

Bond Case Briefs

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REFERENDUM - MONTANA

Cummings v. Kelly

Supreme Court of Montana - April 2, 2025 - 421 Mont. 289 - 566 P.3d 523 - 2025 MT 68

City residents brought action against city commissioners, city attorney, and city, seeking to annul or void election that authorized city to levy additional 15 mills to provide funds for operation, maintenance, and capital needs of city's public library, alleging mathematical error in ballot language and various election irregularities violated their rights of suffrage and due process.

City officials filed motion to dismiss for failure to state a claim, and after briefing was complete, residents moved for leave to amend petition. The District Court dismissed residents' petition and denied them leave to amend. Residents appealed.

The Supreme Court held that:

- Residents failed to state a claim for violation of right of suffrage;
- Residents suffered no due process violation from alleged errors and discrepancies;
- Residents were not entitled to hearing under statute related to challenges to local government bond elections;
- Residents were not entitled to relief under statutory provisions providing court with authority to void elections or enjoin acts prohibited or compelled by election laws; and
- Amendment of the petition would substantially prejudice defendants.