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REFERENDA - MONTANA

Monforton v. Knudsen

Supreme Court of Montana - September 26, 2023 - P.3d - 2023 WL 6224973 - 2023 MT 179

Proponent filed petition to challenge the Attorney General's determination that proposed ballot initiative to establish an acquisition-based system of taxation for real property, to limit property tax increases, and to cap property tax at 1% of the property's value was legally insufficient.

The Supreme Court held that:

- Attorney General had authority to determine that proposed ballot initiative violated Montana Constitution's separate-vote requirement, and
- Initiative proposed multiple, unrelated changes to Montana's Constitution, and thus violated Montana Constitution's separate-vote provision.

Attorney General determination that proposed ballot initiative violated Montana Constitution's separate-vote requirement was properly within his authority to address as a constitutional requirement governing submission of the proposed issue to the electors; Attorney General determined that initiative, despite being submitted as a single constitutional amendment to establish an acquisition-based system of taxation for real property and to limit property tax increases, had proposed multiple, unrelated changes to Montana's Constitution.

Ballot initiative to establish an acquisition-based system of taxation for real property, to limit property tax increases, and to cap property tax at 1% of the property's value, proposed multiple, unrelated changes to Montana's Constitution, and thus violated Montana Constitution's separate-vote provision; voters could not express support for limiting increase in annual property valuations, while also opposing an overall cap on the level of taxes levied against a property.

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