

David M.S. Dewhirst (MT Bar #65934132)
Solicitor General
Office of the Attorney General
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401
Telephone: (406) 444-2026

Dale Schowengerdt (MT Bar #30342848)
David F. Knobel (MT Bar #212614)
Clayton Gregersen (MT Bar #36387689)
CROWLEY FLECK PLLP
900 North Last Chance Gulch, Suite 200
Helena, MT 59601
P.O. Box 797
Helena, MT 59624-0797
Main: 406.449.4165
Direct: 406.457.2040

*Attorneys for Defendant Christi Jacobsen, in
her official capacity as Montana Secretary of
State*

Austin Markus James (MT Bar #58422031)
Chief Legal Counsel
Office of the Secretary of State
Montana Capitol Building, Room 260
P.O. Box 202801
Helena, MT 59620-2801
Telephone: (406) 444-6197

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Ian McIntosh (MT Bar #4384)
CROWLEY FLECK PLLP
1915 S. 19th Ave.
Bozeman, MT 59718
P.O. Box 10969
Bozeman, MT 59719-0969
Telephone: (406) 556-1430

IN THE MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,
YELLOWSTONE COUNTY

WESTERN NATIVE VOICE, Montana Native Vote,
Blackfeet Nation, Confederated Salish and
Kootenai Tribes, Fort Belknap Indian
Community, and Northern Cheyenne Tribe,

Plaintiffs,

vs.

CHRISTI JACOBSEN, in her official capacity as
Montana Secretary of State,

Defendant.

Cause No.: DV 21-0560

Judge: Donald Harris

**DEFENDANT'S ANSWER TO PLAINTIFFS'
COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF**

Defendant Christi Jacobsen, in her official capacity as Montana Secretary of State
(Referred to as "Defendant" or "Jacobsen"), for its Answer to Plaintiffs' Complaint for

Declaratory and Injunctive Relief (“Plaintiffs’ Complaint”), admits, denies and otherwise responds as follows:

1. Jacobsen admits that Plaintiffs’ Complaint challenges two recently enacted laws pertaining to voting in the State of Montana, namely House Bills 176 and 530. Jacobsen denies all remaining allegations in Paragraph 1 of Plaintiffs’ Complaint.

2. Jacobsen denies the allegations in Paragraph 2 of Plaintiffs’ Complaint.

3. Jacobsen denies the allegations in Paragraph 3 of Plaintiffs’ Complaint.

4. Jacobsen admits that HB 176 was adopted by the 2021 Montana Legislative Session. As to the remaining allegations in Paragraph 4 of Plaintiffs’ Complaint, Jacobsen refers to HB 176 (2021) for its content, which speaks for itself, and denies allegations to the extent the Complaint states otherwise.

5. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 5 of Plaintiffs’ Complaint and therefore denies the same.

6. Regarding paragraph 6 of Plaintiffs’ Complaint, Jacobsen admits that House Bill 530 (2021) was adopted by the 2021 Montana Legislature. As to the remaining allegations in Paragraph 6, Defendant refers to House Bill 530, Section 2, for its content, which speak for itself, and denies allegations to the extent the Complaint states otherwise. However, Jacobsen affirmatively asserts that HB 530 expressly requires the duly enacted rules adopted by the Secretary of State to limit various categories of persons and entities exempt from its provisions.

7. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 7 of Plaintiffs’ Complaint and therefore denies the same.

8. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 8 of Plaintiffs' Complaint and therefore denies the same.

9. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 9 of Plaintiffs' Complaint and therefore denies the same.

10. Jacobsen denies the allegations in Paragraph 10 of Plaintiffs' Complaint.

11. Jacobsen denies that when any voter in Montana moves and becomes a resident in another county, he or she must re-register in their new county of residence. Jacobsen lacks sufficient information to admit or deny the remaining allegations in Paragraph 11 of Plaintiffs' Complaint and therefore denies the same.

12. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 12 of Plaintiffs' Complaint and therefore denies the same.

13. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 13 of Plaintiffs' Complaint and therefore denies the same.

14. Paragraph 14 of Plaintiffs' Complaint contain legal conclusions that do not require admission or denial. To the extent such a response is required, Jacobsen denies the allegation.

15. Paragraph 15 of Plaintiffs' Complaint describes Plaintiffs' causes of action and requires no response. To the extent a response is required, Jacobsen denies any factual allegations in Paragraph 15 and specifically deny that Plaintiffs are entitled to the declaratory or injunctive relief sought in Plaintiffs' Complaint.

JURISDICTION AND VENUE

16. Reserving all rights to contest standing or any other potential ground or motion seeking the dismissal or summary adjudication of Plaintiffs' claims, Jacobsen admits and does not contest jurisdiction in this Court.

17. Jacobsen admits that this Court has jurisdiction and authority to grant declaratory relief and/or injunctive relief as provided under Montana law. Jacobsen denies any remaining allegations in Paragraph 17 of Plaintiffs' Complaint.

18. Reserving all rights to contest standing or any other potential ground or motion seeking the dismissal or summary adjudication of Plaintiffs' claims, Jacobsen admits and does not contest venue in this Court.

PARTIES

19. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 19 of Plaintiffs' Complaint and therefore denies the same.

20. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 20 of Plaintiffs' Complaint and therefore denies the same.

21. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 21 of Plaintiffs' Complaint and therefore denies the same.

22. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 2 of Plaintiffs' Complaint and therefore denies the same.

23. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 23 of Plaintiffs' Complaint and therefore denies the same.

24. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 24 of Plaintiffs' Complaint and therefore denies the same.

25. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 25 of Plaintiffs' Complaint and therefore denies the same.

26. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 26 of Plaintiffs' Complaint and therefore denies the same.

27. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 27 of Plaintiffs' Complaint and therefore denies the same.

28. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 28 of Plaintiffs' Complaint and therefore denies the same.

29. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 29 of Plaintiffs' Complaint and therefore denies the same.

30. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 30 of Plaintiffs' Complaint and therefore denies the same.

31. Jacobsen denies the allegations in Paragraph 31 of Plaintiffs' Complaint.

32. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 32 of Plaintiffs' Complaint and therefore denies the same.

33. Jacobsen denies the allegations in Paragraph 33 of Plaintiffs' Complaint.

34. Jacobsen denies the allegations in Paragraph 34 of Plaintiffs' Complaint.

35. Jacobsen denies that Western native Voice and Montana Native Voice have associational standing to bring their claims on behalf of their members. Jacobsen lacks sufficient information to admit or deny the remaining allegations in Paragraph 35 of Plaintiffs' Complaint and therefore denies the same.

36. Jacobsen admits the allegations in Paragraph 36 of Plaintiffs' Complaint regarding the Blackfeet Nation being a federally recognized Tribe and its geographical location. Jacobsen denies all remaining allegations in Paragraph 36 of Plaintiffs' Complaint.

37. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 37 of Plaintiffs' Complaint and therefore denies the same.

38. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 38 of Plaintiffs' Complaint and therefore denies the same.

39. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 39 of Plaintiffs' Complaint and therefore denies the same.

40. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 40 of Plaintiffs' Complaint and therefore denies the same.

41. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 41 of Plaintiffs' Complaint and therefore denies the same.

42. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 42 of Plaintiffs' Complaint and therefore denies the same.

43. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 43 of Plaintiffs' Complaint and therefore denies the same.

44. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 44 of Plaintiffs' Complaint and therefore denies the same.

45. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 45 of Plaintiffs' Complaint and therefore denies the same.

46. Jacobsen denies the allegations in Paragraph 46 of Plaintiffs' Complaint.

47. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 47 of Plaintiffs' Complaint and therefore denies the same.

48. Jacobsen denies the allegations in Paragraph 48 of Plaintiffs' Complaint.

49. Jacobsen denies the allegations in Paragraph 49 of Plaintiffs' Complaint.

50. Jacobsen admits the allegations in Paragraph 50 of Plaintiffs' Complaint regarding the CSKT being a federally recognized Tribe and its geographical location. Jacobsen denies all remaining allegations in Paragraph 50 of Plaintiffs' Complaint.

51. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 51 of Plaintiffs' Complaint and therefore denies the same.

52. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 52 of Plaintiffs' Complaint and therefore denies the same.

53. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 53 of Plaintiffs' Complaint and therefore denies the same.

54. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 54 of Plaintiffs' Complaint and therefore denies the same.

55. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 55 of Plaintiffs' Complaint and therefore denies the same.

56. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 56 of Plaintiffs' Complaint and therefore denies the same.

57. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 57 of Plaintiffs' Complaint and therefore denies the same.

58. Jacobsen denies the allegations in Paragraph 58 of Plaintiffs' Complaint.

59. Jacobsen denies the allegations in Paragraph 59 of Plaintiffs' Complaint.

60. Jacobsen admits the allegations in Paragraph 60 of Plaintiffs' Complaint regarding the Fort Belknap Indian Community being a federally recognized Tribe and its geographical location. Jacobsen denies all remaining allegations in Paragraph 60 of Plaintiffs' Complaint.

61. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 61 of Plaintiffs' Complaint and therefore denies the same.

62. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 62 of Plaintiffs' Complaint and therefore denies the same.

63. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 63 of Plaintiffs' Complaint and therefore denies the same.

64. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 64 of Plaintiffs' Complaint and therefore denies the same.

65. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 65 of Plaintiffs' Complaint and therefore denies the same.

66. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 66 of Plaintiffs' Complaint and therefore denies the same.

67. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 67 of Plaintiffs' Complaint and therefore denies the same.

68. Jacobsen denies the allegations in Paragraph 68 of Plaintiffs' Complaint.

69. Jacobsen denies the allegations in Paragraph 69 of Plaintiffs' Complaint.

70. Jacobsen admits the allegations in Paragraph 70 of Plaintiffs' Complaint regarding the Northern Cheyenne Tribe being a federally recognized Tribe and its geographical location. Jacobsen denies all remaining allegations in Paragraph 70 of Plaintiffs' Complaint.

71. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 71 of Plaintiffs' Complaint and therefore denies the same.

72. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 72 of Plaintiffs' Complaint and therefore denies the same.

73. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 73 of Plaintiffs' Complaint and therefore denies the same.

74. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 74 of Plaintiffs' Complaint and therefore denies the same.

75. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 75 of Plaintiffs' Complaint and therefore denies the same.

76. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 76 of Plaintiffs' Complaint and therefore denies the same.

77. Jacobsen denies the allegations in Paragraph 77 of Plaintiffs' Complaint.

78. Jacobsen denies the allegations in Paragraph 78 of Plaintiffs' Complaint.

79. Jacobsen admits the allegations in Paragraph 79 of Plaintiffs' Complaint.

80. Jacobsen admits the allegations in Paragraph 80 of Plaintiffs' Complaint.

FACTUAL ALLEGATIONS

81. Jacobsen admits the allegations in Paragraph 81 of Plaintiffs' Complaint regarding the size of Montana and it being a relatively less densely populated state. Jacobsen denies the remaining allegations in Paragraph 81 of Plaintiffs' Complaint.

82. Jacobsen admits the allegations in Paragraph 82 of Plaintiffs' Complaint.

83. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 83 of Plaintiffs' Complaint and therefore denies the same.

84. Jacobsen admits that the Montana Attorney General issued 01 A.G. 352 (1906), which generally discussed issues related to reservations and voting by Native Americans. The text of the Attorney General opinion speaks for itself. Jacobsen denies the remaining allegations in Paragraph 84 of Plaintiffs' Complaint.

85. Paragraph 85 of Plaintiffs' Complaint does not include any factual allegations and therefore does not require a response. To the extent a response is required, Jacobsen denies the allegations in Paragraph 85 of Plaintiffs' Complaint.

86. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 86 of Plaintiffs' Complaint and therefore denies the same.

87. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 87 of Plaintiffs' Complaint and therefore denies the same.

88. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 88 of Plaintiffs' Complaint and therefore denies the same.

89. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 89 of Plaintiffs' Complaint and therefore denies the same.

90. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 90 of Plaintiffs' Complaint and therefore denies the same.

91. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 91 of Plaintiffs' Complaint and therefore denies the same.

92. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 92 of Plaintiffs' Complaint and therefore denies the same.

93. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 93 of Plaintiffs' Complaint and therefore denies the same.

94. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 94 of Plaintiffs' Complaint and therefore denies the same.

95. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 95 of Plaintiffs' Complaint and therefore denies the same.

96. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 96 of Plaintiffs' Complaint and therefore denies the same.

97. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 97 of Plaintiffs' Complaint and therefore denies the same.

98. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 98 of Plaintiffs' Complaint and therefore denies the same.

99. Regarding paragraph 99, Jacobsen admit that ballot and registration applications may be dropped off at county election offices during the early voting period as provided by Title 13, Montana Code Annotated. Jacobsen admit county election offices are generally open during

regular office hours. Jacobsen admits that the county seat in Lake County and Roosevelt County is located inside reservations.

100. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 100 of Plaintiffs' Complaint and therefore denies the same.

101. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 101 of Plaintiffs' Complaint and therefore denies the same.

102. Jacobsen denies the allegations in Paragraph 102 of Plaintiffs' Complaint.

103. In response to paragraph 103, Jacobsen refers to Mont. Code Ann. § 13-13-205 and § 13-2-301 for its content, MCA speaks for itself, and denies allegations to the extent the Complaint states otherwise. Jacobsen lacks sufficient information to admit or deny the remaining allegations in Paragraph 103 of Plaintiffs' Complaint and therefore denies the same.

104. Jacobsen admits that the courthouse at 420 Ohio Street serves as a location for the Fort Belknap Reservation residents to vote and register to vote, and that this is located in the town of Chinook, Montana. Jacobsen lacks sufficient information to admit or deny the remaining allegations in Paragraph 104 of Plaintiffs' Complaint and therefore denies the same.

105. Jacobsen denies the allegations in Paragraph 105 of Plaintiffs' Complaint.

106. Jacobsen denies the allegations in Paragraph 106 of Plaintiffs' Complaint.

107. Jacobsen denies the allegations in Paragraph 107 of Plaintiffs' Complaint.

108. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 108 of Plaintiffs' Complaint and therefore denies the same.

109. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 109 of Plaintiffs' Complaint and therefore denies the same.

110. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 110 of Plaintiffs' Complaint and therefore denies the same.

111. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 111 of Plaintiffs' Complaint and therefore denies the same.

112. Jacobsen admits that Election Day Registration did not exist in Montana until 2005. Jacobsen lacks sufficient information to admit or deny the remaining allegations in Paragraph 112 of Plaintiffs' Complaint and therefore denies the same.

113. Jacobsen admits that Election Day Registration did not exist in Montana until 2005. Jacobsen lacks sufficient information to admit or deny the remaining allegations in Paragraph 113 of Plaintiffs' Complaint and therefore denies the same.

114. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 109 of Plaintiffs' Complaint and therefore denies the same.

115. Jacobsen admits that HB 176 was introduced by Representative Greef in Montana's House of Representatives on January 15, 2021 and that a hearing on the bill was held on January 21, 2021, and that Secretary Jacobsen and a member of her staff spoke in favor of the bill. Jacobsen denies the remaining allegations in Paragraph 115 of Plaintiffs' Complaint.

116-121. Jacobsen denies the allegations in Paragraph 116-121 of Plaintiffs' Complaint refer to testimony provided during a hearing on HB 176. The legislative transcript for the hearing speaks for itself. To the extent Plaintiffs' Complaint mischaracterizes testimony, fails to provide necessary context, or contradicts the hearing transcript, Jacobsen denies.

122. Jacobsen admits that Representative Greef and Dana Corson testified in favor of HB 176 and that it would make voting more efficient. Jacobsen denies the remaining allegations in Paragraph 122 of Plaintiffs' Complaint.

123. Paragraph 123 purports to characterize a former law of the State of Montana, which is a matter of legal interpretation and requires no response. To the extent a response is required, Jacobsen denies the factual allegations in Paragraph 123 of Plaintiffs' Complaint.

124. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 124 of Plaintiffs' Complaint and therefore denies the same.

125. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 125 of Plaintiffs' Complaint and therefore denies the same.

126. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 126 of Plaintiffs' Complaint and therefore denies the same.

127. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 127 of Plaintiffs' Complaint and therefore denies the same.

128. Jacobsen admits that the Legislature passed the Ballot Interference Prevention Act (BIPA) in 2017. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 128 of Plaintiffs' Complaint and therefore denies the same.

129. Jacobsen denies the allegations in Paragraph 129 of Plaintiffs' Complaint.

130. Jacobsen denies the allegations in Paragraph 130 of Plaintiffs' Complaint.

131. Jacobsen admits that voters approved BIPA on November 6, 2018 and that after its passage BIPA was challenged in this Court and the Court granted the challengers' request to

enjoin the law. Jacobsen denies the remaining allegations in Paragraph 131 of Plaintiffs' Complaint.

132. Jacobsen denies the allegations in Paragraph 132 of Plaintiffs' Complaint.

133. Jacobsen admits that HB 406 was introduced in Montana's House of Representatives, which did not pass, and that this bill speaks for itself. Jacobsen denies the remaining allegations in Paragraph 133 of Plaintiffs' Complaint.

134. Jacobsen denies the allegations in Paragraph 134 of Plaintiffs' Complaint.

135. Jacobsen denies the allegations in Paragraph 135 of Plaintiffs' Complaint.

136. Jacobsen denies the allegations in Paragraph 136 of Plaintiffs' Complaint.

137. Jacobsen denies the allegations in Paragraph 137 of Plaintiffs' Complaint.

CLAIMS FOR RELIEF

First Claim for Relief: HB 176, Right to Vote

138. Jacobsen incorporates his responses to all previous paragraphs and allegations as though fully set forth herein.

139. Paragraph 139 of Plaintiffs' Complaint purports to characterize and quote from Montana's Constitution, which is a legal document that speaks for itself and which requires no response.

140. Paragraph 140 of Plaintiffs' Complaint purports to quote from a legal opinion from the Supreme Court of Montana, which speaks for itself and which requires no response.

141. Paragraph 141 of Plaintiffs' Complaint purports to quote from a legal opinion from the Supreme Court of Montana, which speaks for itself and which requires no response.

Jacobsen affirmative asserts that, as a matter of law, any legislative or regulatory infringement upon the voting process is not automatically subject to “the highest level of scrutiny.”

142. Paragraph 142 of Plaintiffs’ Complaint purports to quote from a legal opinion from the Supreme Court of Montana, which speaks for itself and which requires no response.

143. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 143 of Plaintiffs’ Complaint and therefore denies the same.

144. Jacobsen denies the allegations in Paragraph 144 of Plaintiffs’ Complaint.

145. Jacobsen denies the allegations in Paragraph 145 of Plaintiffs’ Complaint.

146. Jacobsen denies the allegations in Paragraph 146 of Plaintiffs’ Complaint.

147. Jacobsen denies the allegations in Paragraph 147 of Plaintiffs’ Complaint.

148. Jacobsen denies the allegations in Paragraph 148 of Plaintiffs’ Complaint.

149. Jacobsen denies the allegations in Paragraph 149 of Plaintiffs’ Complaint.

150. Jacobsen denies the allegations in Paragraph 150 of Plaintiffs’ Complaint.

151. Jacobsen denies the allegations in Paragraph 151 of Plaintiffs’ Complaint.

152. Jacobsen denies the allegations in Paragraph 152 of Plaintiffs’ Complaint.

Second Claim for Relief: HB 530, Right to Vote

153. Jacobsen incorporates is responses to all previous paragraphs and allegations as though fully set forth herein.

154. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 154 of Plaintiffs’ Complaint and therefore denies the same.

155. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 155 of Plaintiffs’ Complaint and therefore denies the same.

156. Jacobsen denies the allegations in Paragraph 156 of Plaintiffs' Complaint.
157. Jacobsen denies the allegations in Paragraph 157 of Plaintiffs' Complaint.
158. Jacobsen denies the allegations in Paragraph 158 of Plaintiffs' Complaint.
159. Jacobsen denies the allegations in Paragraph 159 of Plaintiffs' Complaint.
160. Jacobsen denies the allegations in Paragraph 160 of Plaintiffs' Complaint.
161. Jacobsen denies the allegations in Paragraph 161 of Plaintiffs' Complaint.
162. Jacobsen denies the allegations in Paragraph 162 of Plaintiffs' Complaint.
163. Jacobsen denies the allegations in Paragraph 163 of Plaintiffs' Complaint.

Third Claim for Relief: HB 530 and HB 176, Equal Protection

164. Jacobsen incorporates his responses to all previous paragraphs and allegations as though fully set forth herein.

165. Paragraph 165 of Plaintiffs' Complaint purports to characterize Montana's Constitution and quote from a legal opinion from the Supreme Court of Montana, both of which speak for themselves and which requires no response.

166. Paragraph 166 of Plaintiffs' Complaint purports to characterize and quote from a legal opinion from the Supreme Court of Montana, which speaks for itself and which requires no response.

167. Paragraph 167 of Plaintiffs' Complaint purports to characterize a legal opinion from the Supreme Court of Montana, which speaks for itself and which requires no response.

168. Paragraph 168 of Plaintiffs' Complaint purports to quote from a legal opinion from the Supreme Court of Montana, which speaks for itself and which requires no response.

169. Jacobsen denies the allegations in Paragraph 169 of Plaintiffs' Complaint.

170. Jacobsen denies the allegations in Paragraph 170 of Plaintiffs' Complaint.

171. Jacobsen denies the allegations in Paragraph 171 of Plaintiffs' Complaint.

172. Jacobsen denies the allegations in Paragraph 172 of Plaintiffs' Complaint.

Fourth Claim for Relief: HB 530, Free Speech

173. Jacobsen incorporates his responses to all previous paragraphs and allegations as though fully set forth herein.

174. Paragraph 174 of Plaintiffs' Complaint purports to characterize and quote from Montana's Constitution, which is a legal document that speaks for itself and which requires no response.

175. Paragraph 175 of Plaintiffs' Complaint purports to characterize a legal opinion from the Supreme Court of Montana, which speaks for itself and which requires no response.

176. Paragraph 176 of Plaintiffs' Complaint purports to quote from a legal opinion from the Supreme Court of Montana, which speaks for itself and which requires no response.

177. Paragraph 177 of Plaintiffs' Complaint purports to characterize and quote from a legal opinion from the Supreme Court of Montana, which speaks for itself and which requires no response.

178. Paragraph 178 of Plaintiffs' Complaint purports to characterize a legal opinion from the Supreme Court of Montana, which speaks for itself and which requires no response.

179. Paragraph 179 of Plaintiffs' Complaint purports to characterize a legal opinion from the United States Supreme Court, which speaks for itself and which requires no response.

180. Paragraph 180 of Plaintiffs' Complaint states a legal conclusion regarding ballot collection, which requires no response. To the extent a response is required, Jacobsen denies the allegations in Paragraph 180 of Plaintiffs' Complaint.

181. Paragraph 181 of Plaintiffs' Complaint states a legal conclusion regarding ballot collection, which requires no response. To the extent a response is required, Jacobsen denies the allegations in Paragraph 181 of Plaintiffs' Complaint.

182. Paragraph 182 of Plaintiffs' Complaint states a legal conclusion regarding ballot collection, which requires no response. To the extent a response is required, Jacobsen denies the allegations in Paragraph 182 of Plaintiffs' Complaint.

183. Jacobsen denies the allegations in Paragraph 183 of Plaintiffs' Complaint.

184. Jacobsen denies the allegations in Paragraph 184 of Plaintiffs' Complaint.

185. Jacobsen denies the allegations in Paragraph 185 of Plaintiffs' Complaint.

186. Jacobsen denies the allegations in Paragraph 186 of Plaintiffs' Complaint.

187. Jacobsen denies the allegations in Paragraph 187 of Plaintiffs' Complaint.

188. Jacobsen denies the allegations in Paragraph 188 of Plaintiffs' Complaint.

189. Jacobsen denies the allegations in Paragraph 189 of Plaintiffs' Complaint.

190. Jacobsen denies the allegations in Paragraph 190 of Plaintiffs' Complaint.

191. Jacobsen denies the allegations in Paragraph 191 of Plaintiffs' Complaint.

192. Jacobsen denies the allegations in Paragraph 192 of Plaintiffs' Complaint.

193. Jacobsen denies the allegations in Paragraph 193 of Plaintiffs' Complaint.

194. Jacobsen denies the allegations in Paragraph 194 of Plaintiffs' Complaint.

Fifth Claim for Relief: HB 530, Due Process

195. Jacobsen incorporates his responses to all previous paragraphs and allegations as though fully set forth herein.

196. Paragraph 196 of Plaintiffs' Complaint purports to quote from Montana's Constitution, which is a legal document that speaks for itself and which requires no response.

197. Paragraph 197 of Plaintiffs' Complaint purports to characterize and quote from a legal opinion from the Supreme Court of Montana, which is a legal document that speaks for itself and which requires no response.

198. Paragraph 198 of Plaintiffs' Complaint purports to quote from a legal opinion from the Supreme Court of Montana, which is a legal document that speaks for itself and which requires no response.

199. Paragraph 199 of Plaintiffs' Complaint purports to characterize and quote from a legal opinion from the Supreme Court of Montana, which is a legal document that speaks for itself and which requires no response.

200. Jacobsen denies the allegations in Paragraph 200 of Plaintiffs' Complaint.

201. Jacobsen admits that the term "pecuniary benefit" is not defined in the text of House Bill 530. Jacobsen lacks sufficient information as to the definition of "pecuniary" in any specific dictionary. Jacobsen denies any remaining allegations in Paragraph 201 of Plaintiffs' Complaint.

202. Jacobsen admits that HB 530 excepts "a government entity" from its provisions and that this term is not defined in HB 530. Jacobsen denies any remaining allegations in Paragraph 202 of Plaintiffs' Complaint.

203. Jacobsen denies the allegations in Paragraph 203 of Plaintiffs' Complaint.

204. Jacobsen denies the allegations in Paragraph 204 of Plaintiffs' Complaint.

205. To the extent Plaintiffs' prayer for relief in its Complaint contains any factual allegations, Jacobsen denies the allegations set forth therein, and specifically denies that Plaintiffs are entitled to any of the requested relief.

206. To the extent Jacobsen has failed to address any factual allegation in Plaintiffs' Complaint, Jacobsen hereby denies each and every allegation not expressly and specifically admitted.

GENERAL DENIAL

To the extent the above answers do not expressly admit or deny the allegations and an express answer is required, Defendant denies. Additionally, Plaintiff's complaint "alleges" legal conclusions or mixed conclusions of law and fact throughout. To the extent that Plaintiffs plead "legal conclusions couched as factual allegations," those allegations are insufficient under M. R. Civ. P., Rule 8. Defendant's generally object to those allegations.

AFFIRMATIVE DEFENSES

1. Plaintiffs' Complaint fails to state a claim upon which relief can be granted.
2. Plaintiffs' Complaint fails to state sufficient facts showing that it is entitled to the requested relief.
3. Plaintiffs' Complaint is barred, in whole or in part, under the doctrine of standing.
4. Plaintiffs' Complaint is not justiciable.
5. Plaintiffs fail to join one or more indispensable parties.
6. Controlling legal precedent bars some or all of Plaintiffs' claims.

7. None of the challenged bills and/or statutes violates the due process, equal protection, free speech or the right to vote, under either federal law, the United States Constitution, Montana law or the Constitution of the State of Montana.

8. Plaintiffs are unable to prove discriminatory intent as necessary for some or all of their claims.

9. None of the challenged bills and/or statutes discriminates against or has a disparate impact based on race or age.

10. The challenged bills and/or statutes are neutral and non-discriminatory.

11. The challenged bills and/or statutes serve and are supported by rational, legitimate and compelling state interests.

12. Plaintiffs are unable to prove a causal connection between the injury they allege and any of the challenged bills and/or statutes.

13. The doctrine of separation of powers bars some or all of Plaintiffs' claims.

14. Plaintiffs' claims for relief violate the doctrine of judicial restraint.

15. Jacobsen reserves the right to assert and raise additional defenses as they may become apparent or applicable based upon the proceedings or discovery in this case.

WHEREFORE, Jacobsen respectfully requests the Court to enter an Order and Judgment:

1. Dismissing Plaintiffs' claims and finding that Plaintiffs are not entitled to any of the relief requested;
2. Awarding Jacobsen its attorney's fees and costs of suit; and
3. Any other relief the Court deems just and reasonable.

DATED this 5th day of August, 2021.

By 

Dale Schowengerdt (MT Bar #30342848)

David F. Knobel (MT Bar #212614)

Clayton Gregersen (MT Bar #36387689)

CROWLEY FLECK PLLP

900 North Last Chance Gulch, Suite 200

Helena, MT 59601

P.O. Box 797

Helena, MT 59624-0797

Main: 406.449.4165

Direct: 406.457.2040

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CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of August, 2021, I mailed a true and correct copy of the foregoing document, by the means designated below, to the following:


<input checked="" type="checkbox"/> U.S. Mail	Alora Thomas-Lundborg
<input checked="" type="checkbox"/> Electronic mail	Ihaab Syed
<input type="checkbox"/> Facsimile	Theresa J. Lee
<input type="checkbox"/> Hand delivery	Dale E. Ho
<input type="checkbox"/> Certified mail, return receipt	American Civil Liberties Union
S:\Legal\Litigation\2021\Meyer v	125 Broad Street
Stapleton (Appeal)\District Court	New York, NY 10004
Pleadings	athomas@aclu.org
	isyed@aclu.org
	tlee@aclu.org
	dale.ho@aclu.org

<input checked="" type="checkbox"/> U.S. Mail	Alex Rate
<input checked="" type="checkbox"/> Electronic mail	Akilah Lane
<input type="checkbox"/> Facsimile	ACLU of Montana
<input type="checkbox"/> Hand delivery	P.O. Box 1968
<input type="checkbox"/> Certified mail, return receipt	Missoula, MT 59806
	ratea@aclumontana.org
	alane@aclumontana.org

<input checked="" type="checkbox"/> U.S. Mail	Jacqueline De León
<input checked="" type="checkbox"/> Electronic mail	Matthew Campbell
<input type="checkbox"/> Facsimile	Native American Rights Fund
<input type="checkbox"/> Hand delivery	1506 Broadway
<input type="checkbox"/> Certified mail, return receipt	Boulder, CO 80302-6296
	jdeleon@narf.org
	mcampbell@narf.org

<input checked="" type="checkbox"/> U.S. Mail	Samantha Kely
<input checked="" type="checkbox"/> Electronic mail	Native American Rights Fund
<input type="checkbox"/> Facsimile	1514 P Street N.W. (Rear) Suite D
<input type="checkbox"/> Hand delivery	Washington, DC 20005
<input type="checkbox"/> Certified mail, return receipt	kely@narf.org

CROWLEY FLECK PLLP

By  _____