything in the  
7 platform?  
8 A. No.  
9 Q. Could you become a Republican simply  
10 because that's where there's more competitive  
11 primaries and you have a say?  
12 A. Yeah.  
13 Q. So I guess I am failing to see how  
14 changing to voter registration, which is what the  
15 party has requested here, is going to solve  
16 anything. Explain to me how it solves anything.  
17 A. There are embodied in the United States  
18 Constitution the freedom of association. The  
19 Idaho Republican Party included in that freedom  
20 of association is a freedom to not associate.  
21 The Republican Party, while some people  
22 may think it's stupid, the Republican Party has a  
23 right to be stupid. We're not a state  
24 organization, we're a private organization, and  
25 the Republican Party can make those selections

Page 47

1 that they choose to make.  
2 The Republican Party has asked numerous  
3 times -- in fact, that's the subject of this  
4 lawsuit -- to allow for party registration.  
5 The State of Idaho has continually and  
6 repeatedly denied that capability. Our  
7 constitutional rights are being violated.  
8 Q. That didn't answer the question of how  
9 it solves the problem. How does it make the  
10 electorate more to your liking in the primary?  
11 A. I don't know that that's the objective.  
12 Q. Okay. What is the objective?  
13 A. The objective is to have -- that the  
14 Idaho Republican Party has chosen to allow people  
15 who will profess publically to be a member of the  
16 party to choose party candidates.  
17 The State of Idaho continually refuses  
18 our constitutional freedom of association.  
19 That's the objective.  
20 Q. I see. I have a few questions about  
21 the organizations that you have complained that  
22 your opponents were -- their positions were  
23 associated with them.  
24 There are some political organizations  
25 that are specifically affiliated with political

Page 48

1 parties and the supported candidates, like the  
2 Ada County Republicans and Democrats, correct?  
3 A. Yes.  
4 Q. Now, you're not saying that the Ada  
5 County Democrats formally supported any of your  
6 opponents, are you?  
7 A. I don't believe the Democratic Party  
8 supports crossover voting. It's not in their  
9 interest.  
10 Q. Okay. So now when you talk about the  
11 Idaho Education Association, it is not affiliated  
12 with the Democratic Party in the same way that  
13 the Ada County Democrats are, is it?  
14 A. There's not a formal affiliation, but  
15 the majority of the leadership of the union  
16 consider themselves Democrats.  
17 Q. But how about the membership? Many IEA  
18 members consider themselves to be Republicans,  
19 don't they?  
20 A. I think that would be a fair  
21 assessment.  
22 Q. And many people who support public  
23 education and the positions of the IEA consider  
24 themselves to be Republicans; isn't that true?  
25 A. I do not believe that the general broad


Page 49

1 term support of education and support of the IEA  
2 is synonymous.  
3 Q. All right. So let's just say people  
4 who support the public education positions of the  
5 IEA would consider themselves to be Republicans.  
6 A. Not necessarily, because a lot of  
7 people don't really even know what the positions  
8 of the IEA are.  
9 Their positions are not really  
10 reflective in -- the positions of the Idaho  
11 Education Association has little or nothing to do  
12 with the education of our children and everything  
13 to do with the enhancement of salary and benefits  
14 for their members.  
15 And isn't it true that the IEA backs  
16 numerous Republican candidates, including your  
17 opponents, correct?  
18 A. The IEA made a strategic decision in  
19 the late '80s. They routinely -- up until the  
20 late '80s -- routinely supported, exclusively,  
21 Democrats. They concluded that they were not  
22 being as successful in electing candidates that  
23 would support their position.  
24 They shifted then and said, Well, now  
25 what we need to do, because Idaho has this open

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 Number: 1    Author: csmith    Subject: Sticky Note    Date: 10/3/2010 4:46:14 PM  
Objection to deposition question

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 Author: lwinmill    Subject: Sticky Note    Date: 10/12/2010 7:09:37 AM  
Sustained. Foundation as to basis of statement. If foundation is laid, it will likely be based on hearsay and be objectionable for that reason as well.