

Initiative Montana: A Strategy to Organize Democracy in Montana

Updated 3/6/2024 (Please do not copy this document to anyone you don't know.)

I. The Problem

While the nation did not experience a “red wave” on November 8th, Montana did. The national strategy of the Democratic party, which hinges on a coalition of college-educated urban and suburban white professionals, young voters, and ethnic minority voters has barely won at the national level. But this coalition does not exist in Montana, and Montana Democrats don't have a winning plan. There are no statewide elected Democrats left except for Senator Jon Tester. There hasn't been a Democrat elected to the PSC since 2008. In the past 30 years, Democrats have not held a majority in the House in any term, and for only 2 terms in the Senate. The Party cannot get candidates to run in 1/3 of state districts, mostly rural, let alone win in them. National Democrats will not attempt to change their electoral strategy after consecutive wins in 2018, 2020, and 2022. They have sacrificed rural states like Montana in exchange for federal control.

There are 102 Republicans in the 68th legislature, which gives that party the first legislative supermajority in both chambers in the state's history. They can, if they are unanimous, put constitutional amendments or even a constitutional convention on the 2024 Montana ballot without any Democratic votes. This gives them the power to attack abortion rights, labor rights, and all public services: to become a one-party state.

No progressive legislation that makes Montana's government work for the working class or poor folks will be passed by our legislature or signed into law by the governor in the foreseeable future. Proposals with more than enough Republican support will likely be sent to voters anyway, as was tried with LR-131. The Solutions Caucus is no backstop.

II. The Opportunity

While Democrats will continue to lose, ballot referendums and initiatives have shown that the voters are to the left of both parties on many issues. As a result of last November's election alone, South Dakota residents will have expanded Medicaid coverage; reproductive rights are guaranteed by the state constitutions now in California, Michigan, and Vermont; Nebraskans now have a \$15 minimum wage; collective bargaining is protected in Illinois; Massachusetts now has a millionaire tax; and Maryland and Missouri legalized recreational cannabis, joining half of all other states (almost all legalized by initiative). There are many more progressive examples.

Citizen initiatives are relatively easy to do in Montana (both statewide and locally). We just don't do it much. I-166, the Corporate Contributions Amendment, passed (75%) in 2012 (it was successfully challenged in court); I-164, the Montana Loan Interest Rate Limit Initiative, passed (72%) in 2010 (payday lenders could not make enough money charging only 36% interest so they all left the state); and I-151, the Montana Minimum Wage Initiative, passed (73%) in 2006 (which raised the state's minimum wage to \$6.15 an hour (!) but also included a COLA) are the only recent examples of progressive legislation passed by citizen initiative (marijuana legalization was an industry initiative).

Though it should be easier, it can be relatively easy and inexpensive to qualify and pass initiatives *if a campaign infrastructure is built dedicated to doing just that*. Traditional initiative campaigns—like those listed above—are more expensive, often prohibitively so, *because they start from scratch every time*. Most of the unsuccessful attempts to enact progressive legislation via citizen initiative failed due to a lack of funds.

The opportunity exists to explore the possibility of dramatically expanding citizen capacity to qualify and pass progressive legislation by statewide initiative inexpensively. Since Montana DSA was so active in the No on LR-131 Campaign, and we are not a single-issue organization, we propose that Montana DSA explore this coalition strategy.

We would start by proposing some founding parameters:

1. That this effort is strictly non-partisan and separately incorporated when necessary;
2. That it forms a statewide coalition.* Focus at first on coalescing organizations that share a radical democratic theory of social change. This effort will be dependent on securing the support of organized labor (federations and unions);
3. That it focuses primarily on deep organizing on citizen petitions to qualify and pass “democratic populist” legislation that benefits the working class and poor in Montana;
4. That, when necessary, it advocates against regressive legislatively referred constitutional amendments and initiatives (there will be more); and
5. That it defends Montana's Constitution, called by some a “socialist rag.” This will be especially important since we're sure that the legislature will try to amend the constitution (as well as pass bills) to make it harder for citizens to do an initiative.

We could call this effort “Initiative Montana” with the public mission: “We Organize Democracy.” Deep democracy is the only effective antidote to capitalist authoritarianism.

(The above statement is intended for external use. What follows is for DSA discussion.)

III. Risks and Challenges (is it winnable?)

While the opportunity might be compelling, there are some factors that introduce risk in accomplishing this vision or present challenges that need to be effectively addressed:

1. We are few, they are many. Between the 4 chapters involved, we don't have a lot of organizers/activists. Missoula leads the way, of course, but the rest of us put together don't equal that. Some of our leaders are retired and travel for long periods of time.
2. Therefore, this must be a very broad-based coalition strategy, even if Montana DSA is a junior partner in this coalition. But we may not have the right contacts, let alone sufficient/conflicting relationships with them, to get the right coalition partners in on the ground floor. And it's important because how and who we start the coalition with will imprint the coalition's future DNA (whether and how we grow).
3. We'll need money to accomplish anything. National DSA probably won't be able to help outside a specific ballot issue. Where is that money going to come from? Will labor chip in significantly (MT AFL-CIO, then led by Jim Murray, was very supportive of MAPP/MontCEL*), will we solicit/accept foundation and/or major donor (rich people) money, and if so from whom and under what conditions if not general support? Can we develop, as part of our deep organizing strategy, a member-owned/run organization?
4. The legislature can always put a constitutional amendment on the ballot to make it harder for citizens to pass initiatives and/or referenda by increasing the percentage of qualified electors to sign a petition (most simply put as 5% of 1/3 of the legislative districts). When we accumulate power, we had better be prepared to defend it.
5. The legislature could also obviate/co-opt any passed initiative with subsequent legislation (see below for current attempts). That might put us in a tricky position as Reclaim Idaho experienced in their successful education funding initiative this past year.
6. Republicans will always attack us for being "socialists" (only some of us in the coalition will be) and/or "Democrats" (we must maintain strict nonpartisanship). Even though many of us in the coalition may call ourselves Democrats (and some may even be Republicans), there can be no partisan litmus tests in a strictly nonpartisan organization. How do we involve obviously partisan players who will likely support us?

A related risk is that many potential coalition partners, reticent about affiliating with us because we are open socialists, is that we don't yet have a sufficient answer to those outdated prejudices. While we understand that many potential partners are under attack themselves (from the same capitalist/fascist enemies, and thus think it's politically imprudent to affiliate with us), we either fight together or hang separately.

7. There may be political conflict in the coalition, related to and/or rooted in past relationships/struggles. Those must be left at the meeting room door, and we as coalition partners will have to consistently commit to not interfering in any coalition member's internal organizational business.

8. Similarly, while we will model democracy in our own organization as we "organize democracy", we must not interfere in how coalition partners conduct their own business.

9. Consensus may be hard to reach if that's how we decide how to reach decisions. (We're using the definition of consensus where everyone is heard to their own satisfaction even if they don't eventually agree with the group decision.) Can we revert to Robert's Rules of Order if we cannot reach a consensus?

10. With limited resources, we may only be able to build a constituency with modern communications technologies, favoring more urban, younger voters (a core, but not the only, constituency). The more we do this, the more we marginalize voices that need to be heard (especially rural people, which structurally need to be part of the solution). Face-to-face deep organizing (active listening and relationship building in every community over time to socialize people power based on structured organizing conversations made popular by [Organizing for Power](#)) is much more expensive (at least measured in time). We must resolve this tension in how we organize democracy.

11. As we saw recently, we will get more harassment from Republicans through the Commission on Political Practices (COPP). We'll have to incorporate as necessary and comply with all laws and regulations. If we don't it will make news (bad news for us).

12. A "democratic populist" platform, outlining the kinds of reforms that this coalition could work on, may be hard to define. We should be clear about what we are fighting for.

13. Deep organizing might produce a platform that is not necessarily populist. Authoritarian ideology, the prevailing "common sense," is still powerful, especially in our

communities, workplaces, and families where democracy also needs to be extended/strengthened. Breaking through that ideology will be essential. Acting on people's actual lived experiences will overcome what they see on social/Fox media.

14. The Montana Constitution allows for initiatives “on all matters except appropriations of money.” That is the biggest constraint, that we'll constantly have to work around.

15. We won't be able to organize this coalition at the same time that we are lobbying the legislature. It's just too much to do on a short timeline with limited resources. But we can make progress on it while working at the legislature, especially learning how to frame issues that come before both chambers. And we can develop relationships that can be useful as soon as the session adjourns. A good goal would be to formalize an initiative coalition within a month or so of adjournment so that organizing begins in the summer.

16. *Moore v. Harper*, pending before the Supreme Court of the United States, could obviate the separation of powers in Montana, making the legislative branch omnipotent and the other branches of state government (the executive and judicial branches) irrelevant in determining state election law under the “independent state legislature theory.” Obviously, since the citizen initiative is currently a constitutional right in Montana, this should concern us. Attorney General Austin Knudsen signed on with 10 other state attorneys general in filing a brief in support of the North Carolina legislature and appealed the case to the Supreme Court. The ruling is expected in early summer (Fortunately, the Supreme Court did not agree to *Moore v. Harper*, announced June 27).

* There used to be a campaign infrastructure like this in Montana, the Montana Committee for an Effective Legislature, MontCEL (they also had an affiliated policy shop, the Montana Alliance for Public Policy, MAPP). MontCEL elected candidates and even had a full-time organizer dedicated to recruiting and supporting candidates in Eastern Montana (Western Montana DSA member Tootie Welker). MontCEL went out of business in 1992. It's no coincidence that the 1991 session was the last time the Democrats held a majority in both legislative chambers. (Also see <https://digitalrepository.trincoll.edu/cgi/viewcontent.cgi?article=1357&context=resistnewsletter> for an account of MAPP/MontCel and one of its successors (The Policy Institute, which also appears to be defunct, <https://www.facebook.com/thepolicyinstitute>). Another more recent coalition—the Montana Organizing Project, an affiliate with Jobs with Justice and included 22 labor and religious groups—disbanded a few years ago.

IV. Why Should DSA Be a Member of the Initiative Montana coalition? (All coalition members should be clear on their own reasons.)

Our mission as DSA members is to act collectively in order to build a democratically-run society and economy that provides for the health and well-being of all, not the profit of a few. We use democratic practices to build formalized people-power in mass democratic institutions. That is why we call ourselves democratic socialists.

Direct democracy is defined as a “form of government in which policies and laws are decided by a majority of all those eligible rather than by a body of elected representatives” (Google/Oxford Languages). Ballot initiatives are a form of direct democracy.

With this Initiative Montana campaign, Montana DSA seeks to rebuild a progressive platform that will materially benefit the working class, and garner support from everyday Montanans across all political affiliations. We seek to act alongside our fellow Montanans to build the power to demand what we deserve from our state government. This will lay the foundation for continued radical, working-class organizing in Montana.

Additionally, we believe that:

1. The Montana legislature will never pass “non-reformist” reform legislation that builds the power of working and poor people to really control their own lives—until we prevail. There is a political vacuum in the state that can be filled by democratic socialist ideas. When successful, this strategy will shift power away from the capitalist class to the working class.

2. Though democratic socialists—as individuals—often support local Democrats on the ballot, we know that the class contradictions in the national and state Democratic Party often fail to empower working and poor people. Money trumps votes because an establishment politician’s first priority is to get re-elected. And while we support those activists sharpening the class contradictions in the Democratic Party, we can’t wait for them to make the party a working-class party, even if a “dirty break” were possible.

3. Lobbying the legislature in Montana is often necessary but almost always defensive (after all, all legislators just won an election putatively to “represent” someone—usually not the people but their donors). Democratic socialists need to be on the offense to organize the working class in new ways to get what we pay for in state government.

4. We are not a single-issue organization, but rather look for opportunities to build cross-constituency coalitions that can build power more effectively and durably than the typical “progressive” organization. Most state-wide progressive organizations, all doing

necessary but often insufficient work, are single-issue/constituency-focussed, primarily fundraising lists that support professional staff to accomplish their goals, i.e., they don't organize and rarely mobilize members. It's just not what they're set up to do. That's OK, we can still work with them for mutual benefit and Montana's benefit.

And these organizations don't have the same analysis as we do: democratic socialism is the answer because capitalism, which exploits and dominates the multi-racial working class to make money for a privileged few, is the problem. If socialists don't call out capitalism, who will?

5. Polling consistently shows significant public support—even in Montana—for “democratic socialist” solutions popularized by the Sanders presidential campaigns in 2016 and 2020 (Sanders won our presidential primary in 2016 by 7.4%, that primary was effectively over by the time of Montana's 2020 presidential primary, and he's still the most popular politician in America). We can be the democratic populist pole, clearly distinguished from neoliberal Democrats and authoritarian populists because our ideas are popular—if organized in a campaign.

6. The 2024 election cycle will be dominated in Montana by a U. S. Senate campaign. DSA in Montana will likely have little influence in that campaign beyond voting. Developing statewide campaign capacity—by qualifying/passing initiatives—will build MT DSA through 2024. (Chapters remain free to do other local work for candidates.)

V. Immediate Next Steps

These tactics (draft adopted at the March 5 DSA meeting) should be completed in 2023:

1. Solicit comments to revise this document in order to elicit initial if tentative support from our most important coalition partners. Determine our capacity to proceed based on comments, and make recommendations to the March 19 Steering Committee Meeting.
2. Monitor and defeat legislation that makes it more difficult for citizens to qualify and/or pass initiatives, referenda, and/or constitutional amendments (see Section IX). Organize to defeat SB 93 in the House, as a Tier 2 priority. When SB 93 passes and is signed by the governor, organize plaintiffs to challenge its constitutionality and/or organize a citizen referendum to overturn the law.
3. Assuming the worst, all of which will be put before the voters in 2024, convene a group of DSA members and the most important coalition partners before the end of the session that wants to develop this strategy further. We would do this by participating in the Ballot Initiative Strategy Center's “Incubation Phase” and “Decision Phase” trainings

(see <https://bisc-training.mykajabi.com/courses-copy-1>). The best defense is an offense.

4. Conduct power mapping, especially concerning the feasibility of securing commitments among key coalition partners and constituencies. This would be done at a facilitated statewide strategy retreat during the early summer.

5. Finalize the plan and launch the initiative over the summer and fall. Note that decisions about which initiative campaign(s) to conduct can't be made until the coalition is formed. Our goal should be to formally launch *Initiative Montana* by the end of fall 2023 with an eye toward qualifying initiative(s) for the 2024 ballot (or as soon as practicable thereafter).

VI. Potential Coalition Members

This strategy depends essentially on the active participation of statewide coalition partners that can organize and mobilize significant constituencies at the grassroots level to deep organize with other coalition partners in their communities. (These organizations are listed in no order of priority.)

Labor:

Montana AFL-CIO (Erin Foley, President)

Montana Federation of Public Employees (Amanda Curtis, President)

Montana Nurses Association

Local unions/labor councils, but only after first reaching out to the statewide federations

Women:

Planned Parenthood of Montana

Montana Women Vote

League of Women Voters

Montana Now (Jan Strout)

Youth:

Forward Montana

Montana Public Interest Research Group

Indigenous:

Western Native Voice

Environmental/Conservation:

Northern Plains Resource Council (Joanie Kresich, Board Chair)

Montana Environmental Information Center

Montana Wilderness Association

Montana Wildlife Federation

Montanan Conservation Voters

Other:

Big Sky 55+ (Ken Toole, Board Chair)

Montana Budget and Policy Center (Madalyn Quinlan, President)

Montana Human Rights Network

Montana Poor People's Campaign

ACLU of Montana

Rising/Indivisible (if they are organized statewide)

VII. OpEd: Defend Direct Democracy in Montana (submitted to the *Daily Montanan*, 3/15/23)

Much has been written in the past year about the Montana Constitution, 2022 being the 50th anniversary of its adoption. Our new constitution was ratified by the people of Montana, in part, to correct mistakes that were made in our founding constitution that allowed out-of-state corporations to own and control our state government by the Anaconda Copper Company and other robber barons.

One of the most significant achievements was the retention of the initiative process

whereby citizens could directly petition their fellow electors to pass laws that the legislature could not or would not approve, or the governor would not sign. Articles III and XIV outline that process, and it has been used effectively by citizens of all political persuasions to pass legislation—sidestepping the legislature—through ballot issues.

Much has also been written about how our current legislature could refer to Montana voters constitutional amendments because the majority party now has a supermajority (in both houses). Fortunately, the proposed constitutional amendments that affect the citizen initiative process have yet to be pursued beyond placing draft requests. But that does not mean our current citizen initiative process is safe from a power grab by a Republican one-party state. The following month will tell.

Senate Bill 93, “Generally Revising Ballot Issues,” sponsored by Senator Mike Cuffe (R-Eureka), was passed in late February by the Senate and transmitted to the House (currently in Appropriations). If it is passed in its current form and signed by the governor, this bill would amend Montana law to dramatically tilt the administrative process for qualifying and passing citizen initiatives, referenda, and constitutional amendments toward the legislative and executive branches while leaving the rules for legislators (and lobbyists) to do these same things unchanged:

- A \$3,700 fee (up from \$0 currently) would be required for a citizen or organization to simply file any proposed ballot language (no such fee would be required for legislators or lobbyists, who thus far in this session have proposed scores of amendments to the constitution alone);
- The Attorney General could reject the ballot issue outright as unconstitutional without any due process, i.e., court review;
- If not rejected outright, the Attorney General could re-write the public face of the proposed initiative, adding a “negative business interest” warning if there were any (this term is not legally defined in the legislation);
- The legislature could add its own statement to the ballot language, again prejudicing an outcome that *the people of Montana* should be empowered to determine; and
- Once proposed, whether it appears on the ballot or not, a similar ballot issue could not be proposed again for another 4 years.

With these rules in place, direct democracy as a separate and co-equal form of law-making, as now protected by our constitution, would be eliminated in Montana. Imagine the effect this law would have had on four recent citizen initiative campaigns:

- Montanans voted 52% to 48% to prohibit new open-pit gold and silver mines that used heap and vat cyanide leach processing (I-137 in 1998).
- The minimum wage was raised to \$6.15/hour by an initiative in Montana (I-151 in 2006), including a cost-of-living adjustment (73% of Montanans voted in favor).
- Greedy payday lenders were forced to leave the state when another citizen initiative (I-164 in 2010) limited the annual interest rate they could charge to only 36%—no longer the average of 400% (72% voted in favor).
- Montana voters approved a “Corporate Contributions Initiative” (I-166 in 2012, with 75% voting in favor) that would have prohibited corporate contributions and expenditures in state and national elections.

These are exactly the kinds of popular laws that this law is designed to prevent Montana’s voters from considering. But big business can’t stand what citizen democracy might enact. The Chamber of Commerce is the main lobbyist forcing SB 93 on the legislature and the citizens of Montana.

The role of a democratic government should be to protect and increase public wealth, not privilege the few to amass ever more private wealth and power. Citizen ballot petitions are a vital tool in democracy’s toolbox to protect the public. Montanans, through citizen-initiated ballot measures, should reserve the right to make laws directly without the necessity of involving our legislature or the lobbyists that buy laws.

To protect the democratic rights of *we the people*, I urge you to petition our government to oppose Senate Bill 93.

Marshall Mayer

Mayer was co-chair of the Committee to Oppose C-18, the legislatively-referred constitutional amendment narrowly passed in 1988 to replace “shall” with “may” (or may not) in determining the state’s obligation to provide for Montanan’s basic needs regardless of their economic circumstance. He resides in Helena and is the producer of The Montana DSA Podcast.

(SB 93 was passed by the Montana Legislature and signed by the Governor. It is currently being challenged in court. See the May 30, 2023 article in the bibliography.)

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We will add to this bibliography, as well as break it down into specific interest areas, such as rural voters. If you run across an interesting/relevant article, contact us.

IX. Proposed Bills and Constitutional Amendments Related to Initiatives and Amendments

[SB 93](#) (Cuffe)—Generally revising ballot issues (passed both houses by at least $\frac{2}{3}$ vote at any stage, signed by the Governor, 5/19/2023, challenged in court—see bibliography, May 30, 2023—or else by citizen initiative)

[SB 153](#) (Molnar)—Revise ballot initiative laws (unanimously passed out of committee, died on the floor, 31-18, 2/9/2023)

[LC 2428](#) (Gunderson)—Revise constitutional provisions related to ballot initiative signature gathering (draft on hold)

[LC 2429](#) (Gunderson)—Revise constitutional provisions related to the initiative signature gathering (draft on hold)

[LC 2551](#) (Fitzpatrick)—Constitutional amendment on proposing constitutional amendments (draft on hold)

[LC 4356](#) (Fitzpatrick)—Constitutional amendment on initiatives (draft on hold)

[LC 4357](#) (Fitzpatrick)—Constitutional amendment on constitutional initiatives (draft on hold)

X. Keep Up-to-Date:

We've found it useful while gathering our thoughts leading to Initiative Montana to subscribe to and/or follow the following internet resources (in no particular order with an emphasis on email communications because social media algorithms—Facebook notoriously—does not guarantee that you will see relevant information):

1. Daily Montanan (<https://dailymontanan.com>)
2. Montana Free Press (<https://montanafreepress.org/>)
3. Statelines Daily (policy updates from the states from the Pew Charitable Trusts, <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline>)
4. The Syllabus (you can customize your feed, <https://www.the-syllabus.com/>)
5. Montana Budget and Policy Center (<https://montanabudget.org/>)
6. The Daily Yonder (coverage of rural issues, <https://dailyyonder.com/>)
7. News from the States (the Daily Montanan is affiliated, <https://www.newsfromthestates.com/>)
8. FrameLab (we don't have to use Lakoff's frames, but we have to understand how

- to use frames, <https://substack.com/profile/4133290-framelab>)
9. Jacobin (see selected bibliography, <https://jacobin.com/>)
 10. Rural In These Times (<https://inthesetimes.com/rural-america-1>)
 11. Convergence (<https://convergencemag.com/>)
 12. Writers on the Range (<https://writersontherange.org/>)
 13. Rural Assembly (<https://ruralassembly.org/>)

XI. Other Resources:

1. Deep Canvass Institute by People's Action (<https://deepcanvass.org/>)
2. Organizing for Power by Rosa Luxemburg-Stiftung (workshop held once a year, February 2023, 10 people minimum, <https://www.rosalux.de/en/o4p>)
3. Portland DSA (both ME and OR, see DSA Chapter list, <http://dsausa.org/chapters>)
4. Ballot Initiative Strategy Center (<https://ballot.org>)
5. Rural Democracy Initiative (<https://ruraldemocracyinitiative.org/grants>)
6. People's Policy Project (<https://www.peoplespolicyproject.org/about/>)
7. Popular Comms Institute (<https://www.popularcomms.org/>)
8. The Fairness Project (<https://thefairnessproject.org/>)
9. Reclaim Idaho (<https://www.reclaimidaho.org/>)

We'll update these lists on an ongoing basis (and we welcome suggestions!).

(The original of this document, by Marshall Mayer marshall@take-note.com, is at https://docs.google.com/document/d/1K-9vOoq6D_hzoixakimlCVxJdwfOGiyACmOy94jxIJq/edit?usp=sharing.)