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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

Montana Democratic Party,
Montanans for Tester, Macee
Patritti,
Plaintiffs,

v.

Christi Jacobsen, in her official
capacity as Montana Secretary of
State, Jeffrey Mangan, in his
official capacity as Montana
Commissioner of Political
Practices,
Defendants.

CV-21-119-M-DWM

DEFENDANTS' ANSWER

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1. Defendants lack sufficient information to admit or deny the allegations in Paragraph 1 of Plaintiffs' Complaint and therefore deny the same.

2. Defendants lack sufficient information to admit or deny the allegations in Paragraph 2 of Plaintiffs' Complaint and therefore deny the same.

3. Defendants lack sufficient information to admit or deny the allegations in Paragraph 3 of Plaintiffs' Complaint and therefore deny the same.

4. Defendants deny the allegations in Paragraph 4 of Plaintiffs' Complaint.

5. Defendants deny the allegations in Paragraph 5 of Plaintiffs' Complaint.

6. The allegations in Paragraph 6 purport to characterize a specific bill, which speaks for itself and is the best evidence of its contents; therefore, no response is required.

7. Defendants deny the vexatious rhetoric disguised as allegations in Paragraph 7 of Plaintiffs' Complaint.

8. Defendants deny the allegations in Paragraph 8 of Plaintiffs' Complaint.¹

JURISDICTION AND VENUE

9. Defendants lack sufficient information to admit or deny the allegations in Paragraph 9 of Plaintiffs' Complaint and therefore deny the same.

10. The allegations in Paragraph 10 of Plaintiffs' Complaint constitute legal conclusions which require no response. To the extent any response is required, Defendants deny the allegations in Paragraph 10 of Plaintiffs' Complaint.

11. The allegations in Paragraph 11 of Plaintiffs' Complaint constitute legal conclusions which require no response. To the extent any response is required, Defendants deny the allegations in Paragraph 11 of Plaintiffs' Complaint.

¹ Defendants admit that SB 319 is also being challenged in *Forward Montana v. Montana*, Case No. ADV-2021-611 (Mont. Dist. Ct. June 1, 2021). Defendants admit the district court preliminarily enjoined enforcement of Sections 21 and 22 of SB 319 for the pendency of the litigation. Defendants admit the case is still pending. Defendants admit the Plaintiffs here are not parties to that proceeding. Defendants deny the remaining allegations contained in Footnote 1.

12. Defendants lack sufficient information to admit or deny the allegations in Paragraph 12 of Plaintiffs' Complaint and therefore deny the same.

13. The allegations in Paragraph 13 of Plaintiffs' Complaint constitute legal conclusions which require no response. To the extent any response is required, Defendants deny the allegations in Paragraph 13 of Plaintiffs' Complaint.

14. The second sentence of Paragraph 14 of Plaintiffs' Complaint is a legal conclusion, which requires no response. Defendants lack sufficient information to admit or deny the allegations in Paragraph 14 of Plaintiffs' Complaint and therefore deny the same.

15. Defendants lack sufficient information to admit or deny the allegations in Paragraph 15 of Plaintiffs' Complaint and therefore deny the same.

16. Defendants deny the vexatious rhetoric and allegations in Paragraph 16 of Plaintiffs' Complaint.

17. The second sentence of Paragraph 17 of Plaintiffs' Complaint is a legal conclusion, which requires no response. Defendants lack

sufficient information to admit or deny the remaining allegations in Paragraph 17 and therefore deny the same.

18. Defendants deny the allegations in Paragraph 18 of Plaintiffs' Complaint.

19. Defendants lack sufficient information to admit or deny allegations in the second sentence of Paragraph 19 of Plaintiffs' Complaint and therefore deny the same. Defendants deny the remaining allegations in Paragraph 19.

20. Defendants lack sufficient information to admit or deny the allegations in the first four sentences of Paragraph 20 of Plaintiffs' Complaint and therefore deny the same. Defendants deny the remaining allegations in Paragraph 20.

21. Defendants admit that Christi Jacobson is the Secretary of State of Montana. The remaining allegations in Paragraph 21 constitute legal conclusions and interpretations of law, which require no response.

22. Defendants admit that Jeffrey Mangan is the Montana Commissioner of Political Practices. The remaining allegations in Paragraph 21 constitute legal conclusions and interpretations of law, which require no response.

STATEMENTS OF FACTS AND LAW

23. Defendants lack sufficient information to admit or deny the allegations in the first three sentences of Paragraph 23 of Plaintiffs' Complaint and therefore deny the same. Defendants deny the allegations in the last sentence of Paragraph 23.

24. Defendants deny the allegations in Paragraph 24 of Plaintiffs' Complaint.

25. Defendants deny the allegations in Paragraph 25 of Plaintiffs' Complaint.

26. Defendants admit that State Senator Greg Hertz introduced SB 319 on February 19, 2021. The remaining allegations in Paragraph 26 of Plaintiffs' Complaint purport to characterize a specific bill, which speaks for itself and is the best evidence of its contents; therefore, no response is required.

27. Defendants deny that SB 319 was referred to the Senate's State Administration Committee "on the same day" the bill was introduced. The bill was referred to the Senate's State Administration Committee on February 20, 2021, the day after it was introduced. Defendants admit the bill received a hearing on February 26, 2021. Defendants

admit the State Administration Committee passed the bill on March 1, 2021. Defendants admit the bill was transmitted to the House on March 2, 2021. To the extent there are any remaining allegations in Paragraph 28 of Plaintiffs' Complaint, they purport to characterize information that is available in the public record, which speaks for itself and is the best evidence of its contents; therefore, no response is required.

28. Defendants admit SB 319 was referred to the House's State Administration Committee. Defendants admit the bill received a hearing in the House on March 17, 2021. Defendants admit the bill was concurred as amended on March 23, 2021. Defendants admit the bill was returned to the Senate with amendments on April 6, 2021. To the extent there are any remaining allegations in Paragraph 28 of Plaintiffs' Complaint, they purport to characterize information that is available in the public record, which speaks for itself and is the best evidence of its contents; therefore, no response is required.

29. Defendants admit the Senate did not concur with the House's amendments on April 23, 2021. To the extent Paragraph 29 of Plaintiffs' Complaint editorializes about the legislative process, no response is required.

30. Defendants deny the allegations in Paragraph 30 of Plaintiffs' Complaint.

31. Defendants admit that the legislative rules authorize free conference committees. To the extent this allegation purports to characterize the rules, the rules are the best evidence of their contents and speak for themselves; therefore, no response is required.

32. Defendants admit that the legislative rules authorize free conference committees. To the extent this allegation purports to characterize the rules, the rules are the best evidence of their contents and speak for themselves; therefore, no response is required.

33. In Paragraph 33 of Plaintiffs' Complaint, Defendants admit the free conference committee was appointed. But Defendants deny the remaining allegations in Paragraph 33. To the extent Paragraph 33 editorializes about the "unusual" legislative process, no response is required.

34. Defendants admit the allegations in Paragraph 34 of Plaintiffs' Complaint.

35. Defendants admit the free conference committee adopted four amendments. Defendants deny the remaining allegations in Paragraph 35 of Plaintiffs' Complaint.

36. Defendants lack sufficient information to admit or deny the allegations in Paragraph 36 of Plaintiffs' Complaint and therefore deny the same.

37. The allegations in Paragraph 37 of Plaintiffs' Complaint purport to characterize a specific bill, which speaks for itself and is the best evidence of its contents; therefore, no response is required.

38. Defendants deny the allegations in Paragraph 38 of Plaintiffs' Complaint.

39. To the extent the allegations in Paragraph 39 of Plaintiffs' Complaint purport to characterize information that is available in the public record, the public record speaks for itself and is the best evidence of its contents; therefore, no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 39.

40. Defendants deny the allegations in Paragraph 40 of Plaintiffs' Complaint.

41. Defendants deny the allegations in Paragraph 41 of Plaintiffs' Complaint.

42. The allegations in Paragraph 42 of Plaintiffs' Complaint purport to characterize a specific bill, which speaks for itself and is the best evidence of its contents; therefore, no response is required.

43. Defendants deny the allegations in Paragraph 43 of Plaintiffs' Complaint.

44. Defendants deny the allegations in Paragraph 44 of Plaintiffs' Complaint.

45. The allegations in Paragraph 45 of Plaintiffs' Complaint constitute legal conclusions which require no response. To the extent any response is required, Defendants deny the allegations in Paragraph 45 of Plaintiffs' Complaint.

46. Defendants deny the allegations in the first sentence of Paragraph 46 of Plaintiffs' Complaint. The remaining allegations in Paragraph 46 constitute legal conclusions which require no response. To the extent any response is required, Defendants deny the remaining allegations in Paragraph 46 of Plaintiffs' Complaint.

47. Defendants deny the allegations in Paragraph 47 of Plaintiffs' Complaint.

CLAIMS FOR RELIEF

COUNT I

48. Defendants incorporate their responses to all previous paragraphs and allegations as though fully set forth herein.

49. The allegations in Paragraph 49 of Plaintiffs' Complaint constitute legal conclusions which require no response. To the extent any response is required, Defendants deny the allegations in Paragraph 49 of Plaintiffs' Complaint.

50. To the extent Paragraph 50 of Plaintiffs' Complaint purport to characterize a specific bill, it speaks for itself and is the best evidence of its contents; therefore, no response is required. Defendants deny the remaining allegations in Paragraph 50.

51. The allegations in Paragraph 51 of Plaintiffs' Complaint constitute legal conclusions which require no response. To the extent any response is required, Defendants deny the allegations in Paragraph 51 of Plaintiffs' Complaint.

52. Defendants deny the allegations in the first sentence of Paragraph 52 of Plaintiffs' Complaint. The remaining allegations in Paragraph 52 constitute legal conclusions which require no response. To the extent any response is required, Defendants deny the allegations in Paragraph 52.

53. Defendants lack sufficient information to admit or deny the allegations in Paragraph 53 of Plaintiffs' Complaint and therefore deny the same.

54. The allegations in Paragraph 54 of Plaintiffs' Complaint constitute legal conclusions which require no response. To the extent any response is required, Defendants deny the allegations in Paragraph 54 of Plaintiffs' Complaint.

55. Defendants deny the allegations in Paragraph 55 of Plaintiffs' Complaint.

56. Defendants deny the allegations in Paragraph 56 of Plaintiffs' Complaint.

57. The allegations in Paragraph 57 of Plaintiffs' Complaint constitute legal conclusions which require no response. To the extent any

response is required, Defendants deny the allegations in Paragraph 57 of Plaintiffs' Complaint.

58. The allegations in Paragraph 58 of Plaintiffs' Complaint constitute legal conclusions which require no response. To the extent any response is required, Defendants deny the allegations in Paragraph 58 of Plaintiffs' Complaint.

59. The allegations in Paragraph 59 of Plaintiffs' Complaint constitute legal conclusions which require no response. To the extent any response is required, Defendants deny the allegations in Paragraph 59 of Plaintiffs' Complaint.

60. Defendants deny the allegations in Paragraph 60 of Plaintiffs' Complaint.

61. Defendants deny the allegations in Paragraph 61 of Plaintiffs' Complaint.

62. Defendants deny the allegations in Paragraph 62 of Plaintiffs' Complaint.

COUNT II

63. Defendants incorporate their responses to all previous paragraphs and allegations as though fully set forth herein.

64. Paragraph 64 of Plaintiffs' Complaint purports to characterize and quote from the United States Constitution, which is a legal document that speaks for itself and which requires no response. The remaining allegations in Paragraph 64 of Plaintiffs' Complaint constitute legal conclusions which require no response. To the extent any response is required, Defendants deny the allegations in Paragraph 64.

65. The allegations in Paragraph 65 of Plaintiffs' Complaint constitute legal conclusions which require no response. To the extent any response is required, Defendants deny the allegations in Paragraph 65.

66. The allegations in Paragraph 66 of Plaintiffs' Complaint constitute legal conclusions which require no response. To the extent any response is required, Defendants deny the allegations in Paragraph 66.

67. Defendants deny the allegations in Paragraph 67 of Plaintiffs' Complaint.

68. Defendants deny the allegations in Paragraph 68 of Plaintiffs' Complaint.

PRAYER FOR RELIEF

The remainder of the Complaint constitutes Plaintiffs' request for relief, which requires no response. To the extent a response may be

deemed required, Defendants deny that Plaintiffs are entitled to the relief sought or to any other form of relief.

GENERAL DENIAL

Defendants deny every allegation in the Complaint not expressly admitted above, including any for which Montana deems no response to be required (should the Court determine otherwise).

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 Plaintiffs are entitled to the requested relief.
3. Plaintiffs lack standing.
4. Plaintiffs' Complaint is not justiciable.
5. SB 319 does not violate the United States Constitution, the Constitution of the State of Montana, Montana state law, or federal law.
6. SB 319 is neutral and non-discriminatory.
7. SB 319 does not discriminate against or have a disparate impact based on age.

8. SB 319 serves and is supported by rational, legitimate, and compelling state interests.

9. Plaintiffs are unable to prove a causal connection between the injury they allege and SB 319.

10. Defendants reserve the right to further amend these pleadings and to add such further affirmative defenses as discovery and development of this case may disclose.

WHEREFORE, Defendants respectfully request 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 Defendants their 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 reason

DATED this 19th day of November, 2021.

AUSTIN KNUDSEN
Montana Attorney General

KRISTIN HANSEN
Lieutenant General

DAVID M.S. DEWHIRST
Solicitor General

/s/ Brent Mead _____
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Attorneys for 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.

Dated: November 19, 2021

/s/ Brent Mead _____
BRENT MEAD