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UNITED STATES DISTRICT COURT
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.

Case No. CV-21-119-M-DWM

**PARTIES' STATEMENT OF
STIPULATED FACTS**

Come now the Parties in the captioned matter and, pursuant to L.R.

16.2(b)(3), make the following statement of stipulated facts:

PARTIES

A. Montana Democratic Party

1. Plaintiff Montana Democratic Party (“MDP”) is a political party established under Mont. Code Ann. § 13-38-101 *et seq.*
2. MDP’s mission is to elect Democratic Party candidates in local, county, state, and federal elections within the state of Montana.

B. Montanans for Tester

3. Plaintiff Montanans for Tester is the principal campaign committee of Senator Jon Tester.
4. Plaintiff Montanans for Tester’s mission is to support the election and re-election of Jon Tester to the United States Senate.

C. Secretary of State Christi Jacobsen

5. Defendant Secretary of State Christi Jacobsen is Montana’s chief election officer.
6. Defendant Secretary of State Christi Jacobsen is charged with enforcing and maintaining uniformity in the state’s election laws.

D. Commissioner of Political Practices Jeffrey Mangan

7. Defendant Commissioner of Political Practices Jeffrey Mangan is charged with investigating alleged violations of Montana’s election laws.

BACKGROUND OF SB 319

8. In 2020, Montana saw its highest voter turnout, in terms of the percentage of registered voters casting a ballot, since 1972.
9. In 2020, over 80 percent of registered voters in Montana cast a ballot. In 2020, Republican Presidential Candidate Donald Trump received 343,602 votes or 57 percent of the vote. Republican Senator Steve Daines received 333,174 votes, or 55 percent of the vote. Republican Congressman Matt Rosendale received 339,169 votes, or 56 percent of the vote. Republican Governor Greg Gianforte received 328,548 votes, or 54 percent of the vote. Republican Secretary of State Christi Jacobsen received 352,939 votes, or 60 percent of the vote. Attorney General Austin Knudsen received 348,322 votes, or 59 percent of the vote. State Auditor Troy Downing received 326,742 votes or 55 percent of the vote. State Superintendent of Public Instruction Elsie Arntzen received 310,111 votes or 52 percent of the vote. Each of the above candidates received more votes for their respective office than any candidate for that same office in the 2012 or 2016 general elections.
10. The 2021 Montana legislature passed Senate Bill 319. SB 319, Section 21 reads as follows:

Political activity in public postsecondary institution residence hall, dining facility, or athletic facility -- prohibition -- exceptions -- penalty. (1) A political committee may not direct, coordinate, manage, or conduct any voter identification efforts, voter registration drives, signature collection efforts, ballot collection efforts, or voter turnout efforts for a federal, state, local, or school election inside a residence hall, dining facility, or athletic facility operated by a public postsecondary institution.

(2) Nothing in this section may be construed as prohibiting any communications made through mail, telephone, text messages, or electronic mail inside a residence hall, dining facility, or athletic facility or any political advertising made through radio, television, satellite, or internet service. Nothing in this section may be construed as prohibiting an individual from undertaking or participating in any activity for a federal, state, local, or school election if the activity is undertaken at the individual's exclusive initiative.

(3) A person who resides in a residence hall operated by a public postsecondary institution or who regularly uses a dining hall operated by public postsecondary institution, a candidate for office in a federal, state, local, or school election, or a political committee engaged in a federal, state, local, or school election may institute an action in any court of competent jurisdiction to prevent, restrain, or enjoin a violation of this section.

(4) A political committee that violates this section is subject to a civil penalty of \$1,000 for each violation. Each day of a continuing violation constitutes a separate offense.

(5) For the purposes of this section, "public postsecondary institution" means:

- (a) a unit of the Montana university system as described in 20-25-201; or
- (b) a Montana community college defined and organized as provided in 20-15-101.

11. Senate Bill 319 was first introduced by Senator Greg Hertz on
February 19, 2021.

12. After Senate Bill 319 was introduced, it was referred to the Senate's State Administration Committee.
13. SB 319 received a committee hearing on February 26, 2021.
14. SB 319 passed out of the State Administration Committee on March 1, 2021.
15. SB 319 passed out of the Montana Senate on March 2, 2021.
16. After passing the Senate, SB 319 moved to the Montana House of Representatives, where it was referred to the House's State Administration Committee.
17. SB 319 received a Committee hearing on March 17, 2021, passed out of the State Administration Committee with amendments on March 23, 2021, and returned to the Senate, as amended, on April 6, 2021.
18. On April 23, 2021, the Senate rejected the House's amendments to SB 319.
19. Montana Legislative rules provide for the appointment of free conference committees under Joint Rule 30-30 to consider amendments.

20. On April 23, 2021, the Senate appointed a free conference committee on SB 319. On April 26, 2021, the House appointed a like committee.
21. The free conference convened to consider SB 319 on April 27, 2021.
22. The free conference committee hearing lasted 18 minutes and adopted four amendments to SB 319, including Section 21.
23. SB 319, as amended, was adopted by both the House and Senate on April 28, 2021, and signed by the Governor on May 12, 2021.
24. The amendment that became Section 21 was offered by State Senator Steve Fitzpatrick.
25. A recording of the SB 319 free conference committee hearing is available online at <https://sg001-harmony.sliq.net/00309/Harmony/en/PowerBrowser/PowerBrowserV2/20210427/-1/43496>. The recording serves as the best evidence of the statements of individual legislators made during the free conference committee hearing.

DATED this 29th day of December, 2021.

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CERTIFICATE OF SERVICE
L.R. 5.2(b)

This is to certify that on the 29th day of December, 2021, a true and exact copy of the foregoing document was served electronically via the CM/ECF system which will generate a Notice of Electronic Filing on:

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