

Alex Rate (MT Bar No. 11226)
ACLU OF MONTANA
P.O. Box 1968
Missoula, MT 59806
(406) 224-1447
ratea@aclumontana.org

Theresa J. Lee*
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
125 Broad Street
New York, NY 10004
(212) 549-2500
tlee@aclu.org

Jacqueline De León*
Allison A. Neswood*
NATIVE AMERICAN RIGHTS FUND
250 Arapahoe Ave.
Boulder, CO 80302
(303) 447-8760
jdeleon@narf.org
neswood@narf.org

Kirsten Gerbatsch (MT Bar No. 68806756)
NATIVE AMERICAN RIGHTS FUND
745 W. 4th Avenue, Suite 502
Anchorage, AK 99501
(907) 276-0680
gerbatsch@narf.org

*admitted *pro hac vice*

Attorneys for Plaintiff-Intervenors

MONTANA FIRST JUDICIAL DISTRICT COURT
COUNTY OF LEWIS AND CLARK

MONTANA FEDERATION OF PUBLIC
EMPLOYEES,
Plaintiff,

NORTHERN CHEYENNE TRIBE, BLACKFEET
NATION, CONFEDERATED SALISH AND
KOOTENAI TRIBES, FORT BELKNAP INDIAN
COMMUNITY, and WESTERN NATIVE VOICE,
Plaintiff-Intervenors,

FORWARD MONTANA and MONTANA PUBLIC
INTEREST RESEARCH GROUP,
Youth Plaintiff-Intervenors,

v.

STATE OF MONTANA, and CHRISTI JACOBSEN,
in her official capacity as Montana Secretary of
State,

Defendants.

Cause No. ADV-25-2025-0268

**PLAINTIFF-INTERVENORS'
MOTION FOR SUMMARY
JUDGMENT OR FOR A
PRELIMINARY INJUNCTION**

ORAL ARGUMENT
REQUESTED

Plaintiff-Intervenors, through counsel of record, respectfully move the Court for summary judgment under Montana Rule of Civil Procedure 56. Summary judgment is appropriate because there are no genuine issues of material fact, and Plaintiff-Intervenors are entitled to judgment as a matter of law.

Plaintiff-Intervenors request that this Court enter summary judgment in their favor on the First Claim for Relief in their Complaint: SB 490 violates the Montana Constitution's protection of the right to vote. Dkt. No. 18. In the alternative, Plaintiff-Intervenors request that this Court enter a preliminary injunction pursuant to § 27-19-201, MCA. Plaintiff-Intervenors meet each of the four statutory factors entitling them to preliminary relief. With federal primary elections coming this Spring, such relief is necessary to prevent irreparable injury to Plaintiff-Intervenors in the event their motion for summary judgment is not decided in time.

The legal and factual bases for Plaintiff-Intervenors' motion are detailed in their Brief in Support of the Motion for Summary Judgment, which is filed concurrently with this Motion. Plaintiff-Intervenors, along with Plaintiffs and Youth Plaintiff-Intervenors, have also filed a Joint Statement of Undisputed Material Facts, with attached Exhibits, in support of this Motion. Plaintiff-Intervenors request oral argument.

Counsel for all parties in this matter have been contacted, and Defendants and Defendant-Intervenors oppose Plaintiff-Intervenors' motion.

DATED: January 22, 2026

Respectfully submitted,

/s/ Alex Rate
Alex Rate (MT Bar No. 11226)
ACLU OF MONTANA
P.O. Box 1968
Missoula, MT 59806
(406) 224-1447

CERTIFICATE OF SERVICE

I, Alex Rate, hereby certify that on this date I have served true and accurate copies of the foregoing to the following:

Michael D. Russell
Thane Johnson
Alwyn Lansing
Michael Noonan
Montana Department of Justice
P.O. Box 201401
Helena, MT 59620-1401
michael.russell@mt.gov
thane.johnson@mt.gov
alwyn.lansing@mt.gov
michael.noonan@mt.gov

Raph Graybill
Graybill Law Firm
300 4th Street North
P.O. Box 3586
Great Falls, MT 59403
raph@graybilllawfirm.com

Katie Chamblee-Ryan
Marisa O’Gara
Marcos Mocine-McQueen
Elias Law Group LLP
250 Massachusetts Ave NW, Suite 400
Washington, DC 20001
kchambleeryan@elias.law
mogara@elias.law
mmcqueen@elias.law

Emily Jones
115 North Broadway, Suite 410
Billings MT 59101
emily@joneslawmt.com

Dale Schowengerdt
Landmark Law PLLC
7 West 6th Avenue, Suite 518
Helena, MT 59601
dale@landmarklawpllc.com

Molly Danahy
Upper Seven Law
P.O. Box 31
Helena, MT 59624
molly@uppersevenlaw.com

DATED: January 22, 2026

/s/ Alex Rate
Alex Rate

CERTIFICATE OF SERVICE

I, Alexander H. Rate, hereby certify that I have served true and accurate copies of the foregoing Motion - Motion for Summary Judgment (Non Government) to the following on 01-22-2026:

Ashlee Nichole Rossler (Attorney)

P.O. Box 1968

Missoula MT 59806

Representing: Blackfeet Nation, Confederated Salish And Kootenai Tribes, Northern Cheyenne Tribe, Western Native Voice, Fort Belknap Indian Community

Service Method: eService

Michael Noonan (Govt Attorney)

215 N SANDERS ST

HELENA MT 59601-4522

Representing: State of Montana, Montana Secretary of State

Service Method: eService

Austin Miles Knudsen (Govt Attorney)

215 N. Sanders

Helena MT 59620

Representing: State of Montana, Montana Secretary of State

Service Method: eService

Thane P. Johnson (Govt Attorney)

215 N SANDERS ST

P.O. Box 201401

HELENA MT 59620-1401

Representing: State of Montana, Montana Secretary of State

Service Method: eService

Michael D. Russell (Govt Attorney)

215 N Sanders

Helena MT 59620

Representing: State of Montana, Montana Secretary of State

Service Method: eService

Timothy Longfield (Attorney)

7 West 6th Avenue

Helena MT 59601

Representing: Republican National Committee

Service Method: eService

Dale Schowengerdt (Attorney)
7 West 6th Avenue, Suite 518
Helena MT 59601
Representing: Republican National Committee
Service Method: eService

Alwyn T. Lansing (Govt Attorney)
215 N. Sanders St.
Helena MT 59620
Representing: State of Montana
Service Method: eService

Raphael Jeffrey Carlisle Graybill (Attorney)
300 4th Street North
PO Box 3586
Great Falls MT 59403
Representing: Montana Federation of Public Employees
Service Method: eService

Justin Oliveira (Attorney)
115 N. Broadway, Suite 410
Billings MT 59101
Representing: Montana Republican State Central Committee
Service Method: eService

Emily Jones (Attorney)
115 North Broadway
Suite 410
Billings MT 59101
Representing: Montana Republican State Central Committee
Service Method: eService

Molly Elizabeth Danahy (Attorney)
P.O Box 31
Helena MT 59624
Representing: Forward Montana
Service Method: eService

Rylee Sommers-Flanagan (Attorney)
P.O. Box 31
Helena MT 59624
Representing: Forward Montana
Service Method: eService

Montana Public Interest Research Group (Other Party)
Service Method: Email

Jacqueline De Leon (Attorney)

250 Arapahoe Avenue

Boulder CO 80302

Representing: Blackfeet Nation, Confederated Salish And Kootenai Tribes, Northern Cheyenne Tribe,
Western Native Voice, Fort Belknap Indian Community

Service Method: Email

Allison A. Neswood (Attorney)

250 Arapahoe Avenue

Boulder CO 80302

Representing: Blackfeet Nation, Confederated Salish And Kootenai Tribes, Northern Cheyenne Tribe,
Western Native Voice, Fort Belknap Indian Community

Service Method: Email

Theresa J. Lee (Attorney)

125 Broad Street, 18th Floor

New York NY 10004

Representing: Blackfeet Nation, Confederated Salish And Kootenai Tribes, Northern Cheyenne Tribe,
Western Native Voice, Fort Belknap Indian Community

Service Method: Email

Alwyn T. Lansing (Attorney)

P. O. Box 201401

Helena MT 596201401

Representing: Montana Secretary of State

Service Method: Email

Katherine Chamblee-Ryan (Attorney)

250 Massachusetts Avenue NW Suite 400

Washington DC 20001

Representing: Montana Federation of Public Employees

Service Method: Email

Marcos Mocine-McQueen (Attorney)

250 Massachusetts Avenue NW Suite 400

Washington DC 20001

Representing: Montana Federation of Public Employees

Service Method: Email

Marisa O'Gara (Attorney)

250 Massachusetts Avenue NW Suite 400

Washington DC 20001

Representing: Montana Federation of Public Employees

Service Method: Email

Electronically Signed By: Alexander H. Rate

Dated: 01-22-2026