

MONTANA FIRST JUDICIAL DISTRICT COURT, LEWIS AND CLARK COUNTYMONTANA FEDERATION OF PUBLIC
EMPLOYEES,

Plaintiff,

NORTHERN CHEYENNE TRIBE,
BLACKFEET NATION, CONFEDERATED
SALISH & KOOTENAI TRIBES, FORT
BELKNAP INDIAN COMMUNITY, and
WESTERN NATIVE VOICE,

Plaintiff-Intervenors,

v.

STATE OF MONTANA and CHRISTI
JACOBSEN, in her official capacity as
Montana Secretary of State,

Defendants.

Cause No. **ADV-25-2025-0268****ORDER GRANTING MOTION TO
INTERVENE (Northern Cheyenne
Tribe, Blackfeet Nation, Confederated
Salish & Kootenai Tribes, Fort Belknap
Indian Community, and Western Native
Voice)**

This matter comes before the Court on the *Motion to Intervene* filed by the Northern Cheyenne Tribe, Blackfeet Nation, Confederated Salish and Kootenai Tribes, Fort Belknap Indian Community, and Western Native Voice (collectively, “Native American Plaintiffs”). Native American Plaintiffs seek intervention as of right under Montana Rule of Civil Procedure 24(a) or, alternatively, permissive intervention under Rule 24(b). Having reviewed the motion, briefs, and applicable law, the Court finds that Native American Plaintiffs meet the criteria for intervention as of right and, alternatively, permissive intervention. The motion is **GRANTED**.

LEGAL STANDARD

Under Montana Rule of Civil Procedure 24(a), intervention as of right is appropriate when the applicant demonstrates:

1. Timeliness of the application;
2. An interest in the subject matter of the action;
3. That the disposition of the action may impair or impede the applicant's ability to protect its interest; and
4. That the applicant's interest is not adequately represented by existing parties.

Alternatively, under Rule 24(b), permissive intervention may be granted when the applicant's claim or defense shares common questions of law or fact with the main action, provided the intervention does not unduly delay or prejudice the adjudication of the original parties' rights.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Timeliness

The Court finds that Native American Plaintiffs' motion is timely. The motion was filed early in the proceedings, before any substantive rulings or responsive pleadings were filed. Defendants concede timeliness, and the Court agrees that intervention at this stage will not cause undue delay or prejudice.

2. Interest in the Subject Matter

Native American Plaintiffs have demonstrated a significant and protectable interest in the subject matter of this action. The Tribal Plaintiffs, as sovereign governments, have a unique responsibility to protect the welfare and civic participation of their members. Western Native Voice, as a Native-led organization, has a direct interest in ensuring access to voter registration

1 and turnout efforts for Native American communities. These interests are directly implicated by
2 Senate Bill 490 (“SB 490”), which allegedly disproportionately burdens Native American voters
3 by curtailing Election Day voter registration.

4 **3. Impairment of Interests**

5 The Court finds that an adverse ruling in this case would impair Native American
6 Plaintiffs’ ability to protect their interests. SB 490 allegedly disproportionately impacts Native
7 American voters due to structural barriers such as long distances to polling places, lack of
8 transportation, and socioeconomic challenges. Tribal Plaintiffs’ sovereign interests in protecting
9 their members’ political participation and Western Native Voice’s organizational mission could
10 be directly harmed by an adverse ruling in this case. The practical impairment of these interests
11 satisfies the third prong of the intervention-as-of-right analysis.
12

13 **4. Inadequacy of Representation**

14 Native American Plaintiffs have demonstrated that their interests are not adequately
15 represented by the existing parties. While Plaintiff Montana Federation of Public Employees
16 (“MFPE”) challenges SB 490 on constitutional grounds, MFPE does not represent the unique
17 sovereign, structural, and community-based interests of Native American Plaintiffs. Tribal
18 Plaintiffs act as sovereign governments with distinct responsibilities to their members, and
19 Western Native Voice’s organizational mission is uniquely focused on Native voter engagement.
20 The minimal burden to show inadequacy of representation under Montana law has been met.
21

22 **5. Permissive Intervention**

23 Even if Native American Plaintiffs did not meet the criteria for intervention as of right,
24 the Court finds that permissive intervention is appropriate. Native American Plaintiffs’ claims
25 share common questions of law and fact with the main action, and their participation will provide

critical context regarding any disproportionate impact of SB 490 on Native American voters. Intervention will streamline litigation and prevent duplicative lawsuits, promoting judicial economy.

ORDER

Based on the foregoing findings and conclusions, IT IS HEREBY ORDERED:

1. The Motion to Intervene filed by the Northern Cheyenne Tribe, Blackfeet Nation, Confederated Salish and Kootenai Tribes, Fort Belknap Indian Community, and Western Native Voice is **GRANTED**.
2. Native American Plaintiffs shall be permitted to intervene as of right under Montana Rule of Civil Procedure 24(a). Alternatively, permissive intervention is granted under Rule 24(b).
3. Native American Plaintiffs' Complaint in Intervention, attached as Exhibit A to their Motion to Intervene, shall be docketed in this case, and the heading of all future pleadings shall so reflect, as does this order.
4. The Clerk of Court is directed to serve a copy of this Order on all parties.

ELECTRONICALLY SIGNED AND DATED BELOW