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UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
HELENA DIVISION

YOUNG AMERICANS FOR LIBERTY, INC., MAKE LIBERTY WIN, MONTANA MINING ASSOCIATION, and PAC MANAGEMENT SERVICES LLC, *Plaintiffs*, v. AUSTIN KNUDSEN, *in his official capacity as Montana Attorney General*, and CHRISTI JACOBSEN, *in her official capacity as Montana Secretary of State*, *Defendants*.	Case No. 26-cv-81-H-BMM **Complaint**

Introduction

1. The First Amendment protects the freedoms of speech and association so that individuals and political groups can work together to speak on matters of public concern and influence the outcome of a vote of the electorate.

2. Each election season, Make Liberty Win organizes thousands of activists to reach out to voters and ask them to vote for liberty minded candidates for public office, including candidates running in Montana.

3. Young Americans for Liberty, Inc. is dedicated to promoting and advancing the principles of liberty and freedom. It spends money to support groups, like Make Liberty Win, to help them connect with voters to promote conservative candidates and issues each election season.

4. The Montana Mining Association exists to protect and promote Montana's mining industry. It achieves these goals by speaking out each election season to influence the outcome of candidate elections, ballot initiatives, voter referendums, candidate recalls, constitutional amendment votes, charter amendment votes, or any other question presented to voters state-wide or in any Montana political subdivision.

5. PAC Management Services LLC is a for-profit limited liability company that provides services to state and federal political action committees, candidate committees, party committees, and other organizations engaged in political and other advocacy work to help them influence the outcome of elections across the Nation.

6. On November 3, 2026, Montana voters approved Initiative 194. That ballot initiative explicitly takes away these organizations' free speech rights and the ability to work together to either advocate for liberty minded candidates for public office or promote Montana's mining industry during the state's elections. It also prevents companies like PAC Management Services LLC from selling its services because what it does will influence the outcome of Montana's elections.

7. The First Amendment, however, preserves the speech and associational rights of minority political groups and individuals. It prevents any level of government, and even the voters, from taking away the rights of people that express views that differ from the majority. It also protects the association rights of vendors and political organizations so that they can work together to influence elections.

Accordingly, the Court should enjoin Initiative 194 and declare it unconstitutional.

Parties

8. Plaintiff Young Americans for Liberty, Inc. is a 26 U.S.C. § 501(c)(4) corporation organized under the laws of Virginia.

9. Plaintiff Make Liberty Win is a federal hybrid political action committee, with Federal Election Committee Identification #C00731133.

10. Plaintiff Montana Mining Association is a 26 U.S.C. § 501(c)(6) trade association organized under the laws of Montana.

11. Plaintiff PAC Management Services LLC is a Delaware limited liability company.

12. Defendant Austin Knudsen is Montana's Attorney General. He is sued in his official capacity. Under I-194 § 8(2), the Attorney General has "the authority and responsibility to bring actions to enforce" I-194. He maintains his office in Helena, Lewis and Clark County, Montana.

13. Defendant Christi Jacobsen is Montana's Secretary of State. She is sued in her official capacity. She maintains her office in Helena, Lewis and Clark County, Montana. I-194 directs the Secretary of State

to "adopt rules and procedures necessary to implement and enforce [I-194], including procedures governing forfeiture, reinstatement, disgorgement, certification of compliance, notice, and the opportunity to be heard consistent with due process." I-194 § 8(1). The Secretary of State also administers business-entity filings, registrations, and records under Title 35 of the Montana Code Annotated, which I-194 makes applicable to its operative provisions. I-194 § 13.

Jurisdiction and Venue

14. The Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1343 because this lawsuit challenges Defendants' violation of Plaintiffs' civil rights under 42 U.S.C. § 1983. The Court may grant declaratory relief under 28 U.S.C. §§ 2201 and 2202.

15. Venue lies in this Court under 28 U.S.C. §§ 1391(b)(1) and (2) because the Defendants' offices are located in this judicial district and a substantial part of the events or omissions giving rise to Plaintiffs' claims occurred in this judicial district. Venue is proper in the Helena Division under L.R. 1.2(c)(4) and L.R. 3.2 because Defendants maintain their official offices in Lewis and Clark County.

Factual Allegations

Initiative No. 194

16. Initiative No. 194 ("I-194") was a ballot initiative that voters approved at the November 3, 2026 general election. I-194 enacts a new chapter in Title 35 of the Montana Code.

17. The stated purposes of the new law are to:

> (a) establish that state-conferred legal status and charter privileges are granted to an artificial person only on the condition that the artificial person operate within the powers extended by the state;
>
> (b) make explicit that political spending power is not among the powers extended to artificial persons, except as expressly provided by law for political committees;
>
> (c) establish a single, uniform definition of the powers extended to artificial persons under [sections 1 through 10];
>
> (d) provide clear and enforceable consequences for the exercise of political spending power not extended by the state; and
>
> (e) leave wholly undisturbed the constitutional rights of natural persons.

I-194 § 2(6) (brackets in original).

18. The definition section states:

> As used in [sections 1 through 10], and solely for the purposes of defining the scope of artificial-person powers and the consequences that attach to acts outside that scope, the following definitions apply:

(1) "Artificial person" means an entity whose existence, legal status, or limited liability shield is conferred by the laws of the state of Montana, including an entity organized or existing under the laws of another jurisdiction that is authorized to transact business, is otherwise transacting business, or holds property in Montana. An entity organized or existing under the laws of another jurisdiction that directly or indirectly undertakes, finances, or directs the exercise of political spending power in the state of Montana is conclusively considered to be transacting business in this state for the purposes of [sections 1 through 10].

(2) "Artificial-person powers" means powers necessary or convenient to carry out lawful business, charitable, cooperative, or organizational purposes as provided by Montana law, excluding political spending power. Political spending power may not be deemed necessary or convenient under any circumstances.

(3) "Charter privilege" means any legal benefit that exists only because the state of Montana confers it on an artificial person, including limited liability, perpetual duration, succession in entity name, or any statutory limitation on personal liability.

(4) (a) "Political spending power" means the legal capacity to pay, contribute, or expend money or anything of value to support or oppose:

> (i) a candidate, political party, or political committee in an election held in this state; or
>
> (ii) any initiative, referendum, recall, constitutional amendment, charter amendment, or other question formally certified or submitted to the electors of this state or any political subdivision of the state.

> (b) The term does not include the distribution of bona fide news, commentary, or editorial content unless the publishing entity is owned or controlled by a political party, a political committee, or a candidate.
>
> (c) Political spending power may be exercised by political committees, as provided by law.

I-194 § 3 (brackets in original).

19. I-194's general rule provided:

> (1) Except as expressly provided by law for political committees, the state of Montana does not extend political spending power to an artificial person, and an artificial person subject to [sections 1 through 10] does not possess any legal capacity to expend money or anything of value to support or oppose the outcome of a vote of the electorate.
>
> (2) The absence of political spending power under [sections 1 through 10] is a condition of state-conferred legal status and charter privileges. An artificial person that exercises political spending power not extended by the state acts outside the powers granted as a condition of that status.

I-194 § 4 (brackets in original).

20. I-194's applicability section states:

> (1) [Sections 1 through 10] apply to all artificial persons formed, organized, or existing under the laws of the state of Montana.
>
> (2) [Sections 1 through 10] apply to an artificial person organized or existing under the laws of another jurisdiction that is authorized to transact business, is otherwise transacting business, or holds property in the state.

> (3) [Sections 1 through 10] apply to any trust, statutory trust, business trust, or similar arrangement to the extent Montana law confers limited liability, perpetual duration, succession in name, or any other charter privilege by reason of that form.
>
> (4) [Sections 1 through 10] do not apply to:
>
> > (a) natural persons acting solely in an individual capacity;
> >
> > (b) the state of Montana or any agency, authority, or political subdivision of the State; or
> >
> > (c) a public body corporate and politic expressly identified as corporate and politic by statute.
>
> (5) [Sections 1 through 10] do not restrict the lawful activities of political committees organized under Montana law or federal law.

I-194 § 5 (brackets in original).

21. I-194 states that any act of political spending by an artificial person is void. Specifically:

> (1) An act by an artificial person that constitutes an exercise of political spending power not extended by the state under [sections 1 through 10] is beyond the scope of authority and void.
>
> (2) An act described in subsection (1):
>
> > (a) is void from the beginning;

> (b) may not be ratified, validated, or given effect by consent, waiver, estoppel, reliance, course of dealing, or any other equitable doctrine; and
>
> (c) creates no enforceable rights, obligations, or defenses.
>
> (3) The character of an act that is beyond the scope of authority under this section arises solely from the absence of political spending power as a condition of state-conferred legal status and charter privileges.

I-194 §6 (brackets in original).

22. I-194 imposes penalties on offending artificial persons.

Specifically:

> (1) An artificial person that exercises political spending power not extended by the state under [sections 1 through 10] forfeits all charter privileges as a matter of law.
>
> (2) Charter privileges forfeited under subsection (1) include, without limitation:
>
> (a) limited liability;
>
> (b) perpetual duration;
>
> (c) succession in entity name; and
>
> (d) any statutory limitation on personal liability conferred by Montana law.
>
> (3) Forfeiture under this section applies only to charter privileges conferred by Montana law. [Sections 1 through 10] do not purport to affect privileges conferred by the laws of another jurisdiction.

> (4) An artificial person whose charter privileges are forfeited under this section may be reinstated only pursuant to procedures enacted or administered by the state and only upon:
>
> > (a) full disgorgement of all money or things of value expended, contributed, or transferred in the exercise of political spending power;
> >
> > (b) certification of future compliance with [sections 1 through 10]; and
> >
> > (c) satisfaction of any additional conditions the legislature or a designated state authority considers appropriate.
>
> (5) Disgorgement under subsection (4)(a) is required regardless of whether the political spending supported or opposed a position that prevailed or failed in the outcome of a vote of the electorate.

I-194 § 7 (brackets in original).

23. Montana's Secretary of State is instructed to "adopt rules and procedures necessary to implement and enforce [sections 1 through 10], including procedures governing forfeiture, reinstatement, disgorgement, certification of compliance, notice, and the opportunity to be heard consistent with due process." I-194 § 8(1) (brackets in original).

24. Montana's Attorney General has the responsibility of enforcing I-194. Specifically: "The attorney general has the authority and

responsibility to bring actions to enforce [sections 1 through 10], including actions seeking declaratory relief, injunctive relief, disgorgement, and confirmation or enforcement of forfeiture." I-194 § 8(2) (brackets in original).

25. I-194 codifies these new laws as a new chapter in Title 35 of the Montana Code Annotated and "the provisions of Title 35 apply to [sections 1 through 10]." I-194 § 13 (brackets in original).

26. The effective date of these new laws is January 1, 2027. I-194 § 14.

Young Americans for Liberty, Inc.

27. Young Americans for Liberty, Inc. ("YAL") is a liberty focused organization that exists to advance liberty across the United States, including Montana.

28. YAL is an entity whose existence is conferred on it by the Commonwealth of Virginia.

29. It is an "artificial person" as defined in I-194 § 3.

30. YAL is not owned by any candidate, political party, or political committee.

31. A way that YAL pursues its goals is by associating with Plaintiff Make Liberty Win.

32. In 2025, YAL contributed over $3.5 million to Make Liberty Win.

33. In 2026, YAL contributed over $1.3 million to Make Liberty Win.

34. Make Liberty Win used a portion of YAL's contributions to support or oppose the outcome of a vote of the Montana electorate, specifically during the 2026 primary elections.

35. YAL has actual knowledge of, encourages, and supports Make Liberty Win's use of its financial contributions to support or oppose the outcome of a vote of the Montana electorate.

36. By associating with Make Liberty Win through its financial contributions prior to and during the 2026 election cycle, and by expending money or something of value through the work of its staff and the use of its supplies and resources, YAL indirectly financed the exercise of political spending power, as defined in I-194 § 3, in the state of Montana by expending money or something of value to support or oppose the outcome of a vote of the Montana electorate.

37. During each and every election cycle in Montana after the 2026 election cycle, YAL intends to and will continue to associate with Make

Liberty Win by contributing money and by expending money or something of value through the work of its staff and the use of its supplies and other resources.

38. Make Liberty Win will use a portion of YAL's contributions made during each and every election cycle in Montana after the 2026 election cycle to support or oppose the outcome of a vote of the Montana electorate.

39. YAL has actual knowledge of, encourages, and supports Make Liberty Win's continued use of its financial contributions to support or oppose the outcome of a vote of the Montana electorate during each and every election cycle in Montana after the 2026 election cycle.

40. By continuing to associate with Make Liberty Win through its financial contributions and by expending money or something of value through the work of its staff and the use of its supplies and resources after the 2026 election cycle, YAL will indirectly finance the exercise of political spending power, as defined in I-194 § 3, in the state of Montana by expending money or something of value to support or oppose the outcome of a vote of the Montana electorate.

41. In the 2026 Montana election cycle and in election cycles prior to the 2026 Montana election cycle, YAL associated with and will continue to associate in all future Montana election cycles with Make Liberty Win to act in concert or in conjunction to directly or indirectly undertake, finance, or direct the exercise of political spending power, as defined in I-194 § 3, in the state of Montana.

42. In the 2026 Montana election cycle and in Montana election cycles prior to the 2026 Montana election cycle, YAL associated with and it will continue to associate with Make Liberty Win to act in concert or in conjunction to expend money or things of value to support or oppose the outcome of a vote of the Montana electorate in each and every Montana election cycle after the 2026 Montana election cycle.

43. Absent injunctive relief, once I-194 takes effect on January 1, 2027, YAL will be forced to stop its association with Make Liberty Win with respect to Make Liberty Win's operations in Montana.

Make Liberty Win

44. Plaintiff Make Liberty Win ("MLW") is a philosophically conservative political action committee dedicated to promoting and advancing the principles of liberty and freedom. Its team of activists

diligently canvasses neighborhoods, connects with voters, and promotes conservative values in as many as forty states across the Nation, including Montana. MLW's efforts ensure its message strikes a chord with a diverse range of constituents, contributing to its success in elections, measured by the election of liberty-minded candidates in primary and general elections, including elections in Montana.

45. MLW pursues its activities described in this complaint to support or oppose the outcome of a vote of the Montana electorate.

46. MLW is not owned by any candidate, political party, or other political committee.

47. Prior to the 2026 election cycle, MLW directly or indirectly undertook, financed, or directed the exercise of political spending power, as defined in I-194 § 3, in the state of Montana.

48. Prior to the 2026 election cycle, MLW expended money or things of value to support or oppose the outcome of a vote of the Montana electorate.

49. Because YAL financially contributes more than 90% of the funds MLW expends to support its activities, YAL financed MLW's activities in Montana.

50. In the 2020 Montana election cycle, MLW spent approximately $52,000 on direct mail, phone banks, literature distribution and peer-to-peer texts to support or oppose the outcome of a vote of the Montana electorate.

51. In the 2022 Montana election cycle, MLW spent approximately $56,600 on direct mail, phone banks, literature distribution and peer-to-peer texts to support or oppose the outcome of a vote of the Montana electorate.

52. In the 2024 Montana election cycle, MLW spent approximately $123,000 on direct mail, phone banks, literature distribution and peer-to-peer texts to support or oppose the outcome of a vote of the Montana electorate.

53. During the 2026 election cycle, MLW directly or indirectly undertook, financed, or directed the exercise of political spending power, as defined in I-194 § 3, in the state of Montana.

54. During the 2026 election cycle, MLW expended money or things of value to support or oppose the outcome of a vote of the Montana electorate.

55. In the 2026 Montana election cycle, MLW spent approximately $370,000 on direct mail, phone banks, literature distribution and peer-to-peer texts to support or oppose the outcome of a vote of the Montana electorate.

56. In each and every election cycle after the 2026 election cycle, MLW will directly or indirectly undertake, finance, or direct the exercise of political spending power, as defined in I-194 § 3, in the state of Montana.

57. MLW will expend money or things of value to support or oppose the outcome of a vote of the Montana electorate in each and every election cycle after the 2026 election cycle.

58. In the 2026 Montana election cycle and in election cycles prior to the 2026 Montana election cycle, MLW associated with and will continue to associate in all future Montana election cycles with YAL to act in concert or in conjunction to directly or indirectly undertake, finance, or direct the exercise of political spending power, as defined in I-194 § 3, in the state of Montana.

59. In the 2026 Montana election cycle and in Montana election cycles prior to the 2026 Montana election cycle, MLW associated with YAL

and it intends to continue to associate with YAL to act in concert or in conjunction to expend money or things of value to support or oppose the outcome of a vote of the Montana electorate in each and every Montana election cycle after the 2026 Montana election cycle.

60. Although I-194 states that it does not restrict the lawful activities of political committees, I-194 § 5(5), it prohibits the artificial persons that fund MLW—including YAL, which provides more than 90% of the funds MLW expends—from contributing to MLW so that MLW can support or oppose the outcome of a vote of the Montana electorate. I-194 therefore deprives MLW of the funds it uses to speak in Montana and burdens MLW's right to associate with its contributors.

61. Absent injunctive relief, once I-194 takes effect on January 1, 2027, MLW will be forced to stop its association with YAL with respect to MLW's operations in Montana.

Montana Mining Association

62. The Montana Mining Association ("MMA") is a Montana trade association dedicated to assisting mining companies, small miners and allied trade members succeed in Montana's complex business and

regulatory environment. The primary purpose of MMA is to protect and promote the mining industry in the state of Montana.

63. MMA protects and promotes Montana's mining industry by supporting or opposing the outcome of a vote of the Montana electorate.

64. MMA's members, and the mining industry more generally, rely on MMA to advocate for mining on their behalf, including by raising awareness of candidates or ballot issues that would help or harm mining in Montana.

65. MMA is not owned by any candidate, political party, or political committee.

66. MMA is an entity whose existence is conferred on it by the state of Montana.

67. It is an "artificial person" as defined in I-194 § 3.

68. Prior to the 2026 election cycle, MMA directly or indirectly undertook, financed, or directed the exercise of political spending power, as defined in I-194 § 3, in the state of Montana.

69. Prior to the 2026 election cycle, MMA expended money or things of value to support or oppose the outcome of a vote of the Montana electorate.

70. In the 2018 Montana election, MMA and its members donated to a political committee, and in doing so spent millions of dollars to oppose I-186, as well as substantial amounts of time and energy coordinating a campaign against I-186.

71. In 2023, MMA dissolved its prior political committee and split the remaining funds (approximately $4,000) between the Democratic Legislative Leadership Council and the Republican Legislative Leadership Council.

72. In the 2024 Montana election cycle, MMA made social media posts to support or oppose the outcome of the vote of the Montana electorate. Additionally, MMA publicly endorsed Cory Swanson for Chief Justice and Dan Wilson for Associate Justice on the Montana Supreme Court.

73. In the 2026 Montana election cycle, MMA made social media posts, coordinated opposition among industry groups, and was a party to legal challenges challenging I-194 and its predecessor initiatives. Additionally, MMA made direct contributions to Dan Wilson's campaign for Associate Justice on the Montana Supreme Court. MMA also contributed approximately $500 a piece to both the Montana Democratic Legislative Campaign Committee and the Montana

Republican Campaign Committee. And MMA made contributions to several political committees, including a $22,500 donation to Montanans for Free Speech.

74. By conducting the business practices described in the preceding paragraphs in Montana, MMA expends money or something of value through the work of its staff and the use of its supplies and resources to support or oppose the outcome of a vote of the Montana electorate.

75. During the 2026 election cycle, MMA directly or indirectly undertook, financed, or directed the exercise of political spending power, as defined in I-194 § 3, in the state of Montana.

76. During the 2026 election cycle, MMA expended money or things of value to support or oppose the outcome of a vote of the Montana electorate.

77. In each and every election cycle after the 2026 election cycle, MMA will directly or indirectly undertake, finance, or direct the exercise of political spending power, as defined in I-194 § 3, in the state of Montana.

78. MMA will expend money or things of value to support or oppose the outcome of a vote of the Montana electorate in each and every election cycle after the 2026 election cycle.

79. Absent injunctive relief, once I-194 takes effect on January 1, 2027, MMA will be forced to stop engaging in political speech by expending money or anything of value to support or oppose the outcome of a vote of the Montana electorate.

PAC Management Services LLC

80. PAC Management Services LLC ("PAC MS") provides services to state and federal political action committees, candidate committees, party committees, and other organizations engaged in political and other advocacy work.

81. PAC MS is not owned by any candidate, political party, or other political committee.

82. PAC MS is an entity whose existence is conferred on it by the state of Delaware and it "is otherwise transacting business" in Montana. I-194 § 3(1).

83. It is an "artificial person" as defined in I-194 § 3.

84. Among the services PAC MS provides are Federal Election Commission and state government equivalent reporting and compliance, as well as treasury services, general consulting services for managing client organization operations, provides sub-vendors to make political communications and employs door-to-door canvassers to communicate political messages to the relevant electorate.

85. PAC MS provides these services in Montana, which is a thing of value, to support or oppose the outcome of a vote of the Montana electorate.

86. Consistent with Federal Election Commission regulations, *see* FEC Advisory Opinion 2021-07 (PACMS), PAC MS also does business as "VIP Gatekeeper."

87. VIP Gatekeeper connects active, elite, top-tier political donors—VIPs—with trusted, pre-approved political advisors—Gatekeepers—to maximize the impact of political giving. VIPs and their Gatekeepers can quickly, easily and effectively drive support to candidates that share their policy agenda.

88. More specifically, VIP Gatekeeper processes and streamlines financial contributions from large dollar donors to strategic contribution

opportunities to quickly raise contributions for key candidates and officeholders.

89. In 2026, VIP Gatekeeper processed financial contributions totaling $46,140 to Montana state legislative candidates/entities, $10,000 to Montana state political action committees, and $7,000 to Senator-elect Kurt Alme's campaign.

90. VIP Gatekeeper intends to continue its business practices of processing financial contributions to Montana candidates in all future elections.

91. The financial contributions that VIP Gatekeeper processes for state and federal Montana candidates for public office and Montana political action committees either support or oppose the outcome of a vote of the Montana electorate.

92. By conducting the business practices described in the preceding paragraphs in Montana, PAC MS, including when operating as VIP Gatekeeper, expends money or something of value through the work of its staff and the use of its supplies and resources to support or oppose the outcome of a vote of the Montana electorate.

93. During the 2026 election cycle, PAC MS directly or indirectly undertook, financed, or directed the exercise of political spending power, as defined in I-194 § 3, in the state of Montana.

94. PAC MS, including when it operates as VIP Gatekeeper, will continue to conduct its business practices as described in the preceding paragraphs in Montana and, therefore, expend money or something of value through the work of its staff and the use of its supplies and resources to support or oppose the outcome of a vote of the Montana electorate in each and every election cycle after the 2026 election cycle.

95. PAC MS will directly or indirectly undertake, finance, or direct the exercise of political spending power in the state of Montana in each and every election cycle after the 2026 election cycle.

96. Absent injunctive relief, once I-194 takes effect on January 1, 2027, PAC MS will be forced to stop its Montana business operations to avoid legal sanctions under I-194 for directly or indirectly undertaking, financing, or directing the exercise of political spending power in the state of Montana, and for expending money or something of value to support or oppose the outcome of a vote of the Montana electorate through the work of its staff and the use of its supplies and resources.

Claims for Relief

Count I

I-194 violates Plaintiffs' Freedom of Speech Rights, both facially and as applied, in violation of the First and Fourteenth Amendments.

97. Plaintiffs reallege and incorporate by reference the preceding paragraphs.

98. The First Amendment applies to Montana by operation of the Fourteenth Amendment.

99. "Discussion of public issues and debate on the qualifications of candidates are integral to the operation of the system of government established by our Constitution." *Buckley v. Valeo*, 424 U.S. 1, 14 (1976) (per curiam). This is no less true of the discussion of public issues that appear on the ballot in the form of ballot measures. See *First Nat'l Bank of Bos. v. Bellotti*, 435 U.S. 765, 790–92 (1978).

100. "It has been settled for [now well over] a century that corporations are persons within the meaning of the Fourteenth Amendment." *Bellotti*, 435 U.S. at 780 n.15 (citing *Santa Clara Cnty. v. S. Pac. R.R. Co.*, 118 U.S. 394 (1886); *Covington & Lexington Turnpike R. Co. v. Sandford*, 164 U.S. 578 (1896)).

101. "First Amendment protection extends to corporations." *Citizens United v. Fed. Election Comm'n*, 558 U.S. 310, 342 (2010). Indeed, "[t]his protection has been extended by explicit holdings to the context of political speech." *Id.* Consequently, "political speech does not lose First Amendment protection simply because its source is a corporation." *Id.* (internal quotation marks omitted). "Corporations and other associations, like individuals, contribute to the discussion, debate, and the dissemination of information and ideas that the First Amendment seeks to foster." *Id.* at 343 (internal quotation marks omitted).

102. The Supreme Court "has thus rejected the argument that political speech of corporations or other associations should be treated differently under the First Amendment simply because such associations are not 'natural persons.'" *Id.*

103. I-194 deprives Plaintiffs of their First Amendment freedom of speech.

104. The Supreme Court "has long held that laws regulating speech based on its subject matter or communicative content are presumptively unconstitutional." *Chiles v. Salazar*, 607 U.S. 627, 640 (2026) (internal quotation marks omitted).

105. I-194 violates the First Amendment because it regulates the subject matter or communicated content of Plaintiffs' speech by forbidding them from speaking to support or oppose the outcome of a vote of the electorate.

106. The Supreme Court has "recognized, as well, the even greater dangers associated with regulations that discriminate based on the speaker's point of view." *Id.* at 641. "When the government seeks not just to restrict speech based on its subject matter, but also seeks to dictate what particular 'opinion or perspective' individuals may express on that subject, 'the violation of the First Amendment is all the more blatant.'" *Id.* (quoting *Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 829 (1995)).

107. "Viewpoint discrimination is thus an egregious form of content discrimination. The government must abstain from regulating speech when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction." *Rosenberger*, 515 U.S. at 829.

108. By only applying to entities regulated by Title 35 of Montana Code Annotated and entities just like these in other states, I-194

discriminates against Plaintiffs' viewpoint in favor of the viewpoints of natural persons, a public body corporate and politic express identified as corporate and politic by statute, political committees organized under Montana law or federal law, and collective bargaining organizations formed under Title 39 of Montana Code Annotated that expend money or anything of value to support or oppose the outcome of a vote of the Montana electorate.

109. I-194 cannot avoid First Amendment scrutiny by relabeling its ban on political spending as a limit on "artificial-person powers." I-194 expressly makes the absence of political spending power "a condition of state-conferred legal status and charter privileges," I-194 § 4(2), and it penalizes protected political speech with forfeiture of limited liability, perpetual duration, and other charter privileges, I-194 § 7(1)–(2). The government may not condition a benefit on the surrender of First Amendment rights. *See Agency for Int'l Dev. v. All. for Open Soc'y Int'l, Inc.*, 570 U.S. 205, 214 (2013); *Perry v. Sindermann*, 408 U.S. 593, 597 (1972).

110. By enforcing Initiative 194, Defendants, acting under color of state law, will deprive Plaintiffs of the right to freedom of speech in violation

of the First and Fourteenth Amendments to the United States Constitution, both facially and as applied to the Plaintiffs. Plaintiffs are therefore entitled under 42 U.S.C. § 1983 to declaratory and preliminary and permanent injunctive relief against continued enforcement and maintenance of the Defendants' unconstitutional customs, policies, and practices; and attorneys' fees and expenses pursuant to 42 U.S.C. § 1988.

Count II

I-194 violates Plaintiffs' Freedom of Association Rights, both facially and as applied, in violation of the First and Fourteenth Amendments.

111. Plaintiffs reallege and incorporate by reference the preceding paragraphs.

112. The First Amendment applies to Montana by operation of the Fourteenth Amendment.

113. "The First Amendment prohibits government from 'abridging . . . the right of the people peaceably to assemble . . . .'" *Ams. for Prosperity Found. v. Bonta*, 594 U.S. 595, 605 (2021) ("*AFPF*").

114. "[The Supreme] Court has long understood as implicit in the right to engage in activities protected by the First Amendment a corresponding right to associate with others. Protected association

furthers a wide variety of political, social, economic, educational, religious, and cultural ends, and is especially important in preserving political and cultural diversity and in shielding dissident expression from suppression by the majority." *AFPF*, 594 U.S. at 606 (quotation marks and citation omitted).

115. "The First Amendment protects political association as well as political expression . . . . [Supreme Court] decisions have made clear that the First and Fourteenth Amendments guarantee freedom to associate with others for the common advancement of political beliefs and ideas" *Buckley*, 424 U.S. at 15 (internal quotation marks omitted).

116. "Government infringement of this freedom can take a number of forms." *AFPF*, 594 U.S. at 606 (quotation marks omitted).

117. "When it comes to the freedom of association, the protections of the First Amendment are triggered not only by actual restrictions on an individual's ability to join with others to further shared goals. The risk of a chilling effect on association is enough, because First Amendment freedoms need breathing space to survive." *AFPF*, 594 U.S. at 618-19 (internal punctuation marks omitted).

118. I-194 prevents Plaintiffs from associating with one another, and others like their member entities, through financial contributions to further activities that support or oppose the outcome of a vote of the Montana electorate.

119. By enforcing Initiative 194, Defendants, under color of state law, will deprive Plaintiffs of the right to freedom of association in violation of the First and Fourteenth Amendments to the United States Constitution, both facially and as applied to the Plaintiffs. Plaintiffs are therefore entitled under 42 U.S.C. § 1983 to declaratory and preliminary and permanent injunctive relief against continued enforcement and maintenance of the Defendants' unconstitutional customs, policies, and practices; and attorneys' fees and expenses pursuant to 42 U.S.C. § 1988.

Count III

I-194 is overbroad in violation of the First and Fourteenth Amendments.

120. Plaintiffs reallege and incorporate by reference the preceding paragraphs.

121. The First Amendment applies to Montana by operation of the Fourteenth Amendment.

122. In a First Amendment challenge, "the overbreadth doctrine instructs a court to hold a statute facially unconstitutional even though it has lawful applications, and even at the behest of someone to whom the statute can be lawfully applied. *United States v. Hansen*, 599 U.S. 762, 769 (2023). This approach "provides breathing room for free expression." *Id.*

123. "Overbroad laws may deter or 'chill' constitutionally protected speech, and if would-be speakers remain silent, society will lose their contributions to the marketplace of ideas. To guard against those harms, the overbreadth doctrine allows a litigant (even an undeserving one) to vindicate the rights of the silenced, as well as society's broader interest in hearing them speak." *Id.* at 769–70 (internal quotation marks and citation omitted).

124. "If the challenger demonstrates that the statute prohibits a substantial amount of protected speech relative to its plainly legitimate sweep, then society's interest in free expression outweighs its interest in the statute's lawful applications, and a court will hold the law facially invalid." *Id.* at 770 (internal quotation marks omitted).

125. I-194 bans all artificial persons other than political committees and public bodies—including corporations, limited liability companies, nonprofit associations, cooperatives, and trusts—from spending money or anything of value to support or oppose the outcome of a vote of the Montana electorate.

126. Nonprofit and for-profit corporations that are not candidate committees, ballot question committees, or political committees will violate I-194 by expending money or something of value through the work of their staff and the use of their supplies and resources in the ordinary course of their business of providing products or services to customers, clients, members, or interested individuals that seek them out.

127. Nonpartisan issue advocacy corporations will violate I-194 by publishing issue scorecards about candidates for public office on the Montana ballot and by engaging in other issue advocacy that is neither express advocacy nor its functional equivalent. Religious corporations will violate I-194 by taking positions on Montana ballot measures as part of their ordinary course of business of taking positions on moral issues of public concern. Retail corporations will violate I-194 by

advertising and selling books, movies, or music that discuss candidates for public office or ballot measures on the Montana ballot. Newspapers, television stations, and radio stations will violate I-194 by running political advertisements about candidates for public office or ballot measures on the Montana ballot—not as part of their bona fide news, commentary, or editorial content, but in the ordinary course of business of a for-profit corporation that sells advertising. Movie theatres and radio stations will violate I-194 by running entertainment that discuss candidates for public office that appear on the Montana ballot as part of these corporations' ordinary course of business. Plainly, any published utterance made by an employee of any type of corporation that is not uttered in performance of a bona fide news, commentary, or editorial function about any candidate or ballot measure appearing on any Montana ballot in any Montana locality is banned in Montana. And all these types of corporations are prohibited from associating with their members or customers in the furtherance of these speech activities either for commercial or not-for-profit purposes.

128. Plaintiffs PAC MS will be prohibited from providing its services in Montana.

129. By enforcing Initiative 194, Defendants, acting under color of state law, will deprive Plaintiffs of the right to freedom of speech and association in violation of the First and Fourteenth Amendments to the United States Constitution, both facially and as applied to the Plaintiffs. Plaintiffs are therefore entitled under 42 U.S.C. § 1983 to declaratory and preliminary and permanent injunctive relief against continued enforcement and maintenance of the Defendants' unconstitutional customs, policies, and practices; and attorneys' fees and expenses pursuant to 42 U.S.C. § 1988.

Prayer For Relief

Plaintiffs Young Americans for Liberty, Inc., Make Liberty Win, Montana Mining Association, and PAC Management Services LLC request that judgment be entered in their favor and against Defendants as follows:

a. An order preliminarily enjoining the Defendants, their officers, agents, servants, employees, and all persons in active concert or participation with them who receive actual notice of the injunction, from enforcing Initiative 194, as codified,

implemented, or enforced through Montana's statutes, rules, or regulations, during the pendency of this action;

b. An order permanently enjoining the Defendants, their officers, agents, servants, employees, and all persons in active concert or participation with them who receive actual notice of the injunction, from enforcing Initiative 194, as codified, implemented, or enforced through Montana's statutes, rules, or regulations;

c. A declaratory judgment under 28 U.S.C. § 2201 that Initiative 194, as codified, implemented, or enforced through Montana's statutes, rules, or regulations violates the First and Fourteenth Amendments to the United States Constitution, facially and as applied to Plaintiffs, and is void and unenforceable;

d. Costs and attorneys' fees pursuant to 42 U.S.C. § 1988; and

e. Any other relief this Court may grant in its discretion.

Dated: November 16, 2026

Respectfully submitted,

/s/ Gage Hart Zobell

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JS 44 (Rev. 03/24)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

YOUNG AMERICANS FOR LIBERTY, INC. (see attachment for all plaintiffs)

(b) County of Residence of First Listed Plaintiff Arlington County, VA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*

See attachment

DEFENDANTS

AUSTIN KNUDSEN (see attachment for all defendants)

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question *(U.S. Government Not a Party)*
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*

(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

Click here for: Nature of Suit Code Descriptions.

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- ☐ 365 Personal Injury - Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Employee Retirement Income Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

INTELLECTUAL PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 835 Patent - Abbreviated New Drug Application
- ☐ 840 Trademark
- ☐ 880 Defend Trade Secrets Act of 2016

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 376 Qui Tam (31 USC 3729(a))
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit (15 USC 1681 or 1692)
- ☐ 485 Telephone Consumer Protection Act
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

CIVIL RIGHTS
- ☒ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 448 Education

PRISONER PETITIONS

Habeas Corpus:
- ☐ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

Other:
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

V. ORIGIN *(Place an "X" in One Box Only)*

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District *(specify)* ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing ***(Do not cite jurisdictional statutes unless diversity)***:
42 U.S.C. § 1983

Brief description of cause:
Violation of First and Fourteenth Amendments

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A **CLASS ACTION** UNDER RULE 23, F.R.Cv.P.

DEMAND $

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE William A. Mercer DOCKET NUMBER 6:26-cv-73; 6:26-cv-75

DATE
Nov 16, 2026

SIGNATURE OF ATTORNEY OF RECORD
/s/ Gage Zobell

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I.(a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below**; NOTE: federal question actions take precedence over diversity cases.**)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: Nature of Suit Code Descriptions.

V. Origin. Place an "X" in one of the seven boxes.
Original Proceedings. (1) Cases which originate in the United States district courts.
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

Young Americans for Liberty, Inc. et al. v. Knudsen et al.
In the United States District Court for the District of Montana

Attachment to Civil Cover Sheet: Names of Parties

PLAINTIFFS	**DEFENDANTS**
Young Americans for Liberty, Inc.	Austin Knudsen, in his official capacity as Montana Attorney General
Make Liberty Win	Christi Jacobsen, in her official capacity as Montana Secretary of State
Montana Mining Association	
PAC Management Services LLC	

Young Americans for Liberty, Inc. et al. v. Knudsen et al.
In the United States District Court for the District of Montana

Attachment to Civil Cover Sheet: Plaintiffs' Attorneys of Record

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