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

**IN THE MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,  
YELLOWSTONE COUNTY**

Montana Democratic Party and Mitch Bohn,  
  
Plaintiffs,  
  
vs.  
  
Christi Jacobsen, in her official capacity as  
Montana Secretary of State,  
  
Defendant.

Cause No.: DV 21-0451

Judge: ~~Gregory R. Todd~~ - *Moses*

**DEFENDANT'S ANSWER TO  
PLAINTIFFS' COMPLAINT**

CLERK OF THE  
DISTRICT COURT  
TERRY HALPIN

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BY 34  
DEPUTY

Defendant Christi Jacobsen, in her official capacity as Montana Secretary of State , for its Answer to Plaintiffs' First Amended Complaint, admits, denies and otherwise responds as follows:

1. Jacobsen denies the allegations in Paragraph 1 of Plaintiffs' Complaint.
2. Jacobsen admits the Legislature passed House Bill 176, the terms of which speak for themselves, and denies all other allegations in Paragraph 2 of Plaintiffs' Complaint.
3. Jacobsen admits the Legislature passed SB 169, the terms of which speak for themselves, and denies all other allegations in Paragraph 3 of Plaintiffs' Complaint.
4. Jacobsen denies the allegations in Paragraph 4 of Plaintiffs' Complaint.
5. Jacobsen denies the allegations in Paragraph 5 of Plaintiffs' Complaint.
6. Jacobsen denies the allegations in Paragraph 6 of Plaintiffs' Complaint.
7. Jacobsen denies the allegations in Paragraph 7 of Plaintiffs' Complaint.
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 lacks sufficient information to admit or deny the allegations in Paragraph 10 of Plaintiffs' Complaint and therefore denies the same.
11. Jacobsen denies the allegations in Paragraph 11 of Plaintiffs' Complaint.
12. Jacobsen denies the allegations in Paragraph 12 of Plaintiffs' Complaint.
13. Jacobsen denies the allegations in Paragraph 13 of Plaintiffs' Complaint.
14. Jacobsen denies the allegations in Paragraph 14 of Plaintiffs' Complaint.

15. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 15 of Plaintiffs' Complaint and therefore denies the same.

16. Jacobsen admits she is the Montana Secretary of State who is named in her official capacity in Plaintiffs' Complaint. The remainder of the allegations in Paragraph 16 of Plaintiffs' Complaint constitute legal conclusions to which no response is required. To the extent any response is required, all remaining allegations in Paragraph 16 are denied.

17. 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.

18. The allegations in Paragraph 18 of Plaintiffs' Complaint constitute legal conclusions which require no response. To the extent any response is required, Jacobsen denies the allegations in Paragraph 18 of Plaintiffs' Complaint.

19. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 19 relating to the location of MDP's operations and Plaintiff Bohn's residence and therefore denies the same. Jacobsen denies the remaining allegations in Paragraph 19 of Plaintiffs' Complaint.

20. Jacobsen denies the allegations in Paragraph 20 of Plaintiffs' Complaint.

21. Responding to the allegations in Paragraph 21 of Plaintiffs' Complaint, Jacobsen admits that in 2005, the Legislature passed Senate Bill 302, the terms of which speak for themselves. Jacobsen denies all remaining allegations in Paragraph 21 of Plaintiffs' Complaint. Jacobsen denies the allegations in subheading A that precede Paragraph 21 of Plaintiffs' Complaint.

22. Jacobsen denies the allegations in Paragraph 22 of Plaintiffs' Complaint.

23. The allegations in Paragraph 23 constitute legal conclusions to which no response is required. To the extent any response is required, Jacobsen denies the allegations in Paragraph 23 of Plaintiffs' Complaint.

24. The allegations in Paragraph 24 constitute legal conclusion to which no response is required. To the extent any response is required, Jacobsen denies the allegations in Paragraph 24 of Plaintiffs' Complaint.

25. The allegations in Paragraph 25 constitute legal conclusion to which no response is required. To the extent any response is required, Jacobsen denies the allegations in Paragraph 25 of Plaintiffs' Complaint.

26. Responding to the allegations in Paragraph 25, Jacobsen admits that election day registration as part of late registration began in 2005. The remaining allegations in Paragraph 26 constitute legal conclusion to which no response is required. To the extent any response is required, Jacobsen denies the allegations in Paragraph 26 of Plaintiffs' Complaint.

27. The allegations in Paragraph 27 constitute legal conclusion to which no response is required. To the extent any response is required, Jacobsen denies the allegations in Paragraph 27 of Plaintiffs' Complaint.

28. The allegations in Paragraph 28 constitute legal conclusion to which no response is required. To the extent any response is required, Jacobsen denies the allegations in Paragraph 28 of Plaintiffs' Complaint.

29. The allegations in Paragraph 29 constitute legal conclusion to which no response is required. To the extent any response is required, Jacobsen denies the allegations in Paragraph 29 of Plaintiffs' Complaint.

30. Responding to the allegations in Paragraph 30 of Plaintiffs' Complaint, Jacobsen admits that in 2013 the Legislature passed Legislative Referendum 126, the terms of which speak for themselves, and that Legislative Referendum 126 was not approved. Jacobsen denies all remaining allegations in Paragraph 30 of Plaintiffs' Complaint. Jacobsen denies the allegations in subheading A.2 that precede Paragraph 30 of Plaintiffs' Complaint.

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

32. Jacobsen denies the allegations in Paragraph 32 of Plaintiffs' Complaint.

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 the allegations in Paragraph 35 of Plaintiffs' Complaint.

36. Responding to the allegations in Paragraph 36 of Plaintiffs' Complaint, Jacobsen admits that during legislative hearings on HB 176, the Legislature heard testimony on the bill, including some in favor of and some in opposition to the bill, the substance of which is memorialized in public records and speaks for itself and requires no response. Jacobsen denies all remaining allegations in Paragraph 36 of Plaintiffs' Complaint. Jacobsen denies the allegations in subheading A.3 that precede Paragraph 36 of Plaintiffs' Complaint.

37. Responding to the allegations in Paragraph 37 of Plaintiffs' Complaint, Jacobsen admits that during legislative hearings on HB 176, the Legislature heard testimony on the bill, including some in favor of and some in opposition to the bill, the substance of which is

memorialized in public records and speaks for itself and requires no response. Jacobsen denies all remaining allegations in Paragraph 37 of Plaintiffs' Complaint.

38. Responding to the allegations in Paragraph 38 of Plaintiffs' Complaint, Jacobsen admits that during legislative hearings on HB 176, the Legislature heard testimony on the bill, including some in favor of and some in opposition to the bill, including, on information and belief, testimony from the Executive Director of the Montana Association of Centers for Independent Living, the substance of which is memorialized in public records and speaks for itself and requires no response,. Jacobsen denies all remaining allegations in Paragraph 38 of Plaintiffs' Complaint.

39. Responding to the allegations in Paragraph 39 of Plaintiffs' Complaint, Jacobsen admits that during legislative hearings on HB 176, the Legislature heard testimony on the bill, including some in favor of and some in opposition to the bill, the substance of which is memorialized in public records and speaks for itself and requires no response. Jacobsen lacks information sufficient to admit or deny all remaining allegations in Paragraph 39 and therefore denies the same.

40. Responding to the allegations in Paragraph 40 of Plaintiffs' Complaint, Jacobsen admits that during legislative hearings on HB 176, the Legislature heard testimony on the bill, including some in favor of and some in opposition to the bill, the substance of which is memorialized in public records and speaks for itself and requires no response. Jacobsen denies all remaining allegations in Paragraph 40 of Plaintiffs' Complaint.

41. Responding to the allegations in Paragraph 41 of Plaintiffs' Complaint, Jacobsen admits that during legislative hearings on HB 176, the Legislature heard testimony on the bill, including some in favor of and some in opposition to the bill, including, on information and belief,

testimony from someone on behalf of the Montana Public Interest Research Group, the substance of which is memorialized in public records and speaks for itself and requires no response. Jacobsen denies all remaining allegations in Paragraph 41 of Plaintiffs' Complaint.

42. Responding to the allegations in Paragraph 42 of Plaintiffs' Complaint, Jacobsen admits that certain Montana voters have corrected errors in their registration information at the polls which allows such individuals to vote. Jacobsen denies all remaining allegations in Paragraph 42 of Plaintiffs' Complaint.

43. Jacobsen denies the allegations in Paragraph 43 of Plaintiffs' Complaint.

44. Jacobsen denies the allegations in Paragraph 44 of Plaintiffs' Complaint.

45. Jacobsen denies the allegations in Paragraph 45 of Plaintiffs' Complaint.

46. Responding to the allegations in Paragraph 46 of Plaintiffs' Complaint, Jacobsen admits that legislative proponents of HB 176 cited election integrity and administrative concerns as justification for passage of the bill. Jacobsen denies all remaining allegations in Paragraph 46 of Plaintiffs' Complaint. Jacobsen denies the allegations in subheading A.4 that precede Paragraph 46.

47. Paragraph 47 of Plaintiffs' Complaint references an order issued by a Montana federal District Court in a different case, the substance of which Order speaks for itself and requires no response. Paragraph 47 also purports to characterize and quote from Legislative testimony the substance of which is memorialized in public records and speaks for itself and requires no response. Jacobsen denies all remaining allegations in Paragraph 47 of Plaintiffs' Complaint.

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

49. Paragraph 49 contains legal conclusions which require no response. Paragraph 49 also purports to characterize and quote from Legislative testimony, the substance of which is memorialized in public records and speaks for itself and requires no response. To the extent any response is required, all such allegations are denied. Jacobsen denies all remaining allegations in Paragraph 49 of Plaintiffs' Complaint.

50. Jacobsen denies the allegations in Paragraph 50 of Plaintiffs' Complaint.

51. Paragraph 51 purports to characterize Legislative testimony, the substance of which is memorialized in public records and speaks for itself and requires no response. To the extent any response is required, all such allegations are denied. Jacobsen denies all remaining allegations in Paragraph 51 of Plaintiffs' Complaint.

52. Jacobsen denies the allegations in Paragraph 52 of Plaintiffs' Complaint.

53. Jacobsen denies the allegations in Paragraph 53 of Plaintiffs' Complaint.

54. Jacobsen denies the allegations in Paragraph 54 of Plaintiffs' Complaint.

55. Jacobsen admits that legislative proponents of HB 176 cited election integrity and administrative concerns as justification for passage of the bill. Jacobsen denies all remaining allegations in Paragraph 55 of Plaintiffs' Complaint.

56. Paragraph 56 purports to characterize and quote from Legislative testimony, the substance of which is memorialized in public records and speaks for itself and requires no response. To the extent any response is required, Jacobsen denies the allegations in Paragraph 56 of Plaintiffs' Complaint.

57. Jacobsen denies the allegations in Paragraph 57 of Plaintiffs' Complaint.

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



59. Jacobsen denies the allegations in Paragraph 59 of Plaintiffs' Complaint. Jacobsen denies the allegations in subheading B which precede Paragraph 59 of Plaintiffs' Complaint.

60. Jacobsen denies the allegations in Paragraph 60 of Plaintiffs' Complaint.

61. The allegations in Paragraph 61 of Plaintiffs' Complaint constitute legal conclusions to which no response is required. To the extent any response is required, Jacobsen denies the allegations in Paragraph 61 of Plaintiffs' Complaint. Jacobsen denies the allegations in subheading B.1 that precede Paragraph 61 of Plaintiffs' Complaint.

62. The allegations in Paragraph 62 constitute legal conclusions to which no response is required. To the extent any response is required, Jacobsen denies the allegations in Paragraph 62 of Plaintiffs' Complaint.

63. The allegations in Paragraph 63 of Plaintiff's Complaint constitute legal conclusions to which no response is required. To the extent any response is required, Jacobsen denies the allegations in Paragraph 63 of Plaintiffs' Complaint.

64. Paragraph 64 of Plaintiffs' Complaint references an order issued by a Montana federal district court in a different case, the substance of which Order speaks for itself and requires no response. To the extent any response is required, Jacobsen denies all such allegations. Jacobsen lacks sufficient information to admit or deny the remaining allegations in Paragraph 64 of Plaintiffs' Complaint and therefore denies the same.

65. Jacobsen denies the allegations in Paragraph 65 of Plaintiffs' Complaint.

66. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 66 of Plaintiffs' Complaint and therefore denies the same. Jacobsen denies the allegations in subheading B.2 of Plaintiffs' Complaint that precede Paragraph 66 of Plaintiffs' Complaint.

67. Jacobsen denies the allegations in Paragraph 67 of Plaintiffs' Complaint.

68. The allegations in Paragraph 68 constitute legal conclusions to which no response is required. To the extent any response is required, Jacobsen denies the allegations in Paragraph 68 of Plaintiffs' Complaint.

69. The allegations in Paragraph 69 of Plaintiffs' Complaint constitute legal conclusions to which no response is required. To the extent any response is required, Jacobsen denies the allegations in Paragraph 69 of Plaintiffs' Complaint.

70. The allegations in Paragraph 70 of Plaintiffs' Complaint constitute legal conclusions to which no response is required. To the extent any response is required, Jacobsen denies the allegations in Paragraph 70 of Plaintiffs' Complaint.

71. The allegations in Paragraph 71 of Plaintiffs' Complaint constitute legal conclusions to which no response is required. To the extent any response is required, Jacobsen denies the allegations in Paragraph 71 of Plaintiffs' Complaint.

72. Jacobsen denies the allegations in Paragraph 72 of Plaintiffs' Complaint.

73. Jacobsen denies the allegations in Paragraph 73 of Plaintiffs' Complaint.

74. Responding to the allegations of Paragraph 74 of Plaintiffs' Complaint, Jacobsen admits that proponents of SB 169, including Senator Mike Cuffe, cited election integrity as justification for passage of the bill. To the extent Paragraph 74 purports to characterize or quote from legislative testimony, such testimony is memorialized in public records and speaks for itself and requires no response. Jacobsen denies all remaining allegations in Paragraph 74 of Plaintiffs' Complaint. Jacobsen denies the allegations in subheading B.3 that precede Paragraph 74 of Plaintiffs' Complaint.

75. Jacobsen denies the allegations in Paragraph 75 of Plaintiffs' Complaint.

76. Jacobsen denies the allegations in Paragraph 76 of Plaintiffs' Complaint.

77. Responding to the allegations of Paragraph 77 of Plaintiffs' Complaint, Jacobsen admits that Montana law currently allows eligible citizens to vote by absentee ballot in many elections. Jacobsen lacks information sufficient to admit or deny the remaining allegations in Paragraph 77 and therefore denies the same. Jacobsen denies any allegation in subheading C of Plaintiffs' Complaint that precede Paragraph 77.

78. Jacobsen lacks information sufficient to admit or deny the allegations in Paragraph 78 of Plaintiffs' Complaint and therefore denies the same.

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

80. Responding to the allegations in Paragraph 80 of Plaintiffs' Complaint, Jacobsen admits that in March 2017, Republican Senator Olszewski introduced Senate Bill 352, the terms of which are a matter of public record and speak for themselves. The remaining allegations in Paragraph 80 purport to characterize the terms of SB 352 and constitute legal conclusions to which no response is required. Jacobsen denies all remaining allegations in Paragraph 80 of Plaintiffs' Complaint. Jacobsen denies the allegations in subheading C.1 that precede Paragraph 80 of Plaintiffs' Complaint.

81. Responding to the allegations in Paragraph 81 of Plaintiffs' Complaint, Jacobsen admits that the Legislature heard testimony on Senate Bill 352, including some in favor of and some in opposition to the bill, the substance of which is memorialized in public records and speaks for itself and requires no response. Jacobsen admits that SB 352 subsequently passed through the Montana Senate and House of Representatives, was placed on the 2018 midterm

ballot, and that on November 6, 2018, Montana voters approved it. Jacobsen denies all remaining allegations in Paragraph 81 of Plaintiffs' Complaint.

82. Paragraph 82 of Plaintiffs' Complaint purports to characterize orders from two Montana district court cases concerning SB 352, the substance of which orders speaks for itself and requires no response. To the extent any response is required, Jacobsen denies the allegations in Paragraph 82 of Plaintiffs' Complaint.

83. Responding to the allegations in Paragraph 83 of Plaintiffs' Complaint, Jacobsen admits that Republican Representative Mark Noland introduced House Bill 406 to the Montana House of Representatives on or around February 12, 2021, the substance of which proposed bill speaks for itself and requires no response. Jacobsen denies all remaining allegations in Paragraph 83 of Plaintiffs' Complaint.

84. Responding to the allegations in Paragraph 84 of Plaintiffs' Complaint, Jacobsen admits that the Legislature heard testimony on House Bill 406, including some in favor of and some in opposition to the bill, the substance of which testimony is memorialized in public records and speaks for itself and requires no response. Jacobsen denies all remaining allegations in Paragraph 84 of Plaintiffs' Complaint.

85. Responding to the allegations in Paragraph 85 of Plaintiffs' Complaint, Jacobsen admits that the Legislature heard testimony on House Bill 406, including some in favor of and some in opposition to the bill, including testimony provided by legal counsel for the Office of the Commissioner of Political Practices, the substance of which testimony is memorialized in public records and speaks for itself and requires no response. Jacobsen denies all remaining allegations in Paragraph 85 of Plaintiffs' Complaint.

86. Responding to the allegations in Paragraph 86 of Plaintiffs' Complaint, Jacobsen admits that the Legislature heard testimony on House Bill 406, including some in favor of and some in opposition to the bill, including from Representative Nolan, the substance of which testimony is memorialized in public records and speaks for itself and requires no response. Jacobsen denies all remaining allegations in Paragraph 86 of Plaintiffs' Complaint.

87. Responding to the allegations of Paragraph 87 of Plaintiffs' Complaint, Jacobsen admits that the Legislature heard testimony on House Bill 406, including some in favor of and some in opposition to the bill, the substance of which is memorialized in public records and speaks for itself and requires no response. Jacobsen admits HB 406 passed out of three committees and failed to pass through a second reading on the floor of the Senate by a final vote of 23 to 27. Jacobsen lacks information sufficient to admit or deny whether HB 406 received 153 "yes" votes on the floor of the House and Senate, and therefore denies the same. Jacobsen denies all remaining allegations in Paragraph 87 of Plaintiffs' Complaint.

88. Responding to the allegations in Paragraph 88 of Plaintiffs' Complaint, Jacobsen admits that House Bill 530 (HB 530) was amended, the terms of which amendments speak for themselves. Jacobsen denies all remaining allegations in Paragraph 88 of Plaintiffs' Complaint.

89. Responding to the allegations in Paragraph 89 of Plaintiffs' Complaint, Jacobsen admits that in its original form HB 530 did not specifically address paid ballot collection and that it passed through the House unanimously. Paragraph 89 purports to characterize and quote from legislative testimony concerning HB 530, the substance of which testimony speaks for itself and requires no response. Jacobsen denies all remaining allegations in Paragraph 89 of Plaintiffs' Complaint.

90. Responding to the allegations in Paragraph 90 of Plaintiffs' Complaint, Jacobsen admits that Republican Senator Steve Fitzpatrick requested to amend HB 530 on the Senate Floor, the substance of which amendments speak for themselves and require no response. Jacobsen denies all remaining allegations in Paragraph 90 of Plaintiffs' Complaint.

91. Responding to the allegations of Paragraph 91 of Plaintiffs' Complaint, Jacobsen admits that that a senator spoke in opposition to the proposed amendment to HB 530, the substance of which opposition is memorialized in public records and speaks for itself and requires no response. Jacobsen admits that Senator Fitzpatrick referred to voter fraud and ballot destruction events in North Carolina resulting from ballot collection as support for his proposed amendment to HB 530. The footnote to Paragraph 91 of Plaintiffs' Complaint purports to characterize a brief and orders in a different case, the substance of which brief and orders speaks for itself and requires no response. Jacobsen denies all remaining allegations in Paragraph 91 of Plaintiffs' Complaint.

92. Responding to the allegations in Paragraph 92 of Plaintiffs' Complaint, Jacobsen admits that the House considered the proposed amendment to HB 530 following a vote of its members to do so, that the House subsequently voted to adopt the amendment by a vote of 66 to 34, that the Senate also voted to adopt the amendment to HB 530, that the bill was then transmitted to the Governor, and that on May 14, 2021, the Governor signed it into law. Jacobsen denies all remaining allegations in Paragraph 92 of Plaintiffs' Complaint.

93. The allegations in Paragraph 93 of Plaintiffs' Complaint constitute legal conclusions to which no response is required. To the extent any response is required, Jacobsen denies the allegations in Paragraph 93 of Plaintiffs' Complaint.

94. The allegations in Paragraph 94 of Plaintiffs' Complaint constitute legal conclusions to which no response is required. To the extent any response is required, Jacobsen denies the allegations in Paragraph 94 of Plaintiffs' Complaint.

95. Jacobsen denies the allegations in Paragraph 95 of Plaintiffs' Complaint.

96. Jacobsen denies the allegations in Paragraph 96 of Plaintiffs' Complaint.

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

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

99. Jacobsen lacks information sufficient to admit or deny the allegations in Paragraph 99 of Plaintiffs' Complaint and therefore denies the same.

100. Responding to the allegations in Paragraph 100 of Plaintiffs' Complaint, Jacobsen admits, on information and belief, that through the course of elections generally and for various reasons, ballots for some Montana voters have been returned to election offices by persons other than the voter. Jacobsen lacks information sufficient to admit or deny the remaining allegations in Paragraph 100 of Plaintiffs' Complaint and therefore denies the same.

101. Responding to the allegations in Paragraph 101 of Plaintiffs' Complaint, Jacobsen admits, on information and belief, that through the course of elections generally and for various reasons, ballots for some Montana voters, including presumably those of Native American voters, have been returned to election offices by persons other than the voter. Jacobsen lacks information sufficient to admit or deny the remaining allegations in Paragraph 101 of Plaintiffs' Complaint and therefore denies the same.

102. Responding to the allegations in Paragraph 102 of Plaintiffs' Complaint, Jacobsen admits, on information and belief, that through the course of elections generally and for various reasons, ballots for some Montana voters, including presumably those of senior and disabled voters, have been returned to election offices by persons other than the voter. Jacobsen lacks information sufficient to admit or deny the remaining allegations in Paragraph 102 of Plaintiffs' Complaint and therefore denies the same.

103. Responding to the allegations in Paragraph 103 of Plaintiffs' Complaint, Jacobsen admits, on information and belief, that through the course of elections generally and for various reasons, ballots for some Montana voters, including presumably those of students, have been returned to election offices by persons other than the voter. Jacobsen lacks information sufficient to admit or deny the remaining allegations in Paragraph 103 of Plaintiffs' Complaint and therefore denies the same.

104. Jacobsen lacks information sufficient to admit or deny the allegations in Paragraph 104 of Plaintiffs' Complaint and therefore denies the same.

105. The allegations in Paragraph 105 of Plaintiffs' Complaint constitute legal conclusions to which no response is required. To the extent any response is required, Jacobsen denies the allegations in Paragraph 105 of Plaintiffs' Complaint.

106. Jacobsen denies the allegations in Paragraph 106 of Plaintiffs' Complaint. Jacobsen denies the allegations in subheading C.3 that precede Paragraph 106 of Plaintiffs' Complaint.

107. Responding to the allegations in Paragraph 107 of Plaintiffs' Complaint, Jacobsen admits Montana has enacted laws that criminalize various forms of voter misconduct. The



remaining allegations in Paragraph 107 of Plaintiffs' Complaint constitute legal conclusions to which no response is required. To the extent any response is required, Jacobsen denies all remaining allegations in Paragraph 107 of Plaintiffs' Complaint.

108. The allegations in Paragraph 108 of Plaintiffs' Complaint constitute legal conclusions to which no response is required. To the extent any response is required, Jacobsen denies the allegations in Paragraph 108 of Plaintiffs' Complaint.

109. The allegations in Paragraph 109 of Plaintiffs' Complaint constitute legal conclusions to which no response is required. To the extent any response is required, Jacobsen denies the allegations in Paragraph 109 of Plaintiffs' Complaint.

110. The allegations in Paragraph 110 of Plaintiffs' Complaint constitute legal conclusions to which no response is required. To the extent any response is required, Jacobsen denies the allegations in Paragraph 110 of Plaintiffs' Complaint.

111. The allegations in Paragraph 111 of Plaintiffs' Complaint constitute legal conclusions to which no response is required. To the extent any response is required, Jacobsen denies the allegations in Paragraph 111 of Plaintiffs' Complaint.

112. The allegations in Paragraph 112 of Plaintiffs' Complaint constitute legal conclusions to which no response is required. To the extent any response is required, Jacobsen denies the allegations in Paragraph 112 of Plaintiffs' Complaint.

113. The allegations in Paragraph 113 of Plaintiffs' Complaint constitute legal conclusions to which no response is required. To the extent any response is required, Jacobsen denies the allegations in Paragraph 113 of Plaintiffs' Complaint.

114. Jacobsen denies the allegations in Paragraph 114 of Plaintiffs' Complaint.

115. Responding to the allegations in Paragraph 115 of Plaintiffs' Complaint, Jacobsen admits that Montana has made continuous efforts to achieve, maintain, and improve the security and integrity of elections in the state, including by passing the bills challenged in this lawsuit. Jacobsen denies all remaining allegations in Paragraph 115 of Plaintiffs' Complaint.

116. Responding to the allegations in Paragraph 116 of Plaintiffs' Complaint, Jacobsen restates the responses in the preceding paragraphs.

117. The allegations in Paragraph 117 of Plaintiffs' Complaint constitute legal conclusions to which no response is required. To the extent any response is required, Jacobsen denies the allegations in Paragraph 117 of Plaintiffs' Complaint.

118. Jacobsen denies the allegations in Paragraph 118 of Plaintiffs' Complaint.

119. Jacobsen denies the allegations in Paragraph 119 of Plaintiffs' Complaint.

120. Jacobsen denies the allegations in Paragraph 120 of Plaintiffs' Complaint.

121. Jacobsen denies the allegations in Paragraph 121 of Plaintiffs' Complaint.

122. Jacobsen denies the allegations in Paragraph 122 of Plaintiffs' Complaint.

123. Jacobsen denies the allegations in Paragraph 123 of Plaintiffs' Complaint.

124. Jacobsen denies the allegations in Paragraph 124 of Plaintiffs' Complaint.

125. Jacobsen denies the allegations in Paragraph 125 of Plaintiffs' Complaint.

126. Jacobsen denies the allegations in Paragraph 126 of Plaintiffs' Complaint.

127. Jacobsen denies the allegations in Paragraph 127 of Plaintiffs' Complaint.

128. Responding to the allegations in Paragraph 128 of Plaintiffs' Complaint, Jacobsen restates the responses in the preceding paragraphs.

129. The allegations in Paragraph 129 of Plaintiffs' Complaint constitute legal conclusions to which no response is required. To the extent any response is required, Jacobsen denies the allegations in Paragraph 129 of Plaintiffs' Complaint.

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

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

132. Responding to the allegations in Paragraph 132 of Plaintiffs' Complaint, Jacobsen restates the responses in the preceding paragraphs.

133. Jacobsen denies the 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. Responding to the allegations in Paragraph 136 of Plaintiffs' Complaint, Jacobsen restates the responses in the preceding paragraphs.

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

138. Jacobsen denies the allegations in Paragraph 138 of Plaintiffs' Complaint.

139. Responding to the allegations in Paragraph 139 of Plaintiffs' Complaint, Jacobsen restates the responses in the preceding paragraphs.

140. The allegations in Paragraph 140 of Plaintiffs' Complaint constitute legal conclusions to which no response is required. To the extent any response is required, Jacobsen denies the allegations in Paragraph 140 of Plaintiffs' Complaint.

141. Paragraph 141 purports to construe the orders of other courts in other cases, the substance of which orders speaks for itself and requires no response. To the extent any response is required, Jacobsen denies the allegations in Paragraph 141.

142. Paragraph 142 purports to construe and quote from the orders of other courts in other cases, the substance of which orders speaks for itself and requires no response. To the extent any response is required, Jacobsen denies the allegations in Paragraph 142.

143. The allegations in Paragraph 143 of Plaintiffs' Complaint constitute legal conclusions to which no response is required. To the extent any response is required, Jacobsen denies the allegations in Paragraph 143 of Plaintiffs' Complaint.

144. Paragraph 144 purports to construe and quote from the orders of other courts in other cases, the substance of which orders speaks for itself and requires no response. To the extent any response is required, Jacobsen denies the allegations in Paragraph 144.

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. Responding to the allegations in Paragraph 151 of Plaintiffs' Complaint, Jacobsen restates the responses in the preceding paragraphs.

152. The allegations in Paragraph 152 of Plaintiffs' Complaint constitute legal conclusions to which no response is required. To the extent any response is required, Jacobsen denies the allegations in Paragraph 152 of Plaintiffs' Complaint.

153. Jacobsen denies the allegations in Paragraph 153 of Plaintiffs' Complaint.

154. Jacobsen denies the allegations in Paragraph 154 of Plaintiffs' Complaint.

155. Responding to the allegations in Paragraph 155 of Plaintiffs' Complaint, Jacobsen restates the responses in the preceding paragraphs.

156. The allegations in Paragraph 156 of Plaintiffs' Complaint constitute legal conclusions to which no response is required. To the extent any response is required, Jacobsen denies the allegations in Paragraph 156 of Plaintiffs' Complaint.

157. Jacobsen denies the allegations in Paragraph 157 of Plaintiffs' Complaint.

158. Responding to the allegations in Paragraph 158 of Plaintiffs' Complaint, Jacobsen restates the responses in the preceding paragraphs.

159. The allegations in Paragraph 159 of Plaintiffs' Complaint constitute legal conclusions to which no response is required. To the extent any response is required, Jacobsen denies the allegations in Paragraph 159 of Plaintiffs' Complaint.

160. Jacobsen denies the allegations in Paragraph 160 of Plaintiffs' Complaint.

161. 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.

162. 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, Jacobsen denies. Additionally, Plaintiffs' 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. Jacobsen generally objects to and denies all such 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 violate due process, equal protection, free speech, the right to vote, or any provision relating to delegation of legislative power 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 discriminate against or has a disparate impact on plaintiffs or any protected class.
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;
3. A jury trial on all issues triable by jury; and
4. Any other relief the Court deems just and reasonable.

DATED this 24th day of November, 2021.

By 

Dale Schowengerdt (MT Bar #30342848)

Ian McIntosh (MT Bar #4384)

David F. Knobel (MT Bar #212614)

Clayton Gregersen (MT Bar #36387689)

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### CERTIFICATE OF SERVICE

I hereby certify that on the 24<sup>th</sup> day of November, 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	Peter Michael Meloy
<input checked="" type="checkbox"/>	Electronic mail	Meloy Law Firm
<input type="checkbox"/>	Facsimile	P.O. Box 1241
<input type="checkbox"/>	Hand delivery	Helena, MT 59624
<input type="checkbox"/>	Certified mail, return receipt	Email: <a href="mailto:mike@meloylawfirm.com">mike@meloylawfirm.com</a>

<input checked="" type="checkbox"/>	U.S. Mail	John Heenan
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<input type="checkbox"/>	Hand delivery	Billings, MT 59102
<input type="checkbox"/>	Certified mail, return receipt	Email: <a href="mailto:john@lawmontana.com">john@lawmontana.com</a>

<input checked="" type="checkbox"/>	U.S. Mail	Matthew Gordon
<input checked="" type="checkbox"/>	Electronic mail	Perkins Coie LLP
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By Cathy Uda