

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

**Joe Lamm, Ravalli County Republican
Central Committee, Jeff Wagner,
Sylvia Wagner, Fiona Nave, Brent Nave,**
Plaintiffs,

v.

Stephen Bullock, in his official capacity as
Governor of Montana; **Corey Stapleton**, in
his official capacity as Secretary of State of
Montana,

Defendants.

Civ. No. @@

Motion to Expedite

Motion to Expedite

Plaintiffs Joe Lamm, Ravalli County Republican Central Committee, Jeff Wagner, Sylvia Wagner, Fiona Nave, and Brent Nave (collectively “Voters”) pursuant to Federal Rule of Civil Procedure 7(b) and Local Rule 7.1(b), move for this Court to expedite review of Plaintiffs’ *Motion for Preliminary Injunction* and merits and on the Motion. In Plaintiffs’ good faith efforts to expedite this case, Plaintiffs have emailed all pleadings to Defendants’ counsel. So all parties were notified of the case immediately after filing. Voters proposed the following schedule:

- Defendants shall respond to Plaintiffs’ Motion for Preliminary Injunction on Thursday, September 17;

- Plaintiffs shall reply on Friday, September 18.
- A hearing on the Motion to be scheduled on September 22, 2020
- This Court will rule on the Motion by Friday, September 25, 2020.

Accordingly and for the following reasons, Plaintiffs move that this Court order that the briefing and decision on the Motion for Preliminary Injunction be expedited so that matter may be resolved before Voters are further prejudiced and irreparably harmed.

Montana law allows for mail-in voting only for certain local elections. MCA § 13-19-101, et seq. Relevant here, the law specifically prohibits such mail-in voting for “(a) a regularly scheduled federal, state, or county election; (b) a special federal or state election, unless authorized by the legislature; or (c) a regularly scheduled or special election when another election in the political subdivision is taking place at the polls on the same day.” MCA § 13-19-104(3).

Voters have filed their *Verified Complaint for Declaratory and Injunctive Relief, Motion for Preliminary Injunction, and Motion to Consolidate the Hearing on the Motion for Preliminary Injunction with a Hearing on the Merits of the Complaint*. Pursuant to the Governor’s directive, the majority of Montana’s counties

have declared their intent to conduct a “mail ballot election”.¹ These counties must obtain the approval of Secretary of State Stapelton. Mont. Code § 13-19-205(5). Upon approval, these counties will sent ballots to voters on October 9. Voters request that this Court expeditiously decide this matter in order to prevent further constitutional violations from occurring and irreparably harming voters.

Voters are irreparably harmed because they have no remedy at law if the Plan proceeds and the election is held in violation of Voters’ constitutional rights. The Plan violates Voter’s fundamental right to vote under the First and Fourteenth Amendments to the U.S. Constitution—by direct disenfranchisement and vote-dilution disenfranchisement—and their right to vote in an election for federal candidates compliant with U.S. Constitution Article I, § 4, cl. 1.

For these reasons, Voters respectfully request this Court order:

- Defendants shall respond to Plaintiffs’ Motion for Preliminary Injunction on Thursday, September 17;
- Plaintiffs shall reply on Friday, September 18.
- A hearing on the Motion to be scheduled on September 22, 2020

¹ See *G. Florio, Most Montana Counties Opt for mail ballot*, Missoulian (Aug. 31, 2020), https://missoulian.com/news/state-and-regional/govt-and-politics/most-montana-counties-opt-for-mail-ballot/article_9a072e6e-a669-54cc-9464-9d963261d7bb.html.

- This Court will rule on the Motion by Friday, September 25, 2020.

Date: September 9, 2020

Respectfully Submitted,

/s/ Emily Jones

Emily Jones
Jones Law Firm
2101 Broadwater Ave.
P.O. Box 22537
Billings, MT 59104
(406) 384-7990
emily@joneslawmt.com
Local Counsel for Plaintiff

James Bopp, Jr.*
IN Atty. No. 2838-84
Richard Coleson*
IN Atty. No. 11527-70
Courtney Turner Milbank*
IN Atty. No. 32178-29
Angela Stuedemann*
IA Atty. No 69956
True the Vote, Inc.
Voters' Rights Initiative
THE BOPP LAW FIRM, PC
1 South Sixth St.
Terre Haute, IN 47807-3510
Telephone: (812) 232-2434
Lead Counsel for Plaintiffs
** Pro Hac Vice pending*

Certificate of Service

I hereby certify that I caused the foregoing document to be served via first class U.S. Mail on September 9, 2020, on all defendants:

Governor Stephen Bullock
PO Box 200801
Helena, MT 59620-0801

Secretary of State Corey Stapleton
Montana Capitol Building, Rm 260
P.O. Box 202801
Helena, MT 59620-2801

/s Emily Jones
Emily Jones