

OFFICE OF THE GOVERNOR
STATE OF MONTANA

STEVE BULLOCK
GOVERNOR



MIKE COONEY
LT. GOVERNOR

May 7, 2019

The Honorable Corey Stapleton
Secretary of State
State Capitol
Helena, MT 59601

Dear Secretary Stapleton:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto House Bill 735 (HB 735), "AN ACT GENERALLY REVISING LAWS RELATED TO EXPRESSION ON THE CAMPUSES OF PUBLIC POSTSECONDARY INSTITUTIONS; PROVIDING PROTECTIONS FOR FREE EXPRESSION AND EXPRESSIVE ACTIVITY ON PUBLIC POSTSECONDARY INSTITUTION CAMPUSES; PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING DEFINITIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

The First Amendment of the United States Constitution and Article II, section 7 of the Montana Constitution are absolute and inviolate protections of the rights of free assembly and free expression. These rights do not lessen—in any way—when a student walks onto a university campus. House Bill 735 is a solution in search of a problem.

Any American who believes their federal constitutional rights have been violated can file suit under 42 U.S.C. § 1983. This landmark statute has protected and enhanced our American system of ordered liberty for decades. It is the tool behind the biggest civil rights victories of the past generation. There are similar tools in state law.

It is confusing, then, why Montana should adopt the limited remedy envisioned by HB 735 that would restrict how a student can vindicate her rights where they have been violated. A weak remedy to protect constitutional rights is a faulty one, and we should not make room for it in our laws where superior, proven protections exist.


House Bill 735 appears to be driven by recent headlines accusing public universities of free speech restrictions around speakers who visit their campuses. I have conferred with university leaders in our state and have been assured that their policies are entirely consistent with—and, indeed, promote—our constitutional values of free speech and free assembly.

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Accordingly, I will not sign into law a mechanism that is weaker at protecting our constitutional freedoms than what current law already provides.

For these reasons, I veto HB 735.

Sincerely,



STEVE BULLOCK
Governor

cc: Legislative Services Division
Greg Hertz, Speaker of the House
Scott Sales, President of the Senate