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Attorneys for Plaintiffs

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

Montana Democratic Party, Mitch Bohn,

Plaintiffs,

Western Native Voice, Montana Native
Vote, Blackfeet Nation, Confederated
Salish and Kootenai Tribes, Fort Belknap
Indian Community, and Northern
Cheyenne Tribe,

Plaintiffs,

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

Plaintiffs,

vs.

CHRISTI JACOBSEN, in her official
capacity as Montana Secretary of State,

Defendant.

Cause No. DV 21-0451

Hon. Michael Moses

**YOUTH PLAINTIFFS'
APPLICATION FOR A
PRELIMINARY INJUNCTION**

Plaintiffs Montana Youth Action, Forward Montana Foundation, and Montana
Public Interest Research Group (“Youth Plaintiffs”), hereby apply to this Court for a

preliminary injunction. Defendant Secretary of State Christi Jacobsen has been provided notice of this application, to which she objects.

Youth Plaintiffs have “demonstrated either a prima facie case that they will suffer some degree of harm and are entitled to relief (§ 27-19-201(1), MCA) or a prima facie case that they will suffer an ‘irreparable injury’ through the loss of a constitutional right (§ 27-19-201(2), MCA).” *Driscoll v. Stapleton*, 2020 MT 247, ¶ 17, 401 Mont. 405, 473 P.3d 386.

First, Plaintiffs have made out a prima facie case that House Bill 506 (“HB506”) violates three fundamental rights guaranteed under the Montana Constitution—the right of suffrage, the right to equal protection under the law, and the right of minors to see fundamental rights applied to them with equal force. Mont. Const., art. II, §§ 4, 13, 15.

HB506 bars election officials from distributing ballots to registered voters who will be eligible to vote on election day until they actually meet residence and age requirements. Thus, HB506 expressly burdens Montanans with vote-eligible dates that land in the 30 days before the election by preventing them from receiving their absentee ballots on the same schedule as other registered voters. Specifically, HB506 targets registered voters who will turn 18 in the 30 days before election day.

For voters who turn 18 on election day, HB506 works jointly with House Bill 176 (“HB176”), which eliminates election day registration, to require both pre-registration and in-person voting—a set of requirements that applies to no other Montanan. For voters turning 18 in the two weeks before election day, HB506

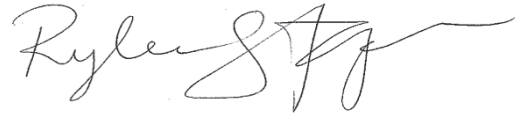
impedes use of Montana’s no-excuse absentee voting system by failing to allow time to receive and return a ballot by mail. For voters with birthdays between 15 and 25 days before election day, HB506 simply makes absentee voting risky, because the timing of ballot distribution is uncertain. But the individuals HB506 targets enjoy the same constitutional right to vote as their adult peers. HB506 denies them the ability to exercise that right as others do and so violates their constitutional right as minors to enjoy their fundamental rights.

Plaintiffs have likewise established a prima facie case that the three laws they challenge—HB506, HB176, and Senate Bill 169 (“SB169”), which removes student ID from the list of stand-alone alternative ID and downgrades it to a form of secondary ID that must be presented with other documentation—together violate young Montanans’ constitutional rights to suffrage and equal protection under law. Mont. Const., art. II, §§ 4, 13. Cumulatively, these laws will deter young people from voting because they compound to impose complicated, confusing burdens.

Second, a preliminary injunction is necessary to preserve the status quo and to prevent grave and irreparable injury to Youth Plaintiffs. If these laws are applied during the 2022 primary, Youth Plaintiffs will have to navigate the complicated path that HB506 imposes and will more broadly have to manage the hurdles of all three laws interacting. As a result, some young people will be prevented from voting—among the gravest and most irreparable of possible harms.

Accordingly, and for the reasons detailed in the concurrently filed brief, the Court should, after the hearing scheduled for March 10, 2022, grant Youth Plaintiffs' application for a preliminary injunction and enjoin HB506, HB176, and SB169.

Respectfully submitted this 12th day of January, 2022.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the above was duly served upon the following on the 12th day of January, 2022, by email.

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CERTIFICATE OF SERVICE

I, Rylee Sommers-Flanagan, hereby certify that I have served true and accurate copies of the foregoing Motion - Motion to the following on 01-12-2022:

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Dated: 01-12-2022