

STATE OF SOUTH DAKOTA  
COUNTY OF HUGHES

IN CIRCUIT COURT  
SIXTH JUDICIAL CIRCUIT

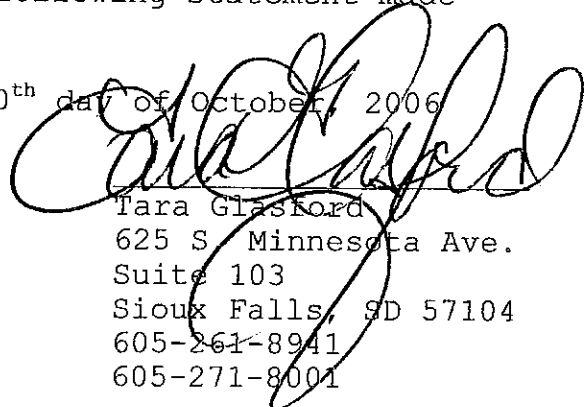
WILLIAM STEGMEIER, in his )  
capacity as Treasurer for )  
Amendment E, )  
Applicant, )  
and )  
BOB MILLER, in his capacity as )  
Treasurer, No on E Committee, )  
Respondent )

) Case No.:

) Application and Affidavit for  
) Injunction

Comes now, William Stegmeier, Applicant in the above  
entitled matter, hereby respectfully applies to this Court for a  
Preliminary Injunction ordering the Respondents to immediately  
cease and desist from printing, publishing, or delivering to any  
voter of this state misstated and false or misleading  
information relating to the proposed Constitutional Amendment E.  
This application is supported by the following statement made  
under oath by William Stegmeier.

Dated this 30<sup>th</sup> day of October, 2006



Tara Glaskord  
625 S. Minnesota Ave.  
Suite 103  
Sioux Falls, SD 57104  
605-261-8941  
605-271-8001

AFFIDAVIT

STATE OF SOUTH DAKOTA            )  
  :)  
COUNTY OF HUGHES                 )

William Stegmeier, after being first duly sworn on his oath deposes and states:

1. Affiant resides at Tea, Lincoln County, State of South Dakota. He is the current sponsor of the proposed constitutional Amendment E filed with the Secretary of State's Office of the State of South Dakota.
2. Respondent, Bob Miller, is currently Treasurer of the No on E Committee and is responsible for the advertising and dissemination of information to the public. Respondent is located in Hughes County, City of Pierre, State of South Dakota.
3. Affiant respectfully requests this court grant an injunction ordering respondents to immediately cease, desist and refrain from publishing, printing, and relaying false and misleading advertising material to the voters of South Dakota by television, radio or any other communications.
4. Attached hereto as Exhibits One, Two, and Three are three advertisements that are at specific issue in this request. Affiant respectfully requests that the Respondent be

refrained from making the claim that "Amendment E could make jury duty a crime". See Exhibit One. Furthermore, Affiant respectfully requests that the Respondent be refrained from making the claim that "Amendment E could set violent criminal free". See Exhibit Two. As set forth in Exhibit Three, the No on E Committee claims "lawyers" and "jurors" will no longer have immunity. All of these claims are false and misleading statements intended on scaring the public into voting no on the proposed amendment. This is in direct violation of SDCL 12-13-16.

5. No where in the proposed Amendment does it state that "jury duty could become a crime" and furthermore, the amendment clearly would not make jury duty a crime. Making this claim is clearly false and amounts to a crime.

The proposed amendment clearly states that:

Judges shall not have immunity for:

- a. Deliberate violations of the law, or of the state or federal constitutions.
  - b. Fraud or conspiracy.
  - c. Intentional violations of due process.
  - d. Deliberate disregard of material facts.
  - e. Judicial acts without jurisdiction.
  - f. Acts that impede the lawful conclusion of a case, including unreasonable delay and willful rendering of an unlawful judgment or order.
6. Also, by claiming that Amendment E would set violent criminals free, the No On E Committee is also committing a crime. The proposed amendment does not set violent

criminals free at all. This claim is intentionally misleading and false.

7. The South Dakota voters have a right to have accurate and correct information regarding Amendment E. To continue to allow the Respondent to intentionally mislead the voters is not only a crime but beyond all bounds of decency that South Dakota citizens proudly uphold.
8. If these claims were true, it stands to reason that the Attorney General's ballot explanation would state these facts. The truth is that these claims are false and anyone who reads the proposed amendment would recognize that fact.
9. Given all the issues the South Dakota voters must decide on this election season, it is unreasonable to require each individual voter to read each and every proposed amendment, initiated measure, and so forth. For this reason, we have ballot explanations and committees in place in order to educate the public on each of the particular issues. The South Dakota voters have the right to rely on the information given to them. The voters have the right to have truthful, educated, and accurate statements given to them so they can make an appropriate decision. When false and misleading information and materials are relayed to the voters, they are unable to make an educated and informed choice. This is extremely

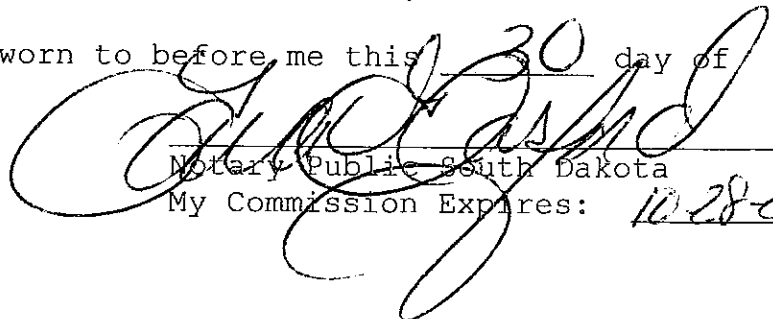
unfair to the South Dakota voters and is in fact a crime according to our own laws.

10. By informing the voters that jury duty could become a crime and that violent criminals would be set free, Respondent is doing a disservice to the voters of South Dakota and is committing a crime.
11. Affiant respectfully requests that this court grant an order for injunction preventing the dissemination of false and erroneous information to the public.
12. Affiant also respectfully requests that this Court Order the Respondent to retract their false advertisements and apologize to the South Dakota voters for their misleading ads.
13. Affiant also respectfully requests that this court schedule an expedited hearing. Affiant believes that time is of the essence in this matter since the elections are approximately one week away.

Dated this 30<sup>th</sup> day of October, 2006

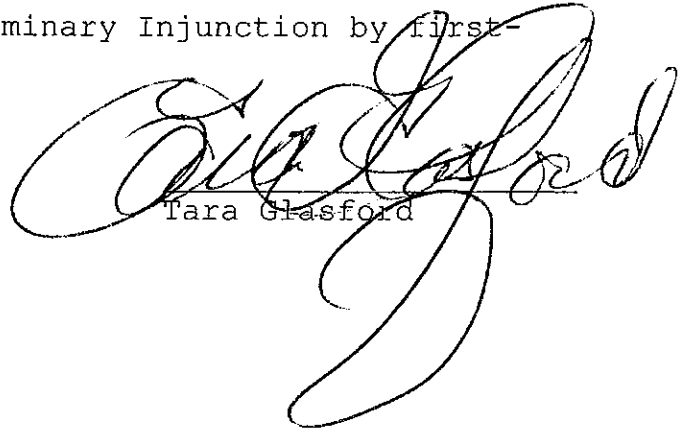
  
\_\_\_\_\_  
William Stegmaier

Subscribed and sworn to before me this \_\_\_\_\_ day of  
October, 2006.

  
\_\_\_\_\_  
Notary Public South Dakota  
My Commission Expires: 10-28-2011

CERTIFICATE OF SERVICE

I hereby certify that on the 30 day October, 2006, I sent to Bob Miller, at No on E Committee, PO Box 814, Pierre, SD 57501, Respondent, a true and correct copy of the foregoing Application and Affidavit for Preliminary Injunction by first-class mail, postage prepaid.



Tara Glasford

STATE OF SOUTH DAKOTA  
COUNTY OF HUGHES

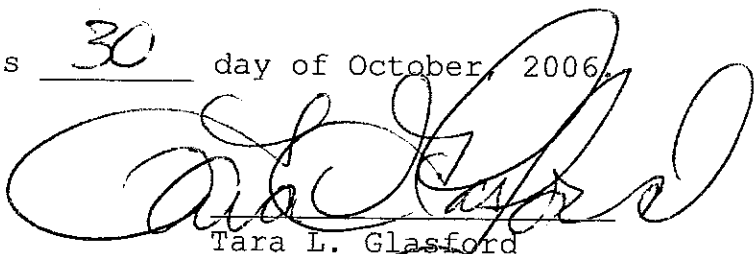
IN CIRCUIT COURT  
SIXTH JUDICIAL CIRCUIT

WILLIAM STEGMEIER,	)	Case No.:
	)	
Applicant,	)	Motion and Affidavit for
	)	Exparte Temporary Restraining
	)	Order
Vs.	)	
LARRY LONG, SOUTH DAKOTA	)	
ATTORNEY GENERAL AND CHRIS	)	
NELSON, SECRETARY OF STATE,	)	
	)	
Respondents.	)	

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Comes now Applicant, and hereby respectfully moves this Court for a Temporary Restraining Order. This Motion is supported by Affiant's Affidavit for Temporary Restraining Order.

Dated this 30 day of October, 2006.



Tara L. Glasford  
Attorney for Applicant  
625 S. Minnesota Ave. #103  
Sioux Falls, SD 57104  
605-261-8941

STATE OF SOUTH DAKOTA )  
  :)  
COUNTY OF MINNEHAHA )

William Stegmeier, after being first duly sworn on his oath deposes and states:

1. Affiant resides at Tea, Lincoln County, State of South Dakota. He is the current sponsor of the initiated

Amendment E filed with the Secretary of State's Office of the State of South Dakota.

2. Respondent, Bob Miller, is currently Treasurer of the No on E Committee and is responsible for the advertising and dissemination of information to the public. Respondent is located in Hughes County, City of Pierre, State of South Dakota.
3. Affiant respectfully requests that this Court order an ex parte temporary restraining order ordering the Respondent from further airing any television commercial that makes the claim that "jury duty could become a crime" and from further disseminating pamphlets and other communications that make the same claims as set forth in attached Exhibits One, Two, and Three.
4. Affiant will suffer irreparable harm if the ex parte order is not granted due to the fact that the election is one week away and the information that is being relayed to the South Dakota voters by the No On E Committee is false, misleading, and erroneous.
5. Respondent is in violation of SDCL 12-13-16 and has committed a class 2 misdemeanor by making these false and erroneous claims.
6. Respondent is violating the rights of the South Dakota voters to have accurate and correct materials provided to them. The South Dakota voters have a number of very



important decisions to make and to have a committee in place that is providing false and misleading information to them is unacceptable.

7. A temporary restraining order is appropriate and needed in this case as it is assumed that with elections approximately one week away, the Respondent will advertise more and disseminate this false information on a bigger scale. In order to protect the South Dakota voters from being falsely educated on Amendment E, it is imperative that the Respondent be forced to stop the misleading advertising.

Dated this 30<sup>th</sup> day of October, 2006

Wm Stegmeier  
William Stegmeier

Subscribed and sworn to before me this 30 day of  
October, 2006.

[Signature]  
Notary Public - South Dakota  
My Commission Expires: 10-28-2011