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

CLERK OF THE  
DISTRICT COURT  
TERRY HALPIN

2021 NOV 12 PM 12:06

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DEPUTY

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

Montana Youth Action, Forward Montana  
Foundation, and Montana Public Interest  
Group,

Plaintiffs,

vs.

Christi Jacobsen, in her official capacity as  
Montana Secretary of State,

Defendant.

Cause No.: DV 21-1097

Judge: Gregory R. Todd

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

Defendant Christi Jacobsen, in her official capacity as Montana Secretary of State (Referred to as "Defendant" or "Jacobsen"), for its Answer to Plaintiffs' Complaint ("Plaintiffs' Complaint"), admits, denies and otherwise responds as follows:

#### **INTRODUCTION**

1. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 1 of Plaintiffs' Complaint and therefore denies the same.
2. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 2 of Plaintiffs' Complaint and therefore denies the same.
3. Jacobsen denies the allegations in Paragraph 3 of Plaintiffs' Complaint.
4. Jacobsen denies the allegations in Paragraph 4 of Plaintiffs' Complaint.
5. Jacobsen admits that the Montana Legislature adopted SB 169, HB 506 and HB 176. As to the remaining allegations in Paragraph 5 of Plaintiffs' Complaint, Jacobsen refers to the specific bills and laws for their content, which speak for themselves, and denies any and all remaining allegations in the paragraph.
6. Jacobsen denies the allegations in Paragraph 6 of Plaintiffs' Complaint.

#### **JURISDICTION AND VENUE**

7. 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.
8. The allegations of Paragraph 8 of Plaintiffs' Complaint constitute legal conclusions which require no response. To the extent any response is required, Jacobsen denies the allegations in Paragraph 8 of Plaintiffs' Complaint.

9. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 9 regarding Montana Youth Action and Forward Montana, and therefore denies the same.

#### **PARTIES**

10. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 10 of Plaintiffs' Complaint and therefore denies the same.

11. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 11 of Plaintiffs' Complaint and therefore denies the same.

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 lacks sufficient information to admit or deny the allegations in Paragraph 16 of Plaintiffs' Complaint and therefore denies the same.

17. Jacobsen denies the allegations in Paragraph 17 of Plaintiffs' Complaint.

18. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 18 of Plaintiffs' Complaint and therefore denies the same.

19. Jacobsen denies the allegations in Paragraph 19 of Plaintiffs' Complaint.

20. Responding to Paragraph 20 of Plaintiffs' Complaint, Jacobsen admits she is the Montana Secretary of State. The remaining allegations of Paragraph 20 constitute legal

conclusions and interpretations of law, which require no response. To the extent a response is required, Jacobsen denies those allegations.

21. Jacobsen admits that she and Dana Corson testified in support of some or all of the bills challenged in Plaintiffs' Complaint, and that each of the bills was passed and adopted by the Montana Legislature. Jacobsen denies all remaining allegations in Paragraph 21 of Plaintiffs' Complaint.

### **COMMON FACTUAL ALLEGATIONS**

22. The allegations of Paragraph 22 of Plaintiffs' Complaint constitute legal conclusions which require no response. To the extent any response is required, Jacobsen denies the allegations of Paragraph 22 of Plaintiffs' Complaint.

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

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

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

26. Paragraph 26 of Plaintiffs' Complaint purports to characterize propositions of law, which require no response. To the extent Paragraph 26 contains any factual allegations, Jacobsen denies the same

27. Paragraph 27 of Plaintiffs' Complaint purports to characterize and/or quote propositions of law and from Montana's Constitution, which require no response. To the extent Paragraph 27 contains any factual allegations, Jacobsen denies the same.

28. The allegations of Paragraph 28 of Plaintiffs' Complaint constitute legal conclusions which require no response. To the extent any response is required, Jacobsen denies the allegations of Paragraph 29 of Plaintiffs' Complaint.

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

30. The allegations of Paragraph 30 of Plaintiffs' Complaint constitute legal conclusions which require no response. To the extent any response is required, Jacobsen denies the allegations of Paragraph 30 of Plaintiffs' Complaint.

31. The allegations of Paragraph 31 of Plaintiffs' Complaint constitute legal conclusions which require no response. To the extent any response is required, Jacobsen denies the allegations of Paragraph 31 of Plaintiffs' Complaint.

32. The allegations of Paragraph 32 of Plaintiffs' Complaint constitute legal conclusions which require no response. To the extent any response is required, Jacobsen denies the allegations of Paragraph 32 of Plaintiffs' Complaint.

33. Jacobsen admits that voting laws and regulations are necessary and critical to making voting accessible and ensuring the administration of secure elections, and that Montana has historically enacted laws in furtherance of this purpose. Jacobsen denies any and all remaining allegations in Paragraph 33 of Plaintiffs' Complaint.

34. Jacobsen admits that, while constant vigilance and adaptation is necessary, voting in Montana is largely secure, thanks—at least in part—to the newly enacted laws that are the subject of this litigation. To the extent Paragraph 34 of Plaintiffs' Complaint purports to characterize prior or existing legal requirements governing or related to the process of voting, the cited and/or applicable laws and regulations speak for themselves and require no response. Jacobsen denies any and all remaining allegations in Paragraph 34.

35. Paragraph 35 of Plaintiffs' Complaint purports to characterize prior or existing laws and/or regulations governing or related to the process of voting, which speak for themselves and require no response. To the extent Paragraph 35 contains any factual allegations, Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 35 of Plaintiffs' Complaint and therefore denies the same.

36. The allegations of Paragraph 36 of Plaintiffs' Complaint constitute legal conclusions which require no response. To the extent any response is required, Jacobsen denies the allegations of Paragraph 36 of Plaintiffs' Complaint.

37. Paragraph 37 of Plaintiffs' Complaint purports to characterize prior or existing laws and/or regulations governing or related to the process of voting, which speak for themselves and require no response. To the extent any response is required, Jacobsen denies the allegations of Paragraph 37 of Plaintiffs' Complaint.

38. Paragraph 38 of Plaintiffs' Complaint purports to characterize prior or existing laws and/or regulations governing or related to the process of voting, which speak for themselves and require no response. To the extent any response is required, Jacobsen denies the allegations of Paragraph 38 of Plaintiffs' Complaint.

39. Jacobsen admits that Regina Plettenberg testified regarding HB 176 and her testimony speaks for itself. Jacobsen otherwise denies the allegations in Paragraph 39 of Plaintiffs' Complaint.

40. Jacobsen denies the allegations in Paragraph 40 of Plaintiffs' Complaint.

41. Jacobsen denies the allegations in Paragraph 41 of Plaintiffs' Complaint, including any allegations in the heading that precedes Paragraph 41 of Plaintiffs' Complaint.

42. Jacobsen denies the allegations in Paragraph 42 of Plaintiffs' Complaint.

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

44. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 44 of Plaintiffs' Complaint and therefore denies the same.

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

46. Paragraph 43 of Plaintiffs' Complaint references an order issued by a Montana District Court, which Order speaks for itself and requires no response. Jacobsen denies any and all remaining allegations in Paragraph 46 of Plaintiffs' Complaint.

47. Paragraph 47 of Plaintiffs' Complaint purports to characterize prior or existing laws and/or regulations governing or related to the process of voting, which speak for themselves and require no response.

48. Paragraph 48 of Plaintiffs' Complaint purports to characterize prior or existing laws and/or regulations governing or related to the process of voting, which speak for themselves and require no response. To the extent any response is required, Jacobsen denies the allegations of Paragraph 48 of Plaintiffs' Complaint.

49. Jacobsen denies the allegations in Paragraph 49 of Plaintiffs' Complaint.

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

51. Jacobsen admits that SB 169 was presented to the Senate State Administration Committee and Senator Mike Cuffe presented in support of the bill, including based upon election integrity. Jacobsen denies the remaining allegations in Paragraph 51 of Plaintiffs' Complaint.

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

53. Jacobsen admits that SB 169 amends prior voter identification laws. The remaining allegations in Paragraph 53 of Plaintiffs' Complaint purport to characterize prior or existing laws and/or regulations governing or related to the process of voting, which speak for themselves and require no response. To the extent any response is required, Jacobsen denies all remaining allegations of Paragraph 53 of Plaintiffs' Complaint.

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

55. Jacobsen denies the allegations in Paragraph 55 of Plaintiffs' Complaint.

56. 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.

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

61. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 61 of Plaintiffs' Complaint and therefore denies the same.

62. Jacobsen denies the allegations in Paragraph 62 of Plaintiffs' Complaint.

63. Jacobsen denies the allegations in Paragraph 63 of Plaintiffs' Complaint.



64. Jacobsen denies the allegations in Paragraph 64 of Plaintiffs' Complaint.

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

66. Jacobsen denies the allegations in Paragraph 66 of Plaintiffs' Complaint.

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

68. Paragraph 68 of Plaintiffs' Complaint purports to characterize prior or existing laws and/or regulations governing or related to the process of voting, which speak for themselves and require no response. To the extent any response is required, Jacobsen denies the allegations of Paragraph 68 of Plaintiffs' Complaint.

69. Paragraph 69 of Plaintiffs' Complaint purports to characterize prior or existing laws and/or regulations governing or related to the process of voting, which speak for themselves and require no response. To the extent any response is required, Jacobsen denies the allegations of Paragraph 69 of Plaintiffs' Complaint.

70. Jacobsen denies the allegations in Paragraph 70 of Plaintiffs' Complaint.

71. Paragraph 71 of Plaintiffs' Complaint purports to characterize prior or existing laws and/or regulations governing or related to the process of voting, which speak for themselves and require no response. To the extent any response is required, Jacobsen denies the allegations of Paragraph 71 of Plaintiffs' Complaint.

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

73. Paragraph 73 of Plaintiffs' Complaint purports to characterize and/or quote propositions of law and from Montana's Constitution, which speak for themselves and require no response. To the extent any response is required, Jacobsen denies the allegations of Paragraph 73 of Plaintiffs' Complaint.

74. Jacobsen denies the allegations in 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. Jacobsen denies the allegations in Paragraph 77 of Plaintiffs' Complaint.

78. Jacobsen denies the allegations in Paragraph 78 of Plaintiffs' Complaint.

79. Jacobsen admits that from the adoption of the Montana Constitution until 2005, there was no election day registration in Montana. Jacobsen denies any remaining allegations in Paragraph 79 of Plaintiffs' Complaint.

80. Responding to paragraph 80 of Plaintiffs' Complaint, Jacobsen admits that in 2005 the final vote in the Senate on SB302 was 46 to 4 and the vote in the House on SB302 was 89 to 8. Jacobsen denies all remaining allegations in Paragraph 80 of Plaintiffs' Complaint.

81. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 81 of Plaintiffs' Complaint and therefore denies the same.

82. Paragraph 82 of Plaintiffs' Complaint purports to characterize memorialized statements from the Montana 1972 Constitutional Convention, which speak for themselves and require no response. To the extent Paragraph 82 attempts to characterize the intent or purpose behind either statements from this convention or the actual language used in the Montana Constitution, Jacobsen denies the allegations in Paragraph 82.

83. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 81 of Plaintiffs' Complaint and therefore denies the same.

84. Jacobsen denies the allegations in Paragraph 84 of Plaintiffs' Complaint.

85. Jacobsen denies the allegations in Paragraph 85 of Plaintiffs' Complaint.

86. Jacobsen denies the allegations in Paragraph 86 of Plaintiffs' Complaint.

87. Responding to the allegations of Paragraph 87 of Plaintiffs' Complaint, on information and belief, Jacobsen admits that, since 2005, certain Montana voters have registered and voted on election day. Jacobsen denies the remaining allegations in Paragraph 87 of Plaintiffs' Complaint.

88. Jacobsen denies Paragraph 88 of Plaintiffs' Complaint.

89. Jacobsen denies Paragraph 89 of Plaintiffs' Complaint.

90. Jacobsen denies the allegations in Paragraph 90 of Plaintiffs' Complaint, including the allegations in the heading that precedes Paragraph 90 of Plaintiffs' Complaint.

91. Jacobsen admits that in 2014 LR 126 appeared on the ballot. Otherwise, Paragraph 91 of Plaintiffs' Complaint purports to characterize prior or existing laws and/or regulations governing or related to the process of voting, which speak for themselves and require no response.

92. Jacobsen admits that the statistics cited in Paragraph 92 of Plaintiffs' Complaint were presented on the Secretary of State's website concerning 2014 Election Results. Jacobsen lacks sufficient information to admit or deny the accuracy of such reported statistics and therefore denies the same. Jacobsen denies all remaining allegations in Paragraph 92 of Plaintiffs' Complaint.

93. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 93 and therefore denies the same.

94. Jacobsen denies the allegations in Paragraph 94 of Plaintiffs' Complaint.

95. Paragraph 95 of Plaintiffs' Complaint purports to characterize prior and/or existing laws and/or regulations governing or related to the process of voting, which speak for themselves and require no response. To the extent any response is required, Jacobsen denies the allegations of Paragraph 95 of Plaintiffs' Complaint.

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

97. Jacobsen denies the allegations in Paragraph 97 of Plaintiffs' Complaint..

98. Jacobsen denies the allegations in Paragraph 98 of Plaintiffs' Complaint.

99. Jacobsen denies the allegations in Paragraph 99 of Plaintiffs' Complaint.

100. Jacobsen denies the allegations in Paragraph 100.

101. Jacobsen admits that Ms. McCue testified about HB 176, but denies that the substance of her statements in Paragraph 101 are complete, and therefore denies the remaining allegations in Paragraph 101.

102. Jacobsen admits that Ms. McCue testified about HB 176, but denies that the substance of her statements in Paragraph 101 are complete, and therefore denies the remaining allegations in Paragraph 102.

103. Jacobsen lacks sufficient information to admit or deny the allegation in Paragraph 103 and therefore denies the same.

104. Jacobsen denies the allegations in Paragraph 104.

105. Jacobsen lacks sufficient information to admit or deny the allegations in Paragraph 105 of Plaintiffs' Complaint and therefore denies the same.

106. Jacobsen denies the allegations in Paragraph 106.

**COUNT ONE**

**Violation of the Right of Suffrage**

107. Jacobsen incorporates her responses to all previous paragraphs and allegations as though fully set forth herein.

108. Paragraph 108 of Plaintiffs' Complaint purports to characterize and quote from Montana's Constitution, which is a legal document that speaks for itself and which requires no response.

109. Jacobsen denies the allegations in Paragraph 109.

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

111. Jacobsen denies the allegations in Paragraph 111.

112. Jacobsen denies the allegations in Paragraph 112.

113. Jacobsen denies the allegations in Paragraph 113.

114. Jacobsen denies the allegations in Paragraph 114.

**COUNT TWO**

**Violation of Equal Protection**

115. Jacobsen incorporates her responses to all previous paragraphs and allegations as though fully set forth herein.

116. Jacobsen denies the allegations in Paragraph 116.

117. Paragraph 117 of Plaintiffs' Complaint purports to characterize and quote from Montana's Constitution, which is a legal document that speaks for itself and which requires no response.

118. Paragraph 118 of Plaintiffs' Complaint purports to characterize and quote from a legal opinion from Montana's Supreme Court, which speaks for itself and which requires no response.

119. Jacobsen denies the allegations in Paragraph 119.

120. Jacobsen denies the allegations in Paragraph 120.

121. Jacobsen denies the allegations in Paragraph 121.

122. Jacobsen denies the allegations in Paragraph 122.

### **COUNT THREE**

#### **Violation of Right of Suffrage**

123. Jacobsen incorporates her responses to all previous paragraphs and allegations as though fully set forth herein.

124. Jacobsen denies the allegations in Paragraph 124.

125. Paragraph 125 of Plaintiffs' Complaint purports to characterize and quote from Montana's Constitution, which is a legal document that speaks for itself and which requires no response.

126. The allegations of Paragraph 126 of Plaintiffs' Complaint constitute legal conclusions which require no response. To the extent a response is required, Jacobsen denies the allegations in Paragraph 126.

127. Jacobsen denies the allegations in Paragraph 127.

128. Jacobsen denies the allegations in Paragraph 128.

129. Jacobsen denies the allegations in Paragraph 129.

#### **COUNT FOUR**

##### **Violation of Prohibition Against Age Discrimination**

130. Jacobsen incorporates her responses to all previous paragraphs and allegations as though fully set forth herein.

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

132. Paragraph 132 of Plaintiffs' Complaint purports to characterize and quote from Montana's Constitution and an order of the Montana Supreme Court, which are legal documents that speak for themselves and which requires no response. To the extent any responses is required, Jacobsen denies the allegations in Paragraph 132 of Plaintiffs' Complaint.

133. The allegations of Paragraph 133 of Plaintiffs' Complaint constitute legal conclusions which require no response. To the extent any response is required, Jacobsen denies the allegations in Paragraph 133 of Plaintiffs' Complaint.

134. Jacobsen denies the allegations in Paragraph 134.

135. Jacobsen denies the allegations in Paragraph 135.

#### **COUNT FIVE**

##### **Violation of Right to Equal Protection**

136. Jacobsen incorporates her responses to all previous paragraphs and allegations as though fully set forth herein.

137. Jacobsen denies the allegations in Paragraph 137.

138. Paragraph 138 of Plaintiffs' Complaint purports to characterize and quote from Montana's Constitution, which is a legal document that speaks for itself and which requires no response.

139. Jacobsen denies the allegations in Paragraph 139.

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

141. Jacobsen denies the allegations in Paragraph 141.

142. Jacobsen denies the allegations in Paragraph 142.

#### **COUNT SIX**

#### **Violation of Right of Suffrage**

143. Jacobsen incorporates her responses to all previous paragraphs and allegations as though fully set forth herein.

144. Jacobsen denies the allegations in Paragraph 144.

145. Paragraph 145 of Plaintiffs' Complaint purports to characterize and quote from Montana's Constitution, which is a legal document that speaks for itself and which requires no response.

146. The allegations of Paragraph 146 of Plaintiffs' Complaint constitute legal conclusions which require no response. To the extent any response is required, Jacobsen denies the allegations in Paragraph 146 of Plaintiffs' Complaint.

147. Jacobsen denies the allegations in Paragraph 147.

148. Jacobsen denies the allegations in Paragraph 148



149. Jacobsen denies the allegations in Paragraph 149.

150. Jacobsen denies the allegations in Paragraph 150.

**COUNT SEVEN**

**Violation of Right to Equal Protection**

151. Jacobsen incorporates her responses to all previous paragraphs and allegations as though fully set forth herein.

152. Jacobsen denies the allegations in Paragraph 152.

153. Paragraph 153 of Plaintiffs' Complaint purports to characterize and quote from Montana's Constitution, which is a legal document that speaks for itself and which requires no response.

154. Paragraph 154 of Plaintiffs' Complaint purports to characterize and quote from a legal opinion from Montana's Supreme Court, which speaks for itself and which requires no response.

155. Paragraph 155 of Plaintiffs' Complaint purports to characterize and quote from Montana's Constitution and an order of the Montana Supreme Court, which are legal documents that speak for themselves and which requires no response. To the extent any response is required, Jacobsen denies the allegations in Paragraph 155 of Plaintiffs' Complaint.

156. Jacobsen denies the allegations in Paragraph 156.

157. Jacobsen denies the allegations in Paragraph 157.

158. Jacobsen denies the allegations in Paragraph 158.

159. Jacobsen denies the allegations in Paragraph 159.

160. 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.

161. 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 the due process, equal protection, free speech or the right to vote, 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 based on age.

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 12th day of November, 2021.

By 

Dale Schowengerdt (MT Bar #30342848)  
Ian McIntosh (MT Bar #4384)  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 12<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           | Rylee Sommers-Flanagan  |
| <input checked="" type="checkbox"/> Electronic mail     | Upper Seven Law   |
| <input type="checkbox"/> Facsimile                      | P.O. Box 31   |
| <input type="checkbox"/> Hand delivery                  | Helena, MT 59624  |
| <input type="checkbox"/> Certified mail, return receipt | Email: <a href="mailto:rylee@uppersevenlaw.com">rylee@uppersevenlaw.com</a> |

By

