



Public Service Denied

How Discriminatory Mandates Prevent Qualified Individuals from Serving on Montana Public Boards

What's at Stake?

Government boards regulate countless professions in Montana. Whereas most boards require their members to meet reasonable requirements, Montana statute requires the governor to appoint board members on the basis of race or sex. This provision has nothing to do with the profession being regulated and everything to do with identity politics.

The Fourteenth Amendment guarantees equal protection under the law, yet this mandate requires overt discrimination against certain individuals regardless of their choices, character, or ability—and keeps qualified individuals off public boards for the sake of race- or sex-based balance.

Solution

Pacific Legal Foundation is suing the governor of Montana on behalf of Do No Harm, a nonprofit organization of more than 6,000 physicians, healthcare professionals, medical students, patients, and policymakers committed to ensuring equality in healthcare.

This federal lawsuit challenges the race-based membership mandate that applies to the Montana Board of Medical Examiners on the grounds that it violates the Constitution's guarantee of equal protection. Victory would ensure that all candidates can compete equally to serve on the board, regardless of their race.

However, Montana legislators don't have to wait on the court. They should reform the state's biased laws now, ending race- and sex-based discrimination in public board membership.

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To learn more

about public board mandates in Montana and other states, scan here:



Montana's Unconstitutional Public Board Membership Mandates

STATUTE	REQUIREMENT
MONT. CODE ANN. § 2-15-108	"As vacancies occur and appointments are made, all appointing authorities of all appointive boards, commissions, committees, and councils of state government shall take positive action to attain gender balance and proportional representation of minorities resident in Montana to the greatest extent possible."