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Attorney for Plaintiff Brannon

IN THE DISTRICT COURT FOR THE FIRST JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

JIM BRANNON,
Plaintiff,

Case No. CV-09-10010
AFFIDAVIT OF
GREGORY A. PROFT

vs.

CITY OF COEUR D'ALENE, IDAHO,
a municipal corporation, et al
Defendants.

Gregory A. Proft, being first duly sworn upon oath, testifies as follows:

1. I am over the age of 18 years, competent to testify, and I make the below statements based upon my own personal knowledge;
2. I am currently enlisted in the U.S. Army and stationed at Fort Benning, GA, with duty in Iraq. My military rank is Sergeant Major (SGM).
3. I have been stationed outside of the United States since OCT 2009.
4. From August 2001 to August 2002 my primary home or place of abode was in Post Falls, Idaho. Subsequently, I moved on military orders to several locations, but left my family in Post Falls. I sold the home in 2006 and moved my family to the Fort Benning vicinity.
5. Prior to my deployment overseas I contacted the Idaho Secretary of State's Office to inquire about how I should proceed to maintain my residence in the state of Idaho for voting purposes. I was directed to contact the Kootenai County Clerk's office. I did so.

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and I was informed that I was to use the address of 501 Government Way, Coeur d'Alene, Idaho as my residence.

6. In 2009 I requested an absentee ballot. I was provided a ballot by Kootenai County for the November 3, 2009 City of Coeur d'Alene General Election.
7. Since I received this ballot I believed that it was the appropriate ballot for me to vote on.
8. I marked my votes on the absentee ballot that I received for the November 3, 2009 City of Coeur d'Alene General Election and returned it as directed.
9. Subsequent to the General Election I became aware of the fact that there was a question regarding whether the votes that I cast on the ballot I received were valid votes because of my residency.
10. In order to clear up questions regarding the validity of my vote I am submitting this affidavit for the Court in this matter to consider and to determine whether the votes that I cast were valid votes in the General Election.
11. I have never resided in the City of Coeur d'Alene, Idaho. My primary home or place of abode has never been in the City of Coeur d'Alene, Idaho.
12. With regards to the Mike Kennedy and Jim Brannon race in the November 3, 2009 City of Coeur d'Alene General Election I voted, on the absentee ballot that I returned to Kootenai County, for JIM BRANNON.

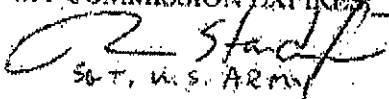
DATED this 2nd day of February, 2010.



Gregory A. Proft

On this 2nd day of February, 2010 before me Joshua D. Stadel the undersigned Notary Public, personally appeared Gregory A. Proft, known or identified to me, to be the person whose name is subscribed to the within instrument, and after first being duly sworn upon oath acknowledged to me that the statements contained therein are true and correct and that he executed the same.

NOTARY PUBLIC FOR COS K&M, IRAQ, U.S. Army
RESIDING AT COS K&M, IRAQ
MY COMMISSION EXPIRES 10/06/2013



Joshua D. Stadel
Sgt, U.S. Army

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CERTIFICATE OF SERVICE: A copy was faxed or digitally sent to Defendant City et.al.'s counsel Mike Haman and Defendant Kennedy's counsel Scott Reed and Peter Erbland on the ___ day of February, 2010.

Starr Kelso

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