



To: The Office of the Montana Secretary of State
From: The Office of the Montana Attorney General
Date: March 25, 2024
Re: Ballot Issue No. 14 Ballot Statements

On March 18, 2024, the Montana Supreme Court ordered the Attorney General to review and prepare ballot statements for Ballot Issue #14 within five days of the Order. *M.S.R.R. v. Knudsen*, 2024 MT 54, ¶ 39. Further, the Court ordered that no statement of fiscal impact shall accompany Ballot Issue #14. *M.S.R.R.*, ¶ 32.

Proponents submitted the following ballot statements pursuant to MCA, §§ 13-27-212, -213.

Statement of Purpose and Implication

CI-___ affirms the right to make and carry out decisions about one's own pregnancy, including the right to abortion, in the Montana Constitution. This constitutional amendment prohibits the government from denying or burdening the right to abortion before fetal viability. Additionally, the amendment ensures that the government cannot deny or burden access to an abortion when it is necessary to protect the pregnant patient's life or health. CI-___ prevents the government from punishing patients, healthcare providers, or anyone who assists someone in seeking reproductive care, including abortion care.

Yes and No Statement

YES on Constitutional Initiative CI-___

NO on Constitutional Initiative CI-___

The Attorney General, pursuant to MCA, § 13-27-226(3)(c), determines that the proposed Statement of Purpose and Implication fails to comply with MCA, § 13-

DEPARTMENT OF JUSTICE

215 North Sanders
PO Box 201401
Helena, MT 59620-1401

(406) 444-2026
Contactdoj@mt.gov
mtdoj.gov

27-212. The Attorney General determines that the proposed Yes and No Statement complies with MCA, § 13-27-213.

“A statement of purpose and implication expresses the true and impartial explanation of the proposal in plain, easily understood language.” MCA, § 13-27-212(1). The statute’s underlying purpose is “to provide fair notice of the content of the proposed amendment so that the voter will not be misled as to its purpose, and can cast an intelligent and informed ballot.” *Citizens Right to Recall v. State*, 2006 MT 192, ¶ 16, 333 Mont. 153, 142 P.3d 764.

The proponents’ statement fails to give voters an accurate understanding of how the proposed initiative will change current law—both as to Article II, Section 10 of the Montana Constitution and statutory law. The proponents’ statement also fails to give voters notice that the measure leaves key terms undefined and leaves many terms to the subjective judgment of individual abortion providers. Finally, the proponents’ statement fails to give voters notice that proposed Section 36(3)’s broad language precludes the State from enforcing medical malpractice standards or using pregnancy outcomes, like babies who are born drug-addicted, to enforce other state policies.

The Attorney General, therefore, submits the enclosed Statement of Purpose and Implication that expresses the true and impartial explanation of Ballot Issue 14.

Sincerely,

A handwritten signature in blue ink, appearing to read "Austin Knudsen", with a long horizontal flourish extending to the right.

Austin Knudsen
Montana Attorney General

CI-*** amends the Montana Constitution to allow post-viability abortions up to birth and prohibits any State requirement for parental notice for a minor's girl's abortion. CI-*** leaves "fetal viability" and "extraordinary medical measures" to the subjective judgment of an abortion provider rather than objective legal or medical standards. CI-*** prohibits the State, or the people by referendum, from enacting health and safety regulations related to pregnancy care, except upon a narrow set of compelling interests. CI-*** eliminates the State's compelling interest in preserving prenatal life. The State or the people may not enforce post-viability abortion regulations if an abortion provider subjectively deems the procedure necessary. CI-*** prohibits the State and the people from enforcing medical malpractice standards against providers for harms caused in providing pregnancy/abortion care. CI-*** may increase the number of taxpayer-funded abortions.