

FILED
Clerk of District Court
JUL 26 2024

By ^{ANGIE SPARKS, Clerk}
Robert

**IN THE MONTANA FIRST JUDICIAL DISTRICT COURT
LEWIS AND CLARK COUNTY**

Montanans Securing Reproductive Rights and
Samuel Dickman, M.D., and Montanans for
Election Reform Action Fund and Frank Garner

Plaintiffs,

v.

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

Defendants.

Case No. ADV-25-2024-463
Hon. Mike Menahan

PRELIMINARY INJUNCTION

The parties appeared before the Court at 9:00 AM on July 26, 2024, at a hearing on Plaintiffs' request for a preliminary injunction. Plaintiffs were represented by Raph Graybill of Graybill Law Firm, PC and Martha Sheehy of Sheehy Law Firm. Defendants were represented by Thane Johnson and Michael Noonan of the Montana Attorney General's Office. Defendants have consented to the entry of a preliminary injunction in this matter, on the terms set forth herein and upon the stipulations entered into on the record at hearing. This order remains in place during the pendency of this litigation, or until dissolved on order of this Court.

Plaintiffs have established they are likely to succeed on the merits. Plaintiffs have established that they are likely to suffer ongoing constitutional injury, which is irreparable injury for the purposes of a preliminary injunction. The equities and public interest favor immediate relief.

Accordingly, it is hereby ORDERED that:

- Under the Montana Constitution and state law, “qualified electors” may sign initiative petitions and be counted, whether or not the elector appears on the inactive voter list for purposes of this preliminary injunction only and only as applicable to CI-126, -127, and -128.
- Voters who are considered “inactive voters” nonetheless remain “qualified electors” for the purpose of counting signatures on ballot initiative petition and for purposes of this preliminary injunction only and only as applicable to CI-126, -127, and -128.
- For the purposes of qualifying a ballot initiative, the Secretary shall not prevent the verification or counting of the otherwise-valid signature of an elector who is on the “inactive voter” list, for purposes of this preliminary injunction only and only as applicable to CI-126, -127, and -128.
- The Secretary shall file a copy of this Court’s order with the Clerk of Court in any judicial district in which similar challenges are filed.
- No party waives any claims, arguments, or defenses.

Mark Merrill
District Court Judge
July 26, 2024