

For Immediate Release

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Court: Election laws burden right to vote, violate Montana Constitution

****Ruling permanently enjoins election laws, protecting Election Day Registration****

[BILLINGS, MONTANA] The Thirteenth Judicial District Court ruled today that three voter suppression laws passed during the 2021 Montana Legislative Session violate the Montana Constitution and unreasonably restrict Montanans in exercising their right to vote.

Today's order permanently enjoins the Secretary of State from enforcing House Bill 176, which eliminated election day registration, Senate Bill 169, which complicated voter identification requirements and limited the use of student ID, and House Bill 530, which barred paid ballot collection. In July, the Court also permanently enjoined House Bill 506, which prevented new voters from accessing absentee ballots or voting early in-person until they actually turned 18.

Montana Youth Action, Forward Montana Foundation, and Montana Public Interest Research Group (MontPIRG) challenged HB 176, SB 169, and HB 506 in September 2021. Youth plaintiffs are represented by Rylee Sommers-Flanagan and Niki Zupanic of Upper Seven Law and by Ryan Aikin of Aikin Law Office.

During a two-week trial held in August, Forward Montana Foundation's Executive Director Kiersten Iwai and Montana Youth Action's founder Isaac Nehring testified about how these restrictive laws affect young Montanans, especially first-time voters and students.

"Once the state decides to offer a voting opportunity, the elimination of that voting opportunity is subject to constitutional limitations," the Court wrote. "Removing one and half days during which Montanans could register to vote and cast their vote is a severe burden on the right to vote. HB 176 denies Montanans their right to vote for one and a half days during each election cycle. It would be unconstitutional to deny Montanans the right to bear arms for one and a half days. It would be unconstitutional to deny Montanans the right to freedom of religion for one and a half days."

“It is no accident that the Legislature passed SB 169 just months after Montana’s youngest voters turned out to vote at record rates. Montana’s legislators passed the bill to prevent some young Montanans from exercising their right to vote,” held the Court. “By eliminating EDR, HB 176 severely burdens the right to vote of Montana voters, particularly Native American voters, students, the elderly, and voters with disabilities.”

“Youth turnout in Montana has increased dramatically over the last decade. The legislature’s response? To make voting more complicated,” said Kiersten Iwai, Executive Director at Forward Montana Foundation. **“This ruling reflects that access to the ballot box in Montana must remain free, fair, and straightforward.”**

“Election Day Registration, ballot access, and the ability to use student ID to vote are just basic, uncomplicated voting necessities,” said Scout McMahon, Initiatives Chair of Montana Youth Action. **“Young people are balancing school and work and a lot of other adult activities for the first time. Today’s decision ensures registering to vote and voting in Montana will stay simple and easy.”**

“Regardless of their political views, every young person should have their voice heard on Election Day,” said Hunter Losing, Executive Director of MontPIRG. **“Blocking these shameless attempts to restrict the right to vote means young Montanans will continue to vote, pay attention, and stay engaged.”**

A copy of the decision accompanies this press release.

Youth Plaintiffs’ case was consolidated with two similar cases brought by Western Native Voice and the Montana Democratic Party. Western Native Voice challenged HB 176 and HB 530, and the Montana Democratic Party challenged HB 176, HB 530, and SB 169.

About Upper Seven Law:

Upper Seven Law is a Montana-based nonprofit law firm dedicated to holding the powerful accountable. Based on the belief that creativity and innovation in law are essential to advancing social justice and public interest objectives, Upper Seven takes smart risks and invests the time necessary to build foundations for long-term accountability work.

About the Plaintiffs:

Montana Youth Action empowers youth in Big Sky Country to make a difference through politics, civics, and service to communities in Montana. Montana Youth Action has middle and high school student chapters across the state.

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.