

JUDICIAL ELECTIONS AND SELECTION

LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting. (5-4-105, MCA; [Chapter 309, Laws of 2017](#)) The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The legislation links below open to the page showing the status and history of bills introduced on this topic in the past. The bill text and any related fiscal notes can be accessed through the link at the top of that page.

Legislation can be complex and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.

Background Materials and Research

Topic Summary: [Article VII, part VII, section 8](#), requires the supreme court justices and district court judges to be elected as provided in law. [Article VII, section 6](#), of the Montana Constitution requires the Legislature to divide whole counties into judicial districts and to set the number of district court judges in each district. Each county has one district court. The district courts are grouped into 22 judicial districts served by 46 judges. [Article VII, part VII, section 7](#), provides term lengths.

The 7 supreme court justices are elected for 8-year terms. District court judges are elected to 6-year terms. Justices of the peace are elected to 4-years terms. All other judicial terms are as provided in law. The Montana Constitution also requires a retention election to be held if a justice or judge up for re-election does not draw an opponent. A retention election is one in which the voters vote yes or no on the question of whether to retain the individual in office. [Title 13, chapter 14, MCA](#), provides that judicial elections are nonpartisan.

Legislative Services Division Materials:

[Background Brief: Montana Workers Compensation Court and Judge](#), August 2016

[Legal Memo: Constitutionality of Water Court Jurisdiction](#), May 2016

Other Materials:

Brown v Gianforte, OP 21-0125, 2021 -- [Montana Supreme Court Opinion](#) / [Synopsis of Opinion](#)

McDonald v Jacobsen, DA 22-0229, 2022 -- [Montana Supreme Court Opinion](#) / [Synopsis of Opinion](#)

Reichert, et al. vs. State, DA 12-0187, 2012 -- [Montana Supreme Court Opinion](#) / [Synopsis of Opinion](#)

Introduced Legislation

2021

[House Bill No. 325](#) -- (H) Chapter Number Assigned -- AN ACT ESTABLISHING SUPREME COURT DISTRICTS; PROVIDING FOR THE SELECTION OF THE CHIEF JUSTICE; PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE ELECTORATE AT THE 2022 GENERAL ELECTION; AMENDING SECTION 3-2-101, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

[House Bill No. 342](#) -- (H) 2nd Reading Not Passed -- AN ACT REVISING JUDICIAL ELECTION LAWS; PROVIDING FOR THE PARTISAN NOMINATION AND ELECTION OF SUPREME COURT JUSTICES AND JUDGES OF THE DISTRICT COURTS; ALLOWING POLITICAL PARTY COMMITTEES TO CONTRIBUTE TO A CANDIDATE FOR SUPREME COURT JUSTICE OR DISTRICT COURT JUDGE; AMENDING SECTIONS 3-2-101, 3-5-201, 3-6-201, 3-10-201, 13-14-111, 13-14-118, 13-14-211, 13-14-212, AND 13-35-231, MCA; AND PROVIDING AN APPLICABILITY DATE.

[House Bill No. 355](#) -- (H) 2nd Reading Not Passed -- AN ACT GENERALLY REVISING JUDICIAL ELECTION LAWS; PROVIDING FOR THE PARTISAN NOMINATION AND ELECTION OF SUPREME COURT JUSTICES, DISTRICT COURT JUSTICES, AND JUSTICES OF THE PEACE; ALLOWING POLITICAL PARTY COMMITTEES TO CONTRIBUTE TO A CANDIDATE FOR SUPREME COURT JUSTICE; AMENDING SECTIONS 3-2-101, 3-5-201, 3-10-201, 3-10-206, 13-14-111, 13-14-211, 13-14-212, AND 13-14-118 13-35-231, MCA; REPEALING SECTIONS 13-14-211 AND 13-35-231, MCA; AND PROVIDING AN APPLICABILITY DATE.

[Senate Bill No. 127](#) -- (S) Chapter Number Assigned -- AN ACT REVISING LAWS ON THE SELECTION OF MUNICIPAL COURT JUDGES; ELIMINATING THE ABILITY OF A MUNICIPAL COURT JUDGE TO APPOINT A PART-TIME ASSISTANT JUDGE; AMENDING SECTION 3-6-201, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.

[Senate Bill No. 140](#) -- (S) Chapter Number Assigned -- AN ACT GENERALLY REVISING LAWS RELATED TO CERTAIN JUDICIAL APPOINTMENTS; PROVIDING A DIRECT APPOINTMENT PROCESS FOR THE GOVERNOR TO APPOINT DISTRICT COURT JUDGES AND SUPREME COURT JUSTICES TO FILL JUDICIAL VACANCIES; REPEALING THE JUDICIAL NOMINATION COMMISSION; AMENDING SECTIONS 2-15-1707, 3-7-221, AND 39-71-2901, MCA; REPEALING SECTIONS 3-1-1001, 3-1-1002, 3-1-1003, 3-1-1004, 3-1-1005, 3-1-1006, 3-1-1007, 3-1-1008, 3-1-1009, 3-1-1010, 3-1-1011, 3-1-1012, 3-1-1013, AND 3-1-1014, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[Senate Bill No. 271](#) -- (S) Died in Standing Committee -- AN ACT ALLOWING A JUDICIAL CANDIDATE TO ANNOUNCE ENDORSEMENTS.

2019

[House Bill No. 157](#) -- (H) 2nd Reading Not Passed -- AN ACT GENERALLY REVISING LAWS RELATED TO JUDICIAL DISQUALIFICATION; REQUIRING DISQUALIFICATION OF A JUDGE WHEN THE JUDGE HAS RECEIVED OR BENEFITTED FROM CERTAIN CONTRIBUTIONS; DEFINING TERMS; AND PROVIDING AN APPLICABILITY DATE

[House Bill No. 310](#) - (S) Died in Standing Committee -- AN ACT REVISING LAWS RELATED TO JUDICIAL ELECTIONS; REQUIRING CERTAIN JUDICIAL CANDIDATES TO FILE AN APPLICATION WITH THE OFFICE OF THE COURT ADMINISTRATOR; AMENDING SECTION 3-1-702, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

2017

[House Bill No. 636](#) -- (H) Died in Standing Committee -- AN ACT REVISING ELECTION LAWS FOR SUPREME COURT JUSTICES; ESTABLISHING A SUPREME COURT CANDIDATE PUBLIC FORUM PROGRAM; REQUIRING THE SECRETARY OF STATE TO ADMINISTER THE PROGRAM; ALLOWING INDIVIDUAL TAXPAYERS TO DONATE PART OF A TAX REFUND TO SUPPORT THE PROGRAM; INCREASING CERTAIN FEES FOR CERTAIN FILINGS IN SUPREME COURT AND DISTRICT COURT; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 3-2-403, 3-2-404, 25-1-201, 25-9-506, AND 44-4-310, MCA; AND PROVIDING EFFECTIVE DATES AND A RETROACTIVE APPLICABILITY DATE.

2015

[House Bill No. 174](#) -- (H) Missed Deadline for General Bill Transmittal -- AN ACT REQUIRING CITY COURT JUDGES TO BE ELECTED; AND AMENDING SECTIONS 3-11-201, 3-11-202, 3-11-204, 3-11-206, 7-4-4102, AND 7-4-4103, MCA

[House Bill No. 255](#) -- (H) Missed Deadline for Referendum Proposal Transmittal -- AN ACT REQUIRING THE DISQUALIFICATION OF A JUDGE IF THE JUDGE HAS RECEIVED CERTAIN CAMPAIGN CONTRIBUTIONS FROM A PARTY OR A PARTY'S ATTORNEY IN A PROCEEDING IN WHICH THE JUDGE IS SITTING; REQUIRING DISCLOSURE BY A JUDGE OF CERTAIN CAMPAIGN CONTRIBUTIONS ON THE RECORD OR IN WRITING; ALLOWING THE WAIVER OF THE JUDGE'S DISQUALIFICATION UNDER CERTAIN CIRCUMSTANCES; PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE QUALIFIED ELECTORS OF MONTANA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[Senate Bill. No 72](#) – Chapter Number Assigned -- AN ACT REPEALING PROHIBITIONS ON POLITICAL PARTY ENDORSEMENTS AND EXPENDITURES WITH RESPECT TO JUDICIAL CANDIDATES; CLARIFYING THAT POLITICAL PARTY CONTRIBUTION PROHIBITIONS APPLY TO JUSTICES OF THE PEACE; AND AMENDING SECTIONS 3-10-201 AND 13-35-231, MCA.

2013

[Senate Bill No. 152](#)-- (S) Died in Standing Committee -- AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE VII, SECTION 9, OF THE MONTANA CONSTITUTION REQUIRING CANDIDATES FOR THE OFFICE OF SUPREME COURT JUSTICE TO SERVE AS DISTRICT COURT JUDGES BEFORE BEING ELIGIBLE TO RUN FOR ELECTION; AND PROVIDING AN EFFECTIVE DATE.

2011

[House Bill No. 521](#) -- (H) Died in Process -- AN ACT PROVIDING FOR PARTISAN ELECTION OF SUPREME COURT JUSTICES AND JUDGES OF THE DISTRICT COURTS; PROVIDING THAT THE PROPOSED ACT

BE SUBMITTED TO THE QUALIFIED ELECTORS OF MONTANA; AMENDING SECTIONS 3-2-101, 3-5-201, 3-10-201, 13-14-111, 13-14-118, 13-14-211, 13-14-212, AND 13-35-231, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

[House Bill No. 557](#) -- (H) Died in Process -- AN ACT TO ALLOW POLITICAL PARTIES TO SUPPORT OR OPPOSE JUDICIAL CANDIDATES; AMENDING SECTION 3-10-201, MCA; REPEALING SECTION 13-35-231, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[Senate Bill No. 123](#) -- (S) Died in Standing Committee -- AN ACT REQUIRING THAT A JUSTICE OF THE MONTANA SUPREME COURT MUST BE SELF-RECUSED FROM A CASE WHEN THE JUSTICE KNOWS OR LEARNS OF CERTAIN FINANCIAL CONTRIBUTIONS TO THE JUSTICE; AND PROVIDING AN APPLICABILITY DATE.

[Senate Bill No. 175](#) -- (S) Died in Standing Committee -- AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE VII, SECTION 8, OF THE MONTANA CONSTITUTION TO REVISE THE METHOD BY WHICH MONTANA SUPREME COURT JUSTICES AND DISTRICT COURT JUDGES ARE SELECTED; PROVIDING FOR THE MERIT-BASED APPOINTMENT OF SUPREME COURT JUSTICES AND DISTRICT COURT JUDGES FOLLOWED BY JUDICIAL PERFORMANCE EVALUATIONS AND RETENTION ELECTIONS; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

[Senate Bill No. 268](#) -- Chapter Number Assigned -- AN ACT REQUIRING THAT SUPREME COURT JUSTICES BE ELECTED AND APPOINTED FROM SUPREME COURT DISTRICTS; ESTABLISHING SUPREME COURT DISTRICTS; PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE QUALIFIED ELECTORS OF MONTANA AT A SPECIAL ELECTION TO BE HELD CONCURRENTLY WITH THE 2012 PRIMARY ELECTION; AMENDING SECTIONS 3-2-101 AND 3-2-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

2009

[Senate Bill No. 333](#) -- (H) Died in Standing Committee -- AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE VII, SECTION 9, OF THE MONTANA CONSTITUTION TO REQUIRE THAT SUPREME COURT JUSTICES BE ELECTED OR APPOINTED FROM DISTRICTS ESTABLISHED BY THE LEGISLATURE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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