

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

FILED
SEP 23 2019
Clerk, U.S. District Court
District of Montana
Missoula

NATIONAL ASSOCIATION FOR
GUN RIGHTS, INC.,

Plaintiff,

vs.

JEFF MANGAN, in his official capacity as the Commissioner of Political Practices for the State of Montana; TIMOTHY C. FOX, in his official capacity as Attorney General for the State of Montana; LEO GALLAGHER, in his official capacity as County Attorney for the County of Lewis & Clark,

Defendants.

CV 16-23-H-DLC-JTJ
(Consolidated with
CV 16-33-H-DLC-JTJ)

ORDER

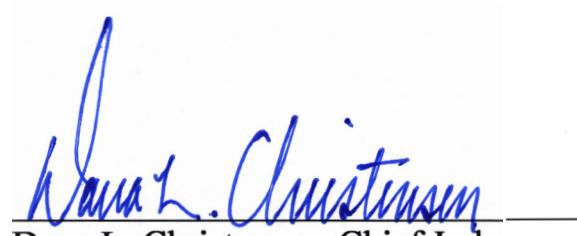
Before the Court is the Mandate of the Ninth Circuit Court, issued pursuant to Rule 41 (a) of the Federal Rules of Appellate Procedure. (Doc. 55.) On September 6, 2017, and relevant to the Mandate, this Court granted Defendants' motion for summary judgment, finding that Montana's electioneering and disclosure regime withstands the First Amendment's exacting scrutiny. (Doc. 44 at 17.) Plaintiff appealed. (Doc. 50.)

While the Ninth Circuit Court largely agreed with this Court's conclusion,

(Doc. 44), it reversed as to Mont. Code Ann. § 13–37–203. (Doc. 54 at 31.) There, the Court held that Montana’s requirement that a political committee’s designated treasurer be a registered Montana voter fails to withstand exacting scrutiny. (*Id.*) Nevertheless, the Court determined that “the registered-voter provision is definitely severable from the rest of the Montana disclosure regime.” (*Id.* at 34.) Therefore, because the Court found that “the remainder of [Montana’s] disclosure regime could still be executed in accordance with apparent legislative intent,” it held that “the rest of Montana’s disclosure scheme remains in force.” (*Id.* (internal quotation marks and citation omitted))

Accordingly, IT IS ORDERED that the Court’s order of September 6, 2017 (Doc. 44) is VACATED to the extent it upholds the constitutionality of the so-called “registered voter requirement” of Mont. Code. Ann. § 13–37–203. As to this statutory provision, Plaintiff’s motion for summary judgment should have been GRANTED.

DATED this 23rd day of September, 2019.



Dana L. Christensen
Dana L. Christensen, Chief Judge
United States District Court