

Alora Thomas-Lundborg*
Jonathan Topaz**
Dale Ho*
AMERICAN CIVIL LIBERTIES UNION
125 Broad Street
New York, NY 10004
(212) 519-7866
(212) 549-2693
athomas@aclu.org
jtopaz@aclu.org
dale.ho@aclu.org

Alex Rate (MT Bar No. 11226)
Akilah Lane
ACLU OF MONTANA
P.O. Box 1968
Missoula, MT 59806
406-224-1447
ratea@aclumontana.org
alane@aclumontana.org

Attorneys for Plaintiffs
*Admitted *pro hac vice*
***Pro hac vice* pending

Jacqueline De León*
Matthew Campbell*
NATIVE AMERICAN RIGHTS FUND
1506 Broadway
Boulder, CO 80302-6296
(303) 447-8760
jdeleon@narf.org
mcampbell@narf.org

Samantha Kelty*
NATIVE AMERICAN RIGHTS FUND
1514 P Street N.W. (Rear) Suite D
Washington, D.C. 20005
(202) 785-4166
kelty@narf.org

Theresa J. Lee*
ELECTION LAW CLINIC, HARVARD LAW SCHOOL
6 Everett Street, Suite 5112
Cambridge, MA 02138
(617) 998-1010
thlee@law.harvard.edu

MONTANA THIRTEENTH JUDICIAL DISTRICT COURT
COUNTY OF YELLOWSTONE

WESTERN NATIVE VOICE, Montana)	Consolidated Case No. DV 21-0451
Native Vote, Blackfeet Nation, Confederated)	
Salish and Kootenai Tribes, Fort Belknap)	Hon. Michael G. Moses
Indian Community, and Northern Cheyenne)	
Tribe,)	PLAINTIFFS' MOTION FOR
)	PRELIMINARY INJUNCTION
Plaintiffs,)	
)	
v.)	
)	
Christi Jacobsen, in her official capacity as)	
Montana Secretary of State,)	
)	
Defendant.)	
)	
)	

Pursuant to § 27-19-301, MCA, Mont. Uniform D. Ct. Rule 2, and L.R. 5, Plaintiffs apply for a preliminary injunction to prevent the enforcement of House Bill 176 (“HB 176”) and House Bill 530 (“HB 530”), pending resolution of their claims that these statutes violate their constitutional rights. HB 176 ends the practice of Election Day voter registration (“EDR”) by revising §§ 13-2-301, 13-2-304, 13-13-301, 13-19-207, and 13-21-104, MCA. HB 530 (an undesignated enactment) inhibits the collection or conveyance of absentee ballots. Plaintiffs concurrently file their memorandum in support of this motion for a preliminary injunction with supporting affidavits and exhibits.

Undersigned counsel provided notice of this application to Defendant, on January 12, 2022 and duly served this application.

DATED THIS 12th day of January, 2022.

Jacqueline De León*
NATIVE AMERICAN RIGHTS FUND
1506 Broadway
Boulder, CO 80302-6296
(303) 447-8760
jdeleon@narf.org

Samantha Kelty*
NATIVE AMERICAN RIGHTS FUND
1514 P Street N.W. (Rear) Suite D
Washington, D.C. 20005
(202) 785-4166
kelty@narf.org

Theresa J. Lee*
ELECTION LAW CLINIC, HARVARD LAW SCHOOL
6 Everett Street, Suite 5112
Cambridge, MA 02138
(617) 998-1010
thlee@law.harvard.edu

Respectfully submitted,

/s/ Alex Rate

Alex Rate (MT Bar No. 11226)
Akilah Lane
ACLU OF MONTANA
P.O. Box 1968
Missoula, MT 59806
406-224-1447
ratea@aclumontana.org
alane@aclumontana.org

Alora Thomas-Lundborg*
Jonathan Topaz**
Dale Ho*
AMERICAN CIVIL LIBERTIES UNION
125 Broad Street
New York, NY 10004
(212) 519-7866
(212)549-2693
jtopaz@aclu.org
athomas@aclu.org
dale.ho@aclu.org

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I, Alex Rate, hereby certify on this date I emailed a true and accurate copy of the foregoing document to:

David M.S. Dewhirst
Solicitor General
Office of the attorney General, State of Montana
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401

Austin Marcus James
Chief Legal Counsel
Office of the Secretary of State, State of Montana
Montana Capitol Building, Room 260
P.O. Box 202801
Helena, MT 59620-2801

Dale Schowengerdt
David F. Knobel
CROWLEY FLECK, PLLP
900 North Last Chance Gulch, Suite 200
Helena, MT 59601
P.O. Box 797
Helena, MT 59624-0797

DATED: January 12, 2022

/s/ Alex Rate
Alex Rate

CERTIFICATE OF SERVICE

I, Alexander H. Rate, hereby certify that I have served true and accurate copies of the foregoing Motion - Motion to the following on 01-12-2022:

David Francis Knobel (Attorney)
490 N. 31st St., Ste 500
Billings MT 59101
Representing: Jacobsen, Christi As Secretary Of State Of Mt
Service Method: eService

Austin Markus James (Attorney)
1301 E 6th Ave
Helena MT 59601
Representing: Jacobsen, Christi As Secretary Of State Of Mt
Service Method: eService

Dale Schowengerdt (Attorney)
900 N. Last Chance Gulch
Suite 200
Helena MT 59624
Representing: Jacobsen, Christi As Secretary Of State Of Mt
Service Method: eService

Matthew Prairie Gordon (Attorney)
1201 Third Ave
Seattle WA 98101
Representing: Montana Democratic Party
Service Method: eService

Peter M. Meloy (Attorney)
2601 E. Broadway
2601 E. Broadway, P.O. Box 1241
Helena MT 59624
Representing: Montana Democratic Party
Service Method: eService

John C. Heenan (Attorney)
1631 Zimmerman Trail, Suite 1
Billings MT 59102
Representing: Montana Democratic Party

Service Method: eService

David M.S. Dewhirst (Attorney)

P.O. Box 201401

Helena 59620

Representing: Jacobsen, Christi As Secretary Of State Of Mt

Service Method: Email

Kathleen Lynn Smithgall (Attorney)

P.O. Box 201401

Helena 59620

Representing: Jacobsen, Christi As Secretary Of State Of Mt

Service Method: Email

Electronically Signed By: Alexander H. Rate

Dated: 01-12-2022