

Bond Case Briefs

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BALLOT INITIATIVE - MONTANA

Montanans for Fair and Impartial Judges v. Knudsen

Supreme Court of Montana - December 11, 2025 - P.3d - 2025 WL 3548732 - 2025 MT 285

Petitioners, which included proponent that had submitted proposed ballot initiative that would amend the state constitution to require court elections to be nonpartisan, sought declaratory judgment on original jurisdiction, seeking declaration that Attorney General lacked authority to rewrite proposed statement of purpose and implication for ballot initiative and that the Attorney General's revised statement was misleading and prejudicial, and sought certification of their proposed ballot statement.

The Supreme Court held that:

- Petitioner interest group, which was not the actual proponent of the ballot initiative, was not a proper party to the challenge;
- Petitioner did not waive petitioner's right to challenge the statement by purported acceptance of the revised statement;
- Attorney General's legal sufficiency memorandum failed to make a written determination as to why proposed statement did not comply with statutory requirements, and thus the Attorney General lacked statutory authority to revise the statement; and
- Petitioner's proposed statement complied with statutory requirements, and thus the Supreme Court would certify the statement to the Secretary of State.