

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

MONTANA PUBLIC INTEREST
RESEARCH GROUP, et al.,

Plaintiffs,

and

JACOBSEN, et al.,

Defendants.

No. 6:23-cv-070-BMM

**[PROPOSED] INTERVENORS'
[PROPOSED] ANSWER TO
PLAINTIFFS' COMPLAINT**

1. Proposed Intervenors deny that “political officials in Montana have increasingly erected barriers” to voting. The cited authorities speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

2. Proposed Intervenors admit that HB 892 was signed into law on May 22, 2023. Proposed Intervenors otherwise deny the remaining allegations in this paragraph.

3. The cited authorities speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

4. Proposed Intervenors deny that “HB892’s reach far exceeds its stated (and legitimate) purpose of prohibiting double voting.” This paragraph otherwise contains legal arguments and conclusions to which no response is required.

5. Deny.

6. Deny.

JURISDICTION AND VENUE

7. The cited authorities speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

8. The cited authorities speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

9. The cited authorities speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

PARTIES

10. Proposed Intervenors lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the allegations.

11. Proposed Intervenors deny that the “ambiguities of what [Plaintiffs’ members] need to do to comply with HB892 and avoid potentially severe criminal penalties will chill them from registering and voting in Montana.” Proposed Intervenors otherwise lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the allegations.

12. Proposed Intervenors lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the allegations.

13. This paragraph contains legal arguments and conclusions to which no response is required.

14. Proposed Intervenors lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the allegations.

15. Proposed Intervenors deny that HB 892 contains “overbroad new restrictions” and that the law’s “vague and ambiguous terms will also chill MFPE’s members from registering.” Proposed Intervenors otherwise lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the allegations.

16. Proposed Intervenors lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the allegations.

17. Proposed Intervenors admit that Christi Jacobsen (the “Secretary”) is the Montana Secretary of State. The cited authorities speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

18. Proposed Intervenors admit that Austin Knudsen is the Montana Attorney General. The cited authorities speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

19. Proposed Intervenors admit that Chris Gallus is the Montana Commissioner of Political Practices. The cited authorities speak for themselves. This

paragraph otherwise contains legal arguments and conclusions to which no response is required.

LEGAL AND FACTUAL BACKGROUND

20. Proposed Intervenors lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

21. Proposed Intervenors deny that HB 892 creates “overbroad new restrictions.” The cited authorities speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

22. Proposed Intervenors deny that HB 892 contains “vague language.” Proposed Intervenors lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

23. Proposed Intervenors lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

24. Proposed Intervenors lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

25. Proposed Intervenors lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

26. Proposed Intervenors lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

27. Proposed Intervenors lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

28. Proposed Intervenors admit that HB 892 was signed into law on May 22, 2023. Proposed Intervenors deny that HB 892 imposes “onerous new restrictions” and otherwise lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

29. Deny.

30. Proposed Intervenors deny that HB 892 is “rife with confusion and ambiguity.” The cited authorities speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

31. The cited authorities speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

32. This paragraph contains legal arguments and conclusions to which no response is required.

33. Proposed Intervenors deny that HB 892 contains “constitutional infirmities.” The cited authorities speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

34. Proposed Intervenors deny that HB 892 is “vague.” The quoted authorities speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

35. This paragraph contains legal arguments and conclusions to which no response is required.

36. This paragraph contains legal arguments and conclusions to which no response is required.

37. This paragraph contains legal arguments and conclusions to which no response is required.

38. The cited authorities speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

39. The cited authorities speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

40. The cited authorities speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

41. This paragraph contains legal arguments and conclusions to which no response is required.

42. Proposed Intervenors deny that HB 892 imposes “vague, onerous restrictions.” The cited authorities speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

43. This paragraph contains legal arguments and conclusions to which no response is required.

44. Deny.

45. Proposed Intervenors deny that HB 892 will cause “disenfranchisement.” The cited authorities speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

46. Proposed Intervenors deny that HB 892 is not “justified by or tailored to any legitimate state interests.” The cited authorities speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

47. Proposed Intervenors deny that HB 892 imposes “onerous” requirements and that the HB 892 does not serve legitimate state interests. The cited authorities speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

48. Deny.

CAUSES OF ACTION

COUNT I

Fourteenth Amendment to the U.S. Constitution; 42 U.S.C. §1983 (Vagueness)

49. The preceding paragraphs are incorporated by reference.

50. The cited authorities speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

51. The cited authorities speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

52. The cited authorities speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

53. The cited authorities speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

54. Deny.

COUNT II

**First and Fourteenth Amendments to the U.S. Constitution; 42 U.S.C. § 1983
(Overbreadth)**

55. The preceding paragraphs are incorporated by reference.

56. The cited authorities speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

57. The cited authorities speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

58. Proposed Intervenor deny that HB 892 “goes beyond its legitimate objective” and that it “exceeds its lawful ends, burdening and chilling constitutionally protected conduct.” The cited authorities speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

59. The cited authorities speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

60. Deny.

COUNT III

**First and Fourteenth Amendments to the U.S. Constitution; 42 U.S.C. § 1983
(Right to Vote)**

61. The preceding paragraphs are incorporated by reference.

62. The cited authorities speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

63. The cited authorities speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

64. Deny.

65. The cited authorities speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

66. Proposed Intervenors deny that HB 892 imposes “the severest burden on the right to vote.” This paragraph otherwise contains legal arguments and conclusions to which no response is required.

67. Deny.

PRAYER FOR RELIEF

Proposed Intervenors deny that Plaintiffs are entitled to any relief.

AFFIRMATIVE DEFENSES

1. Plaintiffs lack standing to assert their claims.

2. Plaintiffs’ complaint fails, in whole or in part, to state a claim upon which relief can be granted.

3. The counts are barred in whole or in part by the doctrine of abstention.
4. The relief Plaintiffs seek is too speculative to support relief from this Court.
5. Proposed Intervenors reserve the right to assert any further defenses that may become evident during the pendency of this matter.

Dated: October 23, 2023

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Respectfully submitted,

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