



*Montana State Legislature*

**MONTANA HOUSE OF REPRESENTATIVES**

To: Governor Greg Gianforte  
From: Montana Legislators  
Re: Call of a Special Session

February 14 2022

Honorable Governor Gianforte:

The lawsuit (filed in Federal court against the Secretary of State filed by Bob Brown) asserts that the PSC districts need to be redrawn to include the new population totals from the last census. The Attorney General has stated that only the Legislature has the authority to redraw the boundaries for a state election, and we concur. We would prefer to address this in the next session, but Judge Molloy has continued the suit, and is scheduled to make a decision on March 4<sup>th</sup>. That is a violation of the Tenth Amendment of the US constitution, as well as Montana law. The remedy for this issue does not belong in a Federal court. Since the last day candidates may file for candidacy is March 14<sup>th</sup>, this becomes a very time sensitive request.

We the following Legislators of the 67<sup>th</sup> Legislative session, ask that you act within your authority granted in Article 6, section 11 of the Montana Constitution (MCA 5-3-101) and convene a special session. We ask that the subjects to be specified in this call be the following:

1. Allowing the Legislature to craft and pass a bill that creates a new Public Service Commission map, allowing for the 2020 Federal Census data for adjusted population totals in Montana.
2. Allowing the Legislature to create and fund a joint select special Interim Committee, created with Investigatory powers and charged with confirming the Election Integrity of Montana. Because of the concerns many of us have received from Montana Constituents, this would follow the Legislature's constitutional oath regarding Article IV Section 3 stating "... shall insure the purity of elections and guard against abuses of the electoral process."
3. Allowing for any statutory requirements the Executive branch of government in Montana may require upon adjournment of the next session.

We also ask that since there is such a time sensitive requirement, that you set the date certain to be no later than February 28<sup>th</sup>, 2022. This calendar restraint precludes the Legislatures ability to call the session ourselves with a poll sent through the Secretary of State, pursuant to MCA 5-3-105.

These issues are of a compelling state interest to ask that you please help us avoid what is a violation of the 10<sup>th</sup> Amendment of the US Constitution. Judge Malloy has failed to recognize that the defendants in this case should be the Montana Legislature, as we are the only entity empowered with the remedy sought: creation of new equal population districts for the legislatively created Public Service Commission.

Thank you for your service to the great State of Montana, and the serious consideration of this request on behalf of the constituents we all serve.