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Attorneys for the Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

MONTANA PUBLIC INTEREST
RESEARCH GROUP,

Plaintiff,

v.

STATE OF MONTANA AND
CHRISTI JACOBSEN, IN HER
OFFICIAL CAPACITY AS
MONTANA SECRETARY OF
STATE,

Defendants.

Cause No. _____

**DEFENDANTS' NOTICE OF REMOVAL
OF CIVIL ACTION**

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446, Defendants State of Montana and Christi Jacobsen, in her official capacity as Montana Secretary of State, hereby remove the action described below to the United States District Court for the District of Montana without prejudice to any rights or defenses.

1. On May 6, 2025, Plaintiff Montana Public Interest Research Group (“Plaintiff”) filed a Complaint for Declaratory and Injunctive Relief in the Montana Fourth Judicial District Court, Missoula County, entitled *Montana Public Interest Research Group v. State of Montana and Christi Jacobsen, in her official capacity as Montana Secretary of State*, Cause No. DV-25-0419 (“State Court Action”).

2. All Exhibits—including process and pleadings served on Defendants required by 28 U.S.C. § 1446(a)—are offered and attached as follows:

<u>Exhibits</u>	<u>Description</u>
A	Civil Cover Sheet
B	Complaint for Declaratory and Injunctive Relief
C	Notice of Constitutional Question
D	Summons – State of Montana
E	Summons – Montana Secretary of State
F	Summons Return – State of Montana
G	Summons Return – Secretary of State

H	Consent of Removal by Christi Jacobsen, in her official capacity as the Montana Secretary of State
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I. FACTUAL BACKGROUND

3. In the Complaint, Plaintiff asserts federal and state claims against Defendants State of Montana and Christi Jacobsen, in her official capacity as the Montana Secretary of State (“Defendants”) for declaratory and injunctive relief, arising out of the passage of House Bill 413 (2025) (“HB 413”). Specifically, Plaintiff alleges that HB 413 is unconstitutional because it prevents certain Montanans from registering to vote in the communities where they live. (Ex. B at ¶ 1.)

4. Montana Governor Greg Gianforte signed into law HB 413 on May 1, 2025. It revised election laws related to residency for temporary residents. *See* <https://legiscan.com/MT/text/HB413/2025>.

5. Plaintiff’s Complaint asserts the following seven claims: (1) Right to Suffrage pursuant to the Montana Constitution, Article II, § 13; (2) Equal Protection Clause of the Fourteenth Amendment to the United States Constitution; (3) Equal Protection pursuant to the Montana Constitution, Article II, § 4; (4) Vagueness pursuant to the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution; (5) Overbroad pursuant to the First Amendment to the United States Constitution; (6) Voting age requirement

pursuant to the Twenty-Sixth Amendment to the United States Constitution; and (7) the voting age requirement pursuant to the Montana Constitution, Article II, § 14. (Ex. B at ¶¶ 38-96.)

II. PROCEDURAL BACKGROUND

6. Plaintiff electronically filed their Complaint and Notice of Constitutional Issue in the State Court Action on May 6, 2025. (*See* Exs. B-C.) On the following day, Plaintiff filed summonses for Defendants. (*See* Exs. D-E.)

7. Defendant State of Montana received service of process on May 13, 2025. (*See* Ex. F at 2)

8. Defendant Christi Jacobsen, in her official capacity as the Montana Secretary of State, received service of process on May 13, 2025. (*See* Ex. G at 2.)

9. Following the initial filings, Plaintiff filed pro hac vice applications for several attorneys.

10. On June 11, 2025, Defendants moved to substitute the district court judge assigned to the case pursuant to the time limitations imposed by Mont. Code Ann. § 3-1-804.

11. As of the date of filing these removal documents, no further filing or order has been placed in the record.

III. JURISDICTION

12. This case is removable under 28 U.S.C. § 1441(a) because this is a civil action in which the District Courts of the United States have been given original jurisdiction under 28 U.S.C. § 1331. Specifically, Plaintiff claims that HB 413 violates the First, Fourteenth, and Twenty-Sixth Amendments to the United States Constitution.

13. Additionally, pursuant to 28 U.S.C. § 1367(a), this Court has supplemental jurisdiction over the state constitution claims asserted against Defendants. Plaintiff's state claims all arise out of the same set of facts and are part of the same case and controversy.

IV. VENUE

14. Venue properly rests in the Missoula Division of the United States District Court for the District of Montana pursuant to 28 U.S.C. § 1391(b)(1) and Local Rule 3.2(b), because the Missoula Division is the federal judicial division encompassing the Montana Fourth Judicial District Court, Missoula County, wherein this action was originally filed.

15. Pursuant to 28 U.S.C. § 1446(b) and Local Rule 3.3(a), Defendants are filing this Notice with this Court, serving a copy of this Notice upon Plaintiff's counsel, and filing a copy in the Montana Fourth Judicial District Court, Missoula County.

V. TIMELINESS OF REMOVAL

16. Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b) since it is being filed within thirty (30) days of service on Defendants, which was effectuated on May 13, 2025. (*See* Exs. F and G.) The U.S. Supreme Court has made clear that, regardless of any other issue, the 30-day removal time period cannot be triggered for a complaint removable on its face until the defendant has been served with legal process. *Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344 (1999).

17. As a result of the foregoing, this Notice of Removal is timely.

VI. UNANIMOUS CONSENT OF SERVED DEFENDANTS

18. A removing defendant is required to obtain consent from all other properly served defendants. *See* 28 U.S.C.S. § 1446(b)(2)(A) (“When a civil action is removed solely under section 1441(a) [28 USCS § 1441(a)], all defendants who have been properly joined and served must join in or consent to the removal of the action.”).

19. Defendant Christi Jacobsen, in her official capacity as Montana Secretary of State, consents to the removal of the State Court Action to this Court. (*See* Ex. H.)

WHEREFORE, Defendants respectfully request that this Court assume jurisdiction over the above-described action now pending in the Montana Fourth Judicial District Court, Missoula County, pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446.

DATED this 11th day of June 2025.

Austin Knudsen
Montana Attorney General

/s/ Michael Noonan

Michael Noonan

Michael D. Russell

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Attorneys for the Defendants

CERTIFICATE OF SERVICE

I certify that on this date, an accurate copy of the foregoing document was served electronically through the Court's CM/ECF system on registered counsel and by first-class mail and email to the following:

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Dated: June 11, 2025

/s/ Michael Noonan

Michael Noonan