

For Immediate Release

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**\*\*Governor’s Appointment of Legislator to Civil Office Found Unconstitutional\*\***

[HELENA, MONTANA] On Monday, April 20, 2026, Jefferson County resident Jordan Williams prevailed in challenging Governor Greg Gianforte’s unconstitutional appointment of Representative Marta Bertoglio to be Director of the Montana Department of Commerce. At the time of her appointment, Bertoglio was still within her two-year term as a member of the Montana legislature, representing Montana House District 75 (“HD 75”). The Montana Constitution expressly prohibits appointing legislators to other public office during their legislative term.

The First Judicial District Court wrote: **“The record is clear that the delegates to the 1972 Constitutional Convention carried the disqualification provision forward to ‘[e]nsure[] the independence of representatives’ and protect against corruption, consolidation of power, and conflicts of interest between the executive and legislative branches.”**

The court granted Williams’s motion for summary judgment, finding Bertoglio **“constitutionally disqualified from holding another civil office until her term as HD 75 Representative expires”** and determining that she may no longer exercise the authority of the Director of the Department of Commerce or collect a salary and benefits for the position on Montana taxpayers’ dime.

Article V, Section 9 of the Montana Constitution, often referred to as the “disqualification provision,” protects against corrupt use of the governor’s appointment power by barring interference with the legislative branch by promising lucrative appointments to legislators.

Bertoglio’s unconstitutional appointment was the fourth in a pattern. Despite Legislative Services’ prior warning that appointing legislators to public office is unconstitutional—and despite the clear text of the constitutional prohibition—Governor Gianforte has now appointed four legislators to well-paid positions of power and authority. The court’s decision confirms the importance of independent, separate branches of government, each subject to a robust system of checks and balances, and each accountable to the people of Montana.

**“Montana’s disqualification provision is key to preserving the integrity of our institutions,”** said Andres Haladay, Senior Staff Attorney at Upper Seven. **“Every Montanan deserves a just and legitimate government, where representatives are responsive above all else to the priorities of the people they represent. The court’s decision upholds the Montana Constitution and carries out the delegates’ stated meaning and intent.”**

Upper Seven Law, a Montana-based nonprofit law firm dedicated to holding the powerful accountable, represents the plaintiff.

A copy of the order accompanies this press release.