

**ORIGINAL**

**FILED**

05/06/2021

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: OP 21-0125

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 21-0125

---

BOB BROWN, DOROTHY BRADLEY,  
VERNON FINLEY, MAE NAN ELLINGSON,  
and the MONTANA LEAGUE OF WOMEN  
VOTERS,

Petitioners,

v.

GREG GIANFORTE, Governor of the State of  
Montana,

Respondent,

and

MONTANA STATE LEGISLATURE,

Intervenor-Respondent.

---

**FILED**

**MAY 06 2021**

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

**ORDER**

The Petition in this matter was filed March 17, 2021, seeking a declaratory judgment pursuant to M. R. App. P. 14(4) on the alleged unconstitutionality of Montana Senate Bill 140, signed into law by Governor Greg Gianforte on March 16, 2021. We ordered a summary response, granted the Legislature's motion to intervene, and allowed the filing of requested amicus briefs. By Order issued April 27, we granted the Petitioners fourteen days to file a reply brief. That brief is due by next Tuesday, May 11, 2021.

Now before the Court is Petitioners' motion, filed May 5, to amend their petition to assert constitutional challenges to a different measure, Montana Senate Bill 402, which the Legislature transmitted to the Governor on May 4. The Governor has not acted on the bill. The motion indicates that Respondent opposes it. Upon review, the Court determines that the motion is not well-taken.

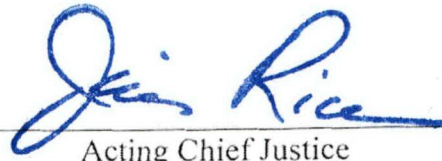
First, the challenge is not ripe for consideration. As noted, the bill has not been

signed by the Governor. Even if signed, it will not become law unless this Court declares SB 140 unconstitutional, the question at issue in this case. Second, the grounds on which Petitioners challenge SB 402 differ from the issues in this case. Briefing on the validity of SB 140 is virtually complete; amendment at this juncture, with additional necessary briefing on those distinct issues, would cause delay in the Court's consideration.

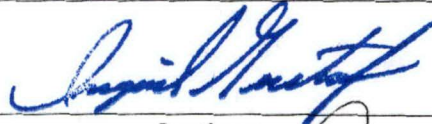
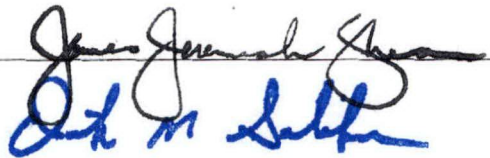
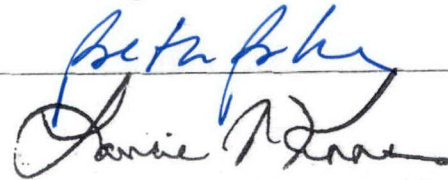
IT IS THEREFORE ORDERED that the Petitioners' Motion to Amend Petition is DENIED without prejudice to the subject matter. As ordered, Petitioners shall file their reply brief no later than May 11, 2021.

The Clerk is directed to provide copies of this Order to all counsel of record.

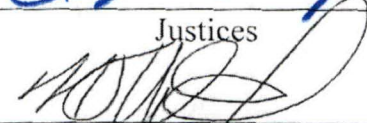
DATED this 6<sup>th</sup> day of May, 2021.



Acting Chief Justice



Justices



Hon. Matthew J. Wald, District Judge,  
sitting by designation