

Resolution to Formally Oppose Constitutional Initiative 132 (CI-132) for So-Called “Nonpartisan” Judicial Elections in Montana

WHEREAS, the Montana Supreme Court has long acted as a partisan Democrat bench, making decisions when plaintiffs had no judicial standing and, in many cases, striking down democratically adopted laws using far-fetched interpretations of the Montana Constitution;

WHEREAS, since 2020, when the voters of Montana elected a Republican Governor, state Senate, and state House, a total of 73 lawsuits, nearly all filed by left wing activists, were brought forth to block perfectly reasonable Republican legislation that was neither deliberately nor inadvertently unconstitutional in nature, including but not limited to:

- House Bill 121, sponsored by Rep. Kerri Seekins-Crowe, which was designed to protect women’s bathrooms and private spaces from male intruders. Blocked by the Montana Supreme Court.
- House Bill 112 by Rep. (now Senator) John Fuller, which was designed to protect women’s sports. Overturned by the Montana Supreme Court.
- Senate Bill 99, also by Sen. John Fuller, which would have protected children against surgical mutilation. Blocked by the Montana Supreme Court.
- House Bill 136 by Rep. Lola Sheldon-Galloway, which would have protected unborn babies from agonizing pain. Overturned by the Montana Supreme Court.
- House Bill 102 by Rep. Seth Berglee, which would have allowed students, especially vulnerable young women, to protect themselves by exercising their 2nd amendment rights on university campuses. Overturned by the Montana Supreme Court.
- Senate Bill 169 by Sen. Mike Cuffe, which would have strengthened voter ID, foundational to free and fair elections. Struck down by the Montana Supreme Court.
- House Bill 506, by Rep. Paul Fielder, meant to prohibit ballots from being sent to minors under 18. Overturned by the Montana Supreme Court.
- House Bill 176, by Rep. Sharon Greef, which would have moved the voter registration deadline back a single day. Struck down by the Montana Supreme Court.

WHEREAS, the Montana legislature on two separate occasions took steps to bring increased clarity and transparency to judicial elections by changing them from statewide races to elections by district, seeing as in a large state like Montana, voters are more likely to be familiar with candidates from their own area than from other parts of the state;

WHEREAS, the Montana Supreme Court voided the law because, they claimed, the legislature has no power to define the qualification of judges, utterly ignoring that Article IV, §4 of the Montana Constitution explicitly gives the people’s representatives that very power;

WHEREAS, the justices also claimed that state Supreme Court elections by district could not be done and was “inimicable to the judicial function,” again ignoring that throughout America’s history, states and territories – including the Territory of Montana – have chosen their Supreme Court justices by district; and that today, at least four states – Kentucky, Oklahoma, Oregon, and South Dakota – elect their state Supreme Court justices by district;

WHEREAS, furthermore, the justices of the Montana Supreme Court had an obvious conflict of interest in judging these bills, but failed to recuse themselves, choosing instead to strike them both down;

WHEREAS, in summation, these continual attacks on the will of the people of Montana and their duly elected representatives by leftist litigators and the state Supreme Court are unprecedented in scope and audacity anywhere in the United States, at any time in history, amounting to an alarming assault on representative government itself;

WHEREAS, contrary to the false pretenses of the proposed text of CI-132, which reads “Judicial elections shall remain nonpartisan,” the Montana Republican Party (MTGOP) believes the current situation clearly demonstrates that so-called “nonpartisan” judicial elections do not remove politics from the judicial process, but serve only to obscure these politics from view, leaving ordinary voters in the dark under the false pretext of nonpartisanship;

WHEREAS, further evidence of the partisan, Democrat nature of CI-132 is the coalition of organizations bankrolling efforts pushing for CI-132 in Montana. These include, among others: Montana Federation of Public Employees, ACLU of Montana, Catalyst Montana, Forward Montana, Fireweed Campaigns, and Big Sky 55+; all of which are organizations funded by a network of billionaire, out-of-state, far Left donors and dark money interests; the same network which spent \$347,000 on Montana Supreme Court races;

WHEREAS, the MTGOP believes Montana should retain judicial elections, but reform them to be free, fair, and honest by allowing candidates to run with a political designation if they so choose, in keeping with their basic First Amendment rights, as well as giving voters the knowledge they need to make an informed decision;

WHEREAS, the Montana Republican Party desires to formalize its position regarding CI-132, which it sees as inimical not only to fair and honest elections, but to principles of representative government itself;

BE IT RESOLVED THAT, the Montana Republican Party formally opposes CI-132.