The Jerry O'Neil Candidacy for the MT Supreme Court, The Montana Constitution, and Probably Legal Outcome

One of the most helpful resources in determining whether Jerry O'Neil is legally qualified to run for Montana Supreme Court is the COPP's decision on Raph Graybill's eligibility to run for Attorney General in 2020.
https://politicalpractices.mt.gov/_docs/2020-Decisions/Declaratory-Ruling---Wanzenried-v.-Graybill.pdf
The constitutional requirements to run for Attorney General and to sit on the Supreme Court are not exactly the same, but they're very close.
In 2020, there was a complaint that Raph Graybill did not meet the constitutional requirements to serve as AG, specifically that he had not been "admitted to the active practice of law in Montana for five years." (Exactly the same qualification that would keep O'Neil off the Supreme Court) The Commissioner of Political Practices decided that Graybill DID meet the requirements.

Here are a few quotes from the decision that are relevant to Jerry O'Neil:
"Mr. Graybill was admitted to practice law before the courts of the State of Montana on September 22, 2015." -- Note the words "Before the courts of the state of Montana." Not "before the courts of the Blackfoot reservation."

The COPP quotes the Montana Supreme Court as having said, "admission to the practice of law is conferred in accordance with the rules of this Court." -- in other words, no one other than the Montana Supreme Court can admit someone to the practice of law in Montana.

Note also that, after the COPP's decision about Graybill, the MTGOP eventually asked the Montana Supreme Court to take up the question of Graybill's qualifications. The Montana Supreme Court upheld the COPP's decision.

Publicly available records indicate that Jerry O'Neil has never been admitted to the practice of law before the courts of the state of Montana by the Montana Supreme Court.

In the hypothetical event that his candidacy were ever to be called into question, the decision making order would go something like this:
1) A person would ask the Secretary of State not to place O'Neil's name on the

ballot**. This should have happened before the primary, but it was in the Democrats interest to let him on the ballot, to split the Republican vote.** And no Republican wanted to risk annoying the **libertarian wing** of the party, among which Jerry has a large number of supporters (witness his vote total!)

2) if the SOS did not listen to this complaint and made preparations to place him on the ballot, a person could file an original proceeding before the Montana Supreme Court asking them to compel the Secretary of State not to list O'Neil on the ballot. **If such a proceeding were filed, the court would surely do it**. Jerry's name would be **removed from the ballot**. (Note, again, that this should have **happened before the primary** but all parties' interests were better served by allowing Jerry onto the ballot.)

3) If no such proceeding were filed before the ballots were printed, it could be filed after the ballots were printed. **The court would surely rule in favor of whoever filed this, and votes for Jerry would just not be valid**. They would not be counted. Bidegary would win by default.

4) **In the extremely unlikely event that he somehow got all the way to Election Day without such a proceeding being filed, and then managed to actually win, someone could petition to prevent him from taking office, and again, the court would almost certainly grant that petition. He would not be seated.**

Jerry is a good man, and a good libertarian. He may very well be right that the current system of regulating who is allowed to practice law in **Montana is morally wrong. But whether morally wrong or not, it *IS* the system.** Attempting to violate it without **fixing it first will only end in disaster**. The way to work for Jerry O'Neil to be eligible for Supreme Court is to change the system by which people are allowed to practice law in Montana, **not to simply nominate the guy we want regardless of whether it's legal.**