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COUNSEL FOR DEFENDANT
SECRETARY OF STATE

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

STEVE KELLY and)	Cause No. CV-08-25-BU-SEH
CLARICE DREYER,)	
)	SECRETARY OF STATE'S
Plaintiffs,)	CROSS-MOTION FOR
v.)	SUMMARY JUDGMENT
)	
LINDA MCCULLOCH, in her)	
official capacity as Secretary of State)	
of the State of Montana,)	
)	
Defendant.)	

The Secretary of State moves for summary judgment on all of Plaintiffs' claims. See Fed. R. Civ. P. 56; 11/02/11 Order Granting Joint Motion for Leave to Re-File Cross-Motions for Summary Judgment.

1. Plaintiffs' claims fail on the constitutional merits because Montana's ballot access laws in their entirety impose a reasonable burden on good faith candidates and serve important and compelling state interests.

2. For this reason, as explained in the accompanying brief and supported by the pleadings, the discovery and disclosure materials on file, and accompanying affidavits, the Secretary of State respectfully requests the Court to render summary judgment against Plaintiffs on all claims.

3. Counsel for the Secretary of State has contacted counsel for the Plaintiffs and has been informed that Plaintiffs object to this motion. See L.R. 7.1(j)(1).

Respectfully submitted this 22nd day of November, 2011.

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By: /s/ Jennifer Anders
JENNIFER ANDERS
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CERTIFICATE OF SERVICE

I hereby certify that on November 22, 2011, an accurate copy of the foregoing Defendant's Cross-Motion for Summary Judgment was served on the following persons by the following means:

1, 2, 3 CM/ECF

- 1 Clerk, U.S. District Court
- 2 Mr. Laughlin McDonald
American Civil Liberties Union Foundation, Inc.
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DATED: November 22, 2011

/s/ Jennifer Anders
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