

## **For Immediate Release**

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### **\*\*Secretary of State targets nonprofits that won voting rights lawsuit\*\***

[HELENA, MONTANA] On Thursday, the Commissioner of Political Practices dismissed three complaints that Secretary of State Christi Jacobsen filed against nonprofit organizations that had recently prevailed in a voting rights lawsuit against her Office. The complaints, filed last Friday, October 21, lacked any basis in evidence and were nearly identical.

The Commissioner dismissed all three complaints as “frivolous” because they were “unsupported by evidence,” “indefinite,” and “unsubstantiated.”

About each complaint, the Commissioner wrote: “**The underlying allegation in this matter lacks any evidentiary or legal support,**” and the Secretary of State’s claims were “**frivolous, unsupported and untrue.**”

“**The Secretary of State should be focused on the election, not retaliating against nonprofits in Montana who are helping her do her job by promoting the right to vote,**” said Rylee Sommers-Flanagan, who represents the Forward Montana Foundation and MontPIRG. “**As the Commissioner recognized, these Complaints were completely frivolous and a waste of taxpayer resources.**”

The Commissioner also noted that by using the formal complaint process for issues that either had been already resolved or easily could have been resolved informally, the Secretary’s Office caused the expenditure of significantly more resources and an unnecessarily time consuming process.

In September, a Yellowstone County court ruled against the Secretary and struck down three voter suppression laws that violated the Montana Constitution. The court permanently enjoined the Secretary from enforcing the laws, as well as a fourth law invalidated in July.

The Secretary’s complaints to the Commissioner for Political Practices came less than a week after the organizations—which include Forward Montana Foundation, MontPIRG, and ACLU of Montana Foundation—and their co-plaintiffs threatened to pursue a temporary restraining order to prevent the Secretary from continuing to

spread inaccurate information about the availability of Election Day Registration and the types of acceptable voter identification.

While the Secretary agreed to pull inaccurate ads from the radio and to correct misinformation on her website, she refused to issue a correction to the voter information pamphlet, even though the office issued a printed correction as recently as 2018.<sup>1</sup>

**“Our organization is committed to ensuring that Indigenous communities in Montana are able to access the ballot box,”** said Caitlin Borgmann, ACLU-MT’s Executive Director. **“By filing a frivolous complaint based on untruths the Secretary of State appears to be seeking to silence the voices of those that would advocate on behalf of Indigenous communities. Our voices will not be silenced, and our advocacy will not be deterred.”**

**“We are proud of our work educating and registering thousands of Montanans. And we are grateful for the hard work of local election officials who keep our elections open and secure,”** said Kiersten Iwai, Executive Director of Forward Montana Foundation.

**“These complaints are purely retaliation against us for pushing the Secretary of State to comply with a court order. But we will not stand down,”** said Adrian Cook, Board Chair of MontPIRG.

Forward Montana Foundation, MontPIRG, and the ACLU of Montana Foundation each filed a response to the complaints on Friday, October 21. Copies of the Commissioner’s decisions and the organizations’ responses to each complaint are attached to this press release.

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<sup>1</sup> Matt Volz, *Secretary of State: Awarding Contract to Friend Was Right for Voters*, Mont. Pub. Radio (Nov. 13, 2018), available at <https://www.mtpr.org/montana-news/2018-11-13/secretary-of-state-awarding-contract-to-friend-was-right-for-voters>.

About the organizations:

**Forward Montana Foundation** educates, engages, and organizes young Montanans to shape their democracy to improve their lives and the lives of their fellow Montanans.

**The Montana Public Interest Research Group** (MontPIRG) is a student directed and funded nonpartisan organization dedicated to effective, tangible, positive change through education and empowering the next generation of civic leaders.

**The ACLU of Montana** envisions a fair, equitable, and free Montana that welcomes and celebrates diversity of all kinds. In our Montana, everybody is treated with dignity and respect, and has equal access to rights and freedoms. We work to hold the government accountable to all who live in Montana, with a particular focus on those who have been historically (or continue to be) disenfranchised, including Indigenous people and people of color, immigrants, LGBTQ individuals and families, the poor, and those with disabilities.

**Upper Seven Law** is a Montana-based nonprofit law firm dedicated to holding the powerful accountable.