

May 7, 2021

Governor Gianforte,

The undersigned organizations urge you to veto House Bill 530. This policy targets a crucial means of voter access for rural, Indigenous voters in our state, infringing on Montanans' constitutional rights and wasting taxpayer dollars by re-litigating another version of the ballot collection restrictions that were enjoined by two separate Montana district court judges over the past nine months.

HB 530 would prevent organizations and Tribes from engaging in any ballot collection and conveyance efforts for which employees are paid. For organizations that do not or cannot rely entirely on volunteer networks, these restrictions would severely hamper their ability to help Montanans in remote areas access their fundamental right to vote - especially those in rural, Indigenous communities. Such restrictions provide no benefit to election security while causing immense and disproportionate harm to Indigenous communities' ability to exercise their most fundamental rights, regardless of where they live.

The restrictions in HB 530 against *any* paid employees engaging in ballot collection is arguably more restrictive than those recently struck down in *Western Native Voice v. Stapleton and Driscoll v. Stapleton*. In *Western Native Voice* the Court held that previous restrictions on ballot collection violated Montanans' fundamental right to vote as well as their right to free speech, stating that the collection and conveyance of ballots is part of the "unfettered interchange of ideas for the bringing about of political and social changes desired by the people," which is at the heart of freedom of expression protections. The restrictions in HB 530 share those same constitutional flaws, and it is a waste of taxpayer dollars to litigate this issue yet again.

Beyond being bad policy with clear constitutional problems, this bill was pushed through the process in the final four days of the Legislature with no public comment and minimal discussion. A policy change as drastic as this warrants and deserves public participation in its drafting. In fact, the State Senate voted down a less extreme series of restrictions when they tabled House Bill 406. Just two weeks later, HB 530 was hastily re-written and rammed through the legislative process. Due to that end-run around the standard process of public participation, no part of this bill's ballot collection restrictions received public comment, and these extensive, constitutionally-flawed restrictions did not receive due consideration.

As Governor, it now falls to you to protect the constitutional rights of all Montanans, whatever their ethnic, geographical or political backgrounds. A veto of House Bill 530 would send a strong message that you are willing to protect the right to vote and to free speech for our rural, Indigenous communities, and that end-runs around the public's right to participate in law-making are not acceptable. Please prevent our state from needlessly wasting more taxpayer dollars on re-litigating issues of settled law and veto this unconstitutional bill.

Sincerely,

Sam Forstag, Legislative Program Manager  
ACLU of Montana



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