



Constitutional Initiative 98

Judicial Recall for *Any Reason*

Wrong For Justice

Wrong For Montana

Current Law Montana's Constitution and statutes **currently provide for the recall of all elected public officials, including elected justices and judges**, for physical or mental lack of fitness, incompetence, violation of the oath of office, official misconduct, or conviction of a felony offense.

Why then CI-98? We already have provisions for recalling, disciplining and removing judges for failing to do their jobs, and elections for general voter displeasure. The only purpose for CI-98 is to threaten or remove judges, before their terms are up, for doing their jobs - upholding our Constitution.

Who is behind CI-98? The group nominally pushing CI-98 is the Citizens Right To Recall committee. It is funded by Montanans in Action (Trevis Butcher) - the same group pushing **CI-97** and **I-154** - with the vast majority of money coming from out of state from people like New York City real estate developer Howie Rich.

How would CI-98 work? A **petition** is filed with a 200 word "justification statement, declaring the reasons for the recall" that can be "**any reason** acknowledging electoral dissatisfaction with a justice or a judge notwithstanding good faith attempts to perform the duties of the office." There is **no independent review of the petition language**, and the courts are specifically prohibited from any review of the petition. Misleading and inflammatory phrases would meet CI-98's *no standards* approach. A recall, funded by out of state corporate polluters to oust a judge that holds them accountable for polluting homeowners' drinking water could be based on a "soft on child molesters and sex offenders" campaign.

CI-98 sets no limit on the number of recall elections a judge may face. CI-98 provides that once enough signatures are gathered, an election must be called within **75 days**. Taxpayers get stuck with the tab for **expensive recall elections** triggered by only 10% of voters.

CI-98 threatens the independent judiciary charged with upholding our Constitution. CI-98 fosters a judiciary which operates according to the polls, according to the popular will of the state or county at any given moment in time or according to the will of vocal, mudslinging extremists threatening recall. Do we want out of state interests and extremists dictating to Montana's courts?

Vote For Justice – Vote No On CI-98

- CI-98 forces taxpayers to pay the costs for special, expensive recall elections.
- CI-98 is funded by out of state extremists like New York City's Howie Rich.
- CI-98 is a vehicle for a mudslinging, extremist minority to threaten our judges.
- CI-98 is not needed – judges can already be recalled for not doing their jobs.
- CI-98 threatens judges who do their jobs – upholding our Montana constitution.