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1   in order to counteract Mr. Bastian's -- or in
2   order to expose Mr. Bastian as a Democrat running
3   as a Republican; is that right?
4   A.   Yes.
5   Q.   And was that money, then, not available
6   to spend on your presentation of other campaign
7   issues to the voters in the primary?
8   A.   Yes.
9   Q.   Would you have had any preference in
10   the way that you ran your campaign in either
11   presenting the issues or sending out mailers
12   discussing who's the Democrat and who's the
13   Republican?
14   A.   Well, yeah.   I would prefer just to
15   stick with the issues.   But, you know, it seemed
16   that that was the pertinent -- I felt one of the
17   pertinent issues in a Republican Primary.
18   Q.   So would you call this negative
19   campaigning?
20   A.   I guess.   I mean, I would much rather
21   prefer to sticking with the important issues.
22   Q.   How much time of your campaign and the
23   total time of the primary did you spend on this
24   type of negative campaigning as opposed to
25   discussing the issues of importance to the voters

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1   in your district?
2   A.   Well, I think that was probably more of
3   the focus.   I mean, it was -- Stan didn't have a
4   voting record, so, you know, it wasn't compared.
5   I mean, he went after my voting record, I
6   responded to his issues on that.
7   Q.   In your affidavit in Paragraph 5 you
8   point out that in your race the total votes was
9   105 more than were cast in the presidential
10   primary election; is that right?
11   A.   Yes.
12   Q.   And it was 343 more than were cast in
13   the Crapo race; is that correct?
14   A.   Yes.
15   Q.   So there were more votes cast in the
16   presidential primary in your district than in the
17   Crapo race, correct?
18   A.   Ask that again.
19   Q.   In your race against Bastian, the total
20   votes exceeded those cast in the presidential
21   primary by 105 votes.   Do you see that?
22   A.   Right.
23   Q.   And the votes cast in your election, in
24   your primary election, it exceeded the votes cast
25   in the Crapo race by 343 votes?

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1   A.   Yes.
2   Q.   So isn't it a fact that there were 238
3   more votes cast in the presidential primary race
4   than in the Crap race?
5   A.   Yes.   If the math is correct.   I trust
6   your math.
7   Q.   However, there were 612 ballots in the
8   presidential race that were cast for "none of the
9   above" instead of being cast for the unopposed
10   President Bush, correct?
11   A.   Correct.
12   Q.   So tell me, is it the case that the 612
13   people who voted "none of the above" they didn't
14   bypass the unopposed presidential primary race,
15   they, in fact, voted against President Bush on
16   the ballot; is that right?
17   A.   You could make that -- yeah.
18   Q.   Is it fair to say -- would you agree
19   with me that Senator Crapo, in 2004, was the most
20   popular Republican elected official in the state
21   of Idaho?
22   A.   Yes.   My opinion.
23   Q.   And that he was the most popular
24   candidate for the Republican Party?
25   A.   I would say yes.

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1   Q.   Do you know of any reason that in the
2   343 more votes cast in your election than Senator
3   Crapo received, that if there were true
4   Republican voters voting in your election that
5   they wouldn't cast a vote for Senator Crapo?
6   MR. SMITH: Objection.   That's calling
7   for rank speculation, Counsel.
8   MR. TROUPIS: Okay.
9   MR. SMITH: You can answer.
10   THE WITNESS: I would have to agree
11   that Mr. Crapo was more popular than I was.
12   Q.   (BY MR. TROUPIS)   And Mr. Crapo was
13   unopposed?
14   Yes.
15   Q.   So do you think that it's a fair
16   explanation as to why these 343 voters didn't
17   vote for Senator Crapo, that it was too difficult
18   or too time consuming or too much of a bother to
19   punch out the chad next to his name?
20   MR. SMITH: Objection.   It calls for
21   speculation.
22   MR. TROUPIS: Okay.
23   Q.   (BY MR. TROUPIS)   You can answer.
24   A.   I mean, it's not much trouble to push a
25   button.

10 (Pages 34 to 37)

Number: 1   Author: user   Subject: Sticky Note   Date: 10/3/2010 4:48:33 PM
Objection to deposition question

> Author: lwinmill   Subject: Sticky Note   Date: 10/12/2010 7:17:05 AM
> Sustained. Speculation.

Number: 2   Author: user   Subject: Sticky Note   Date: 10/2/2010 2:26:24 PM
Objection to deposition question

> Author: lwinmill   Subject: Sticky Note   Date: 10/12/2010 7:17:21 AM
> Sustained.   Speculation