

ORIGINAL

FILED

08/20/2020

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 20-0396

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 20-0396

MONTANA DEMOCRATIC PARTY and
TAYLOR BLOSSOM, RYAN FILZ,
MADELEINE NEUMEYER, and REBECCA
WEED, individual electors,

Plaintiffs and Appellees,

v.

STATE OF MONTANA, by and through its
SECRETARY OF STATE, COREY
STAPLETON,

Defendant and Appellant.

FILED

AUG 20 2020

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Clerk of Supreme Court
State of Montana

ORDER

On August 7, 2020, the State of Montana, by and through its Secretary of State Corey Stapleton, appealed from Findings of Fact, Conclusions of Law, and Order issued that same day by the First Judicial District Court, Lewis and Clark County, in its Cause No. DDV-2020-856. After expedited briefing, this Court issued an Order affirming the District Court on August 19, 2020. The District Court's rulings and this Court's affirmation of such resulted in the removal of the Montana Green Party candidates from the State's election ballots for the 2020 general election.

The Secretary has moved for a stay of this Court's Order. He asserts that he intends to petition the United States Supreme Court for certiorari and argues that judicial review will be frustrated if the matter is not stayed as the Secretary must certify the 2020 general election ballots today, August 20, 2020. The Secretary maintains that the candidates cannot be added to the ballot at a later date should he prevail on appeal, but the candidates could be marked out or covered up if this Court's determination is ultimately upheld.

The Secretary offers no legal authority for a motion to stay an order of this Court because the party intends to petition the United States Supreme Court for certiorari. The



Secretary cites generally to *Billings High Sch. Dist. No. 2 v. Billings Gazette*, 2006 MT 329, 335 Mont. 94, 149 P.3d 565, in which this Court held that Appellants' appeal to this Court was mooted by their failure to move the district court to stay execution of its decision, but the procedure for staying a district court ruling pending appeal to this Court, set forth in M. R. App. P. 22, is inapplicable to the present matter.

IT IS THEREFORE ORDERED that Appellant's motion for stay is DENIED.

The Clerk is directed to provide immediate notice of this Order to all counsel of record.

DATED this 20th day of August 2020.


Chief Justice



Justices