

**MONTANA 18th JUDICIAL DISTRICT COURT
GALLATIN COUNTY**

LEAGUE OF WOMEN VOTERS OF
MONTANA,

Plaintiff,

v.

AUSTIN KNUDSEN, in his official
capacity as the Attorney General of the
State of Montana; CHRISTI JACOBSEN,
in her official capacity as Secretary of
the State of Montana; and CHRIS
GALLUS, in his official capacity as the
Commissioner of Political Practices of the
State of Montana,

Defendants.

Cause No. DV-16-23-1073

**ORDER RE MOTION FOR
PRELIMINARY
INJUNCTION**

Plaintiff League of Women Voters of Montana (LWVMT) moves the Court for a preliminary injunction to enjoin the enforcement of § 13-35-210(5), MCA, pending a final decision on the merits. The motion is fully briefed. A hearing on the motion was held on February 8, 2024, at which time the Court heard testimony and considered argument.

The case arises from the passage of House Bill 892 (HB 892) by the 2023 Montana State Legislature. HB 892 was signed by the Governor on May 22, 2023. The bill was

effective on passage and approval. HB 892 included a severability clause.

HB 892 subsequently was codified at § 13-35-210, MCA. The statute provides as follows:

Fraudulent voting prohibited -- purposefully maintaining multiple registrations prohibited. (1) A person who is not an elector may not vote.

(2) An elector may not vote more than once at an election.

(3) A person may not, for any election, apply for a ballot in the name of some other person, whether it be the name of a living, dead, or fictitious person.

(4) A person or elector may not vote in this state more than once at any election held in this state or vote in both this state and another state or territory in the same or equivalent elections, except in a special district election in which a person or elector is entitled to vote.

(5) A person or elector may not purposefully remain registered to vote in more than one place in this state or another state any time, unless related to involvement in special district elections. A person or elector previously registered to vote in another county or another state shall provide the previous registration information on the Montana voter registration application provided for in 13-2-110.

(6) A person who violates this section shall, on conviction, be fined up to \$5,000, be imprisoned for up to 18 months, or both.

(7) (a) As used in this section, "equivalent elections" means:

(i) elections that have the same date for in-person voting; or

(ii) primary elections that determine which candidates appear on the ballots of general elections if those general elections have the same date for in-person voting.

(b) The term does not include a special district election held simultaneously with another election.

While HB 892 made a number of modifications to § 13-35-210, this matter only applies to subsection 5.

On April 24, 2024, the United States District Court for the District of Montana issued an Order addressing HB 892. The Court held as follows:

1. Plaintiffs' motion for a preliminary injunction is **GRANTED**.

2. Defendants, their agents, and their successors are enjoined from enforcing HB 892's multiple registration prohibition and prior registration disclosure requirement provisions codified in Mont. Code. Ann. § 13-35-210(5).

3. All other provisions of HB 892, codified in Mont. Code. Ann. § 13-35-210, shall remain in effect. The Court's injunction applies only to Mont. Code. Ann. § 13-35-210(5).

4. The Court's injunction shall remain in effect until this action has been adjudicated on the merits.

Montana Public Interest Research Group, Montana Federation of Employees v. Christi Jacobsen, Montana Secretary of State, Austin Knudsen, Montana Attorney General, and Chris Gallus, Montana Commissioner of Political Practices, CV-23-70-H-BMM, doc. 79, Order, April 24, 2024.

The federal court's Order provides the Plaintiff in this case with the relief they sought through their motion for a preliminary injunction. Therefore, the Court concludes the pending Motion for Preliminary Injunction is MOOT.

The Court has issued a Scheduling Order in this proceeding. Accordingly, the Court will await further filings in this case as it proceeds to an adjudication on the merits.

Electronically Signed and Dated.

cc: Constance Van Kley
Michael Noonan
Austin Knudsen
Austin James