

Legislative Assaults on State Courts in 2025

State legislatures retaliated against state courts that had struck down partisan gerrymanders, safeguarded direct democracy, and exerted independence from state political branches.



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The Courts

State courts have become increasingly prominent institutions in American political life, adjudicating a growing share of the most contested issues in our democracy that were once resolved by the U.S. Supreme Court, including elections and reproductive rights. State legislatures have responded by passing legislation to reduce the likelihood that their states' courts will rule against them and to make it easier to punish judges who do.

In 2025, legislatures considered at least 117 bills attacking the independence or powers of the courts and passed 15 of them. [\[1\]](#)

Courts that ruled against legislative majorities in cases about redistricting in particular were met with retaliatory legislation. In Utah, for example, Gov. Spencer Cox (R) issued a [lengthy veto](#) [\[link-1\]](#) of a bill that would have required the state's chief justice to be reappointed by the governor and

senate every four years, warning that he believed “we would eventually come to regret rejecting ancient wisdom and injecting our own politics into the independent judiciary.” But following a ruling by the Utah Supreme Court allowing an injunction to take effect that blocked the use of an unconstitutionally gerrymandered congressional map, the governor signed a [substantially similar law](#) [\[link-2\]](#) that subjects the chief justice to reappointment by the governor every eight years. (Previously, the chief justice was chosen by the Utah Supreme Court.) Several months later, after a subsequent lower court ruling imposed a new congressional map for the 2026 midterms, Utah legislators responded by adopting a [resolution](#) [\[link-3\]](#) that “condemns” the Utah Supreme Court and the district court involved in the redistricting litigation and “rejects” the court-ordered map. Lawmakers also threatened to [impeach](#) [\[link-4\]](#) the district judge who issued the ruling, and elected officials are considering [adding two seats](#) [\[link-5\]](#) to the Utah

Supreme Court this year over the [objections](#) [\[link-6\]](#) of the state’s chief justice.

In other states, long-running conflicts between state legislatures and courts hit inflection points. In 2024, following a string of legislative losses in high-profile cases involving abortion access, environmental rights, and legislative subpoenas of judicial branch documents, Montana lawmakers established a [select committee](#) [\[link-7\]](#) “to rein in Montana courts’ abuse of power.” In 2025, the legislature considered [dozens of bills](#) [\[link-8\]](#) put forward by the committee targeting the powers and independence of Montana’s courts. Among other things, legislators sought to implement [partisan judicial elections](#) [\[link-9\]](#); [gerrymander](#) [\[link-10\]](#), [shrink](#) [\[link-11\]](#), and [strip jurisdiction](#) [\[link-12\]](#) from the Montana Supreme Court; and purportedly empower legislators to [ignore judicial rulings](#) [\[link-13\]](#). While the most damaging bills failed, lawmakers passed measures that [enable judge-shopping](#) [\[link-14\]](#) in

constitutional challenges to state law, [remove key guardrails](#) [link-15] preventing misuse of judicial ethics bodies, and allow political parties to [contribute directly](#) [link-16] to judicial candidates despite [record-breaking levels of spending](#) [link-17] in recent judicial elections in the state. At the end of the legislative session, leadership [signaled continued interest](#) [link-18] in adopting partisan judicial elections in the future, prompting Montanans to move forward with a [constitutional amendment](#) [link-19] that, if approved by voters, would require that Montana judicial elections remain nonpartisan.

With state supreme courts now also playing a [significant role](#) [link-20] in shaping reproductive rights, some legislatures have sought greater influence over who sits on state high courts by eliminating or exerting more control over the commissions that recommend judges to fill judicial vacancies. In Kansas, legislators placed a [constitutional amendment](#) [link-21] on the August 2026 primary ballot that

would abolish the state's merit-based Supreme Court Nominating Commission, whose independent structure prevents Kansas's political branches from gaining majority control. Legislative supporters of the amendment have described it as a way to [undermine abortion rights](#) [link-22] in a state with courts that have consistently upheld them. Similarly, in Oklahoma, lawmakers took aim, [as they did in 2024](#) [link-23], at the state's judicial nominating commission, which pro-life groups have described as a [major impediment](#) [link-24] since the Oklahoma Supreme Court recognized a [narrow right to abortion](#) [link-25] in 2023. A [proposed amendment](#) [link-26], which passed one chamber, would have removed a partisan balance requirement from the commission, eliminating a [key bulwark](#) [link-27] that helps to insulate such commissions from capture by political parties.

As more national issues play out via [citizen-initiated ballot measures](#) [link-28], legislators also

sought to weaken judicial oversight of the process. In Missouri, after multiple successful citizen-initiated ballot measures that involved courts [striking down](#) [link-29] or [rewriting](#) [link-30] legally deficient amendment summaries written by Missouri's secretary of state, lawmakers introduced a bill that would have prohibited courts from enforcing certain ballot language requirements. They ultimately passed [a version](#) [link-31] prohibiting courts from rewriting unlawful ballot language unless the secretary of state fails three times to correct the deficiencies. In January of this year, the Missouri Supreme Court [unanimously invalidated](#) [link-32] the law, finding that amendments added to the bill during the enactment process violated a state constitutional bar on altering a bill's original purpose.

Throughout 2025, lawmakers across the country looked to familiar tactics to gain leverage over state judiciaries. As they had [the previous year](#) [link-33], lawmakers sought an advantage in

constitutional litigation through legislation steering such cases to preferred venues. For example, Arkansas enacted a [law](#) [link-34] moving such cases away from judges elected by voters in the capital, and in Montana constitutional challenges [must now be filed](#) [link-35] in the district represented by the sponsor of the challenged law. Prior to the enactment of these laws, political officials in both states publicly criticized the judges handling such cases as [activist judges](#) [link-36] [link-37]. Courts in other states have found that similar laws interfere with core judicial functions and [violate separation of powers](#) [link-38].

Legislators also [continued to chip away at the safeguards](#) [link-39] that allow judicial ethics bodies to function independently. In November, Texas voters approved a legislatively referred constitutional amendment that empowers the governor to appoint a majority of the commissioners serving on the State Commission on Judicial Conduct. Previously, no single entity

had the authority to appoint a majority, a structure that [helps to prevent](#) [\[link-40\]](#) ethics commissions from being co-opted by state political branches. In Montana, where in recent years legislators have [consolidated control](#) [\[link-41\]](#) over the judicial standards commission and [opened baseless complaints](#) [\[link-42\]](#) against sitting judges, the legislature [eliminated a prohibition](#) [\[link-43\]](#) on the publication of judicial ethics complaints during the pendency of an investigation. The law empowers political operatives to use ethics complaints as an [electoral cudgel](#) [\[link-44\]](#) and positions Montana as a [national outlier](#) [\[link-45\]](#) among judicial standards commissions. A [second Montana law](#) [\[link-46\]](#) creates additional opportunities for legislators to put a thumb on the scale in favor of their preferred judicial candidates under the guise of judicial ethics. The law establishes a judicial performance evaluation commission to publicize assessments of judicial candidates on voter pamphlets. The commission will

use broad evaluative criteria, such as “the maintenance of an open mind when considering issues that may come before a judge,” and 8 of the 11 commissioners will be appointed by the governor and legislative leadership.

Finally, in a small number of states, lawmakers tested a new tool for curbing judicial independence: civil penalties. In 2025, a [North Carolina bill](#) [\[link-47\]](#) would have imposed civil penalties of up to \$10,000 on judicial officers who engage in diversity, equity, and inclusion practices; a prior version of the bill would have treated such actions as a Class 1 misdemeanor. The bill came three years after North Carolina’s Judicial Standards Commission opened (and later dismissed) an [ethics probe](#) [\[link-48\]](#) into Justice Anita Earls, alleging that comments she made regarding the lack of diversity among judicial law clerks and appellate advocates may have violated North Carolina’s Code of Judicial Conduct. In Texas, a [bill](#) [\[link-49\]](#) would have imposed civil penalties against any public officer who modifies or suspends election

procedures not expressly authorized by the Texas Election Code, with no carve-out for judges adjudicating constitutional cases. While neither measure was enacted into law, the proposals illustrate lawmakers' willingness to escalate their tactics amid ongoing disputes with state judiciaries. In fact, Missouri legislators are currently considering a [bill](#) [link-50] that would make it a felony for a judge to release a prior felon on bail if that person commits another felony while the prior case is pending.

Of the 117 bills attacking the independence or powers of courts, 96 targeted state courts and 21 targeted federal courts. [2] Fifteen were enacted across six states (Arkansas, Kansas, Missouri, Montana, Texas, and Utah). [3] And an additional 24 bills passed at least one legislative chamber. [4] Even Congress considered a bill taking aim at Washington, DC's local court system, which the House passed. [5]

Taken together, the bills targeted similar pressure points.

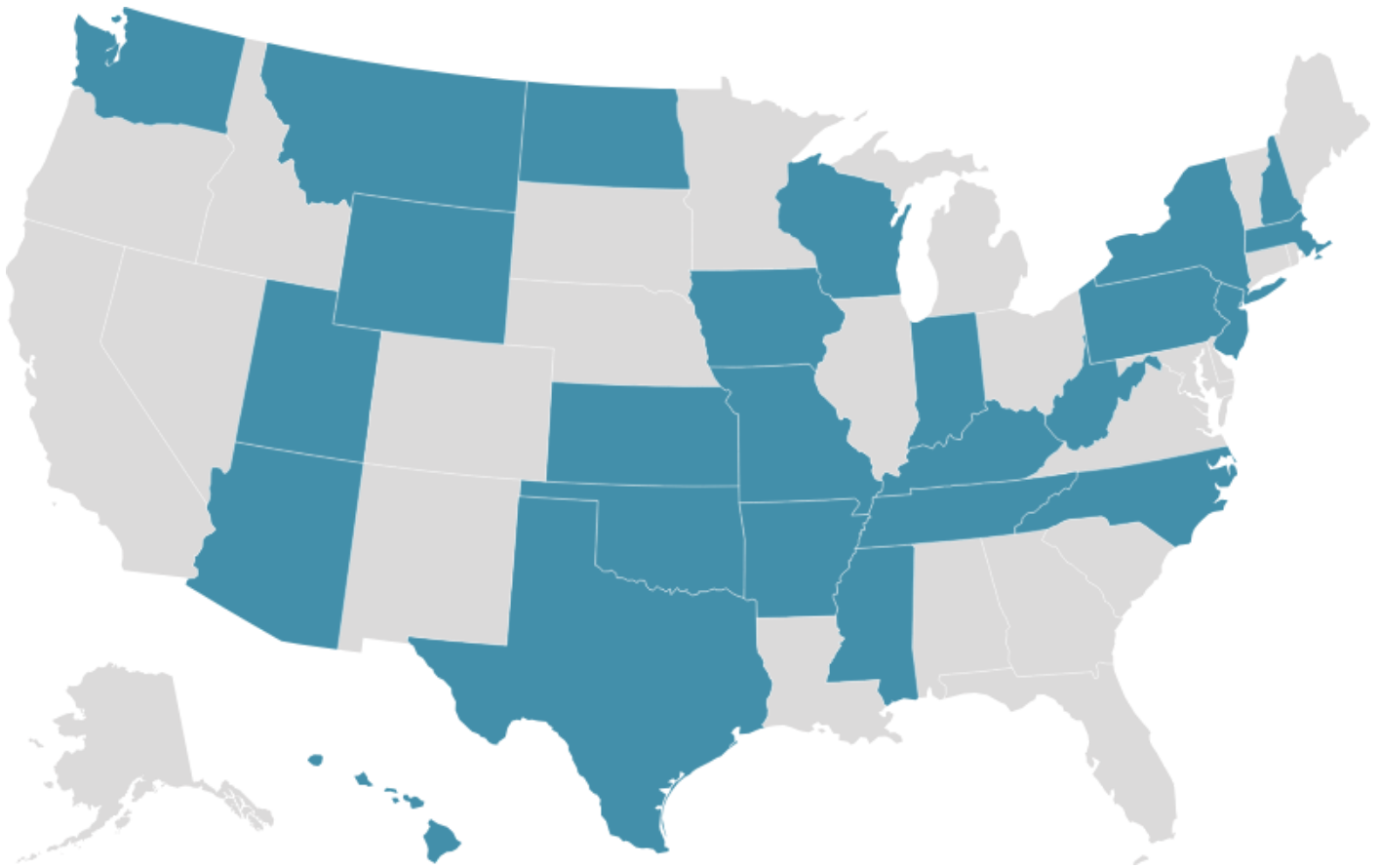
- Forty bills injecting more politics into how judges are selected were introduced in 14 states.
 - Three of these bills were enacted, in Kansas, Montana, and Utah.
- Nineteen bills politicizing judicial discipline were introduced in five states.
 - Four bills were enacted, in Montana and Texas.
- Sixteen bills undermining the authority and enforcement powers of state courts were introduced in eight states.
 - Three bills were enacted, in Missouri, Texas, and Utah.
- Twenty-one bills undermining the authority and enforcement powers of federal courts were introduced in nine states.
 - Two bills were enacted, in Texas and Utah.
- Five bills interfering with judicial decision-making were introduced in two states.
 - One bill was enacted, in Montana.
- Six bills permitting judge-shopping to benefit the legislature were

introduced in three states.

- Two bills were enacted, in Arkansas and Montana.
- Four bills increasing legislative control over judicial administration were introduced in two states.
 - No bills were enacted, but a North Carolina bill was vetoed by the governor, and two Montana bills passed one legislative chamber.
- Six bills gerrymandering judicial districts or eliminating judgeships to retaliate against specific judges were introduced in four states
 - No bills were enacted or passed a legislative chamber, so descriptions of these bills are not included below.

Legislative Assaults on State Courts in 2025

● States with bills targeting the courts



The following is a closer look at bills attacking judicial independence that passed at least one legislative

chamber, as well as some noteworthy bills that passed a legislative committee, in 2025.

Politicizing Judicial Selection

Legislatures in 14 states introduced 40 bills that would inject more politics into

how judges are selected. In states that use independent nominating commissions to appoint judges, legislatures sought to either abolish such bodies or exert greater political

influence over them, while states that use elections to select judges saw legislative efforts to change the rules around these elections to advantage legislators' preferred candidates. Three bills were enacted, including a proposed constitutional amendment that will appear on the August 2026 primary ballot, one bill was vetoed by a governor, and five bills passed a legislative chamber.

- Montana enacted a law ([H.B. 39](#) [\[link-51\]](#)) that repeals a prohibition on political parties making campaign contributions to judicial candidates. Over the past several cycles, Montana Supreme Court elections have attracted [record-breaking spending](#) [\[link-52\]](#) from both outside interest groups and political parties. In other states party contributions have become conduits that allow wealthy interests to circumvent limits on direct contributions. In this way, H.B. 39 is likely to generate new conflicts of interest for judges hearing cases involving political parties or their donors.

- In Montana, where judicial candidates have run without party labels for decades, six other bills would have injected partisanship into judicial elections. [S.B. 42](#) [\[link-53\]](#) and [H.B. 751](#) [\[link-54\]](#) would have mandated that Montana justices and judges be nominated by political parties and appear on the ballot with a political party identifier, while [H.B. 295](#) [\[link-55\]](#), [H.B. 838](#) [\[link-56\]](#), and [S.B. 543](#) [\[link-57\]](#) would have permitted but not required judicial candidates to declare their party affiliation. [H.B. 169](#) [\[link-58\]](#) would have allowed judges to attend and purchase tickets to partisan events and to seek endorsements from political organizations and partisan officeholders. The law also included trigger provisions permitting judges to engage in additional political and partisan activity in the event that the legislature enacted one of the laws implementing partisan judicial elections. The bills are consistent with [successful efforts in other states](#) [\[link-59\]](#) to shift the ideology

of state supreme courts by requiring that judicial candidates run as partisans. Before being defeated, S.B. 42 and H.B. 169 passed a legislative chamber and H.B. 751, H.B. 295, H.B. 838, and S.B. 543 passed a legislative committee. A proposed constitutional amendment requiring that [judicial elections remain nonpartisan](#) [\[link-60\]](#) will appear on the November 2026 ballot, pending sufficient signatures.

- A West Virginia bill ([S.B. 521](#) [\[link-61\]](#)) and an Arkansas proposed constitutional amendment ([H.J.R. 1015](#) [\[link-62\]](#) / [S.J.R. 13](#) [\[link-63\]](#)) also would have required judicial candidates to declare their party affiliation in order to appear on the ballot. Both states currently require judicial candidates to run in nonpartisan elections. S.B. 521 passed one legislative chamber and H.J.R. 1015/S.J.R. 13 was voted out of committee.
- Utah legislators considered multiple bills to politicize judicial selection, ultimately passing one such bill amid a political fight with the state

judiciary over a congressional gerrymander. Utah's governor [publicly vetoed](#) [\[link-64\]](#) a bill ([S.B. 296](#) [\[link-65\]](#)) that would have transferred the authority to select the chief justice from the Utah Supreme Court to the governor and required the chief justice to be reappointed every four years. Not long afterward, however, the governor signed a substantially similar bill ([S.B. 1003](#) [\[link-66\]](#)) requiring chief justices to be appointed by the governor with Senate approval to serve an eight-year term. Two other bills would have made it harder for Utah judges to win retention elections. [H.B. 512](#) [\[link-67\]](#), which passed out of committee, would have established a new legislative panel to provide retention recommendations on voters' retention ballots, allowing legislators to influence retention elections. And [H.B. 451](#) [\[link-68\]](#) would have raised the share of the vote that a sitting judge needs to be retained for another term, from a majority to a supermajority.

- In Kansas, legislators referred to the August 2026 ballot a proposed constitutional amendment ([S.C.R. 1611](#)) [\[link-69\]](#) that, if approved by voters, will abolish the state’s judicial nominating commission and replace it with judicial elections. In recent years, the Kansas Supreme Court has exerted independence from the Kansas legislature, particularly over abortion access and financing of public education, [prompting attacks on the commission](#) [\[link-70\]](#). The amendment would also give the legislature the power to change the structure of judicial elections by statute, providing no guardrails to prevent legislators from gerrymandering judicial districts.
- In Oklahoma, a proposed constitutional amendment ([H.J.R. 1024](#)) [\[link-71\]](#) that would have removed a requirement for partisan balance on the state’s judicial nominating commission passed one legislative chamber. As in Kansas, Oklahoma high courts have been willing to rule against the state’s political branches in high-profile

[abortion cases](#) [\[link-72\]](#). A separate constitutional amendment ([S.J.R. 6](#)) [\[link-73\]](#)) abolishing the nominating commission altogether passed a committee.

- The Iowa Senate, [as it did in 2023](#) [\[link-74\]](#), passed a bill ([S.F. 407](#)) [\[link-75\]](#) that would have empowered the governor to appoint a majority of members of the district judge nominating commission. In 2019, Iowa enacted a similar law consolidating gubernatorial control over the state’s nominating commission for the Iowa Supreme Court — a move that [preceded multiple high-profile reversals](#) [\[link-76\]](#) on the court following several new appointments.
- Congress considered a bill ([H.R. 5125](#)) [\[link-77\]](#)), which passed the House, that would have abolished the nominating commission that vets candidates and makes recommendations to fill vacancies in Washington, DC’s local court system. The District’s local court system [functions similarly to state](#)

[courts](#) [\[link-78\]](#) , although candidates recommended by the nominating commission are appointed by the

Politicizing Judicial Discipline

Legislatures in five states considered 19 bills politicizing judicial discipline. The bills aimed to add political appointees to judicial ethics bodies, remove guardrails preventing abuse of ethics procedures, and empower legislators to open impeachment probes on grounds other than serious misconduct. Four bills were enacted, and three passed one legislative chamber.

- In 2025, Montana legislators enacted two laws that make it easier for lawmakers or their allies to use ethics procedures to pressure sitting judges, a tactic that political operatives in the state have used [in recent years](#) [\[link-79\]](#) . One of the newly enacted laws ([S.B. 45](#) [\[link-80\]](#)) establishes a judicial performance evaluation commission to publicize

president and confirmed by the Senate rather than by local elected officials.

assessments of judicial candidates on voter pamphlets. The law gives the governor and legislative leadership 8 of the 11 appointments and provides for broad evaluative criteria, with no safeguards to prevent retaliation against judges who exert their independence from the political branches.

- The second law ([S.B. 48](#) [\[link-81\]](#)) grants Montana citizens the right to publicize ethics complaints against judges “at any time,” allowing publication of ethics complaints before an investigation and regardless of underlying merit. In every other state, confidentiality requirements [forbid](#) [\[link-82\]](#) publication of ethics complaints during the pendency of an investigation. While Montana’s Judicial Standards Commission has generally dismissed meritless ethics complaints, [a 2023 law](#) [\[link-83\]](#) gave

Montana's political branches complete control over commission appointees, prompting legislators to [refile](#) [\[link-84\]](#) three previously dismissed ethics complaints against a sitting justice.

- Three other Montana bills politicizing judicial ethics passed a legislative chamber. [S.B. 15](#) [\[link-85\]](#) would have broadened the categories of offenses for which judicial officers can be impeached to include subjective measures of poor job performance, such as “incompetence.” Historically, impeachment is [limited](#) [\[link-86\]](#) to grave ethical or criminal misconduct such as perjury, fraud, or conflicts of interest. [H.B. 35](#) [\[link-87\]](#) would have transferred Montana's Judicial Standards Commission to Montana's Department of Justice. While the allocation would have been for “administrative purposes only,” doing so would have moved budgetary, recordkeeping, and reporting obligations from the judiciary to the executive branch, creating potential leverage points to apply political pressure on the commission. The

third bill ([H.B. 36](#) [\[link-88\]](#)) would have prohibited either of the two district court judges who serve on Montana's Judicial Standards Commission from serving as the presiding officer of the commission, building on a [2023 law](#) [\[link-89\]](#) that consolidated appointing power with the executive and legislative branches. Among other things, the presiding officer controls the [public release of otherwise confidential records](#) [\[link-90\]](#) from the commission's investigations.

- In Texas, voters approved a legislatively referred constitutional amendment ([S.J.R. 27](#) [\[link-91\]](#)) that reconfigures the State Commission on Judicial Conduct. Previously the 13 commissioners were appointed by a combination of the Texas Supreme Court, the state bar, and the governor, with no one entity appointing a majority. Under the amendment, the governor has the authority to appoint a majority of seats on the commission, creating opportunities for political capture of

a body that ought to operate independently.

- Texas also enacted a law that could subject the state’s judges to disciplinary action on the basis of policy disagreements over bail. [S.B. 293](#) [\[link-92\]](#) authorizes the State Commission on Judicial Conduct to sanction judges for “persistent or willful violation of Article 17.15, Code of Criminal Procedure,” which outlines the criteria judges use to make bail determinations.

Undermining State Judicial Authority and Enforcement

Legislatures in eight states considered 16 bills that would undermine the authority or enforcement powers of state courts. The bills targeted courts’ jurisdiction and remedial powers, particularly in cases concerning elections and ballot measures. Three bills were enacted, and four passed one legislative chamber.

- As introduced, a Missouri bill ([S.B. 22](#) [\[link-93\]](#)) would have prohibited the state’s courts from revising ballot measure summaries that do not comply with Missouri law. Recent successful ballot initiatives on Medicaid expansion, marijuana, minimum wage, and reproductive rights have sometimes involved courts [striking down](#) [\[link-94\]](#) or [rewriting](#) [\[link-95\]](#) legally deficient ballot measure summaries written by Missouri’s secretary of state. The version of the bill enacted into law

prohibits courts from rewriting unlawful ballot measure summaries unless the secretary of state fails three times to correct the deficiencies. In January of this year, the Missouri Supreme Court [unanimously invalidated](#) [\[link-96\]](#) the law, finding that amendments added to the bill during the enactment process violated a state constitutional bar on altering a bill's original purpose.

- Following Utah court decisions striking down a congressional map and requiring the use of a remedial map for the 2026 midterms, Utah legislators adopted a resolution ([H.J.R. 201](#) [\[link-97\]](#)) that “condemns” the Utah Supreme Court and the district court involved in the redistricting litigation. The resolution “rejects” the court-ordered map and any map not selected by the legislature. Lawmakers have also threatened to [impeach](#) [\[link-98\]](#) the district court judge who issued the ruling.
- Texas enacted a law ([S.B. 509](#) [\[link-99\]](#)) that requires courts to

give notice to the Texas attorney general in any case brought under the Texas Election Code in which a party is seeking a temporary restraining order (TRO) and forbids judges from holding a hearing sooner than one hour after giving notice. The law makes it harder for courts to resolve time-sensitive election disputes on Election Day and deems any TRO issued in violation of this requirement “void and unenforceable.” The bill’s statement of intent indicates that the legislature passed it as a [response](#) [\[link-100\]](#) to a 2022 ruling by a Harris County judge that extended polling place hours on Election Day allegedly without notifying Texas’s attorney general.

- A Missouri bill ([H.B. 507](#) [\[link-101\]](#)), which passed one legislative chamber, would have stripped Missouri courts of jurisdiction to extend polling hours on Election Day.
- A Texas bill ([S.B. 618](#) [\[link-102\]](#)), which passed one legislative chamber, would have imposed civil penalties against any public official who creates, alters, modifies, waives, or

suspends any election standard, practice, or procedure mandated by a law or rule in a manner not expressly authorized by the Texas Election Code. The law contained no exceptions for judges altering election rules to ensure that state officials comply with constitutional obligations.

- The Montana Senate passed a bill ([S.B. 21](#) [\[link-103\]](#)) that would have permitted legislators to vacate writs of mandamus, a [judicial mechanism](#) [\[link-104\]](#) courts use to order government officials to perform duties required by law. In recent years, Montana's legislature has clashed with its courts over compliance with [writs of mandamus](#) [\[link-105\]](#) and [other court orders](#) [\[link-106\]](#). The law also would have stripped Montana judges of their power to hold legislators in contempt for noncompliance with mandamus writs.
- Indiana lawmakers considered a bill ([H.B. 1032](#) [\[link-107\]](#)) that would have authorized mid-decade redistricting while also barring judges from issuing

temporary restraining orders in actions to which the bill applies. H.B. 1032 passed one legislative chamber.

Undermining Federal Judicial Authority and Enforcement

Legislators in nine states considered 21 bills undermining the authority and enforcement powers of federal courts, particularly over judicial orders relating to firearms. Two bills were enacted, and three bills passed one legislative chamber.

- A law in Utah ([S.B. 265](#) [\[link-108\]](#)) modifies a previously enacted [law](#) [\[link-109\]](#) that permits the legislature to pass concurrent resolutions that prohibit state and local officials from enforcing federal directives issued by “someone appointed by the president of the United States” if the legislature believes such an order violates state sovereignty. The new law permits invocation of sovereignty through the passage of legislation, as opposed to a resolution, which generally [does not carry the force of law](#) [\[link-110\]](#). The law also broadens the categories of

officers prohibited from enforcing federal directives.

- A Texas law ([S.B. 1362](#) [\[link-111\]](#)) bars state officials from enforcing federal judicial orders requiring the surrender of a firearm or prohibiting firearm possession by individuals deemed a danger to themselves unless authorized by state law. The statute states that any violation of it is considered a felony offense.
- A Missouri bill ([H.B. 1175](#) [\[link-112\]](#)), which passed one legislative chamber, would have prohibited the state from enforcing certain federal judicial orders regarding firearms, firearm accessories, or ammunition. In 2024, a federal appeals court [affirmed](#) [\[link-113\]](#) a lower court decision striking down a similar law that declared various federal gun control laws and regulations unenforceable in the state.
- A Texas bill ([H.B. 796](#) [\[link-114\]](#)) would have established a legislative committee to review the constitutionality of federal directives, including judicial orders, and granted

the legislature the authority to deem those directives unconstitutional through the passage of legislation. The bill passed one legislative chamber.

- A Wyoming bill ([H.B. 177](#) [\[link-115\]](#)) would have established a committee empowered to review the constitutionality of federal actions “without regard for any United States Supreme Court or other judicial decisions that attempt to interpret federal actions.” H.B. 177 passed one legislative chamber.

Interfering with Judicial Decision-Making

Legislators in two states considered five bills interfering with judicial decision-making. The bills sought to intrude on core judicial powers, such as interpretation of the law or deliberations among judges. One bill was enacted, two were vetoed by a governor, and two passed one legislative chamber.

- A Montana law ([H.B. 409](#) [\[link-116\]](#)) requires state courts to use a more stringent standard to evaluate whether to issue a preliminary injunction or temporary restraining order. The law explicitly repudiates a Montana Supreme Court decision that adopted a different test and comes on the heels of laws passed by [other states](#) [\[link-117\]](#) requiring courts to use heightened standards for preliminary injunctions in response to court rulings that frustrated

legislators. A separate bill ([H.B. 715](#) [\[link-118\]](#)) narrowing the standard for preliminary injunctions and temporary restraining orders was vetoed by the governor because it did not go as far as H.B. 409. In his [veto letter](#) [\[link-119\]](#), the governor stated that “some Montana judges have manipulated the legal standards that courts use to temporarily enjoin constitutionally-challenged statutes, blocking laws they don’t like and keeping in place laws they like” and that H.B. 409 is meant to “rein in . . . judicial activism by forcing judges to apply the standards as the United States Supreme Court would.”

- Two other Montana bills would have created opportunities for legislators to improperly influence judicial decision-making. [S.B. 40](#) [\[link-120\]](#) would have required closed meetings of the Montana Supreme Court to be recorded and available for inspection by the public after a case concludes. The practical effect would have been to allow any lawyer, including legislators, to request publication of judicial deliberations among the

justices for most cases. Recognizing that this bill would “chill candor among justices against the public’s interest and weaponize those discussions in future litigation,” the governor [vetoed](#) [\[link-121\]](#) the bill. The second Montana bill ([H.B. 30](#) [\[link-122\]](#)), which passed one legislative chamber, instructed the Montana Supreme Court to uphold legislation unless a challenger demonstrates that the legislation is “unconstitutional beyond a reasonable doubt.” Requiring Montana courts to satisfy this [standard beyond](#) [unconstitutionality](#) [\[link-123\]](#) in order to strike down legislation would have made it harder for judges to halt the enforcement of unconstitutional laws.

- A Texas bill ([H.B. 113](#) [\[link-124\]](#)), which passed one legislative chamber, would have prohibited Texas courts from using legislative intent and legislative history when interpreting a statute. By dictating how Texas judges interpret legislation, the law would have interfered with courts’

ability to independently interpret the law.

Judge-Shopping

Legislators in three states considered six bills that would route high-profile cases to judges with views more closely aligned with those of the state's political branches. Two bills were enacted, and one bill passed one legislative chamber.

- An Arkansas law ([H.B. 1832](#) [link-125]) overrides an Arkansas Supreme Court rule and transfers original jurisdiction for facial constitutional challenges from trial courts to the Court of Appeals. While the Arkansas Constitution authorizes the legislature to disapprove rules promulgated by the Arkansas Supreme Court with a two-thirds vote in both houses, the bill sponsors and supporters [allegedly stated](#) [link-126] that their intention was to bypass judges elected by voters in Pulaski County, which is home to the state's capital and tends to support more

liberal judicial candidates than does the state as a whole.

- A Montana law ([S.B. 97](#) [link-127]) requires that constitutional challenges to laws be filed in the legislative district of the primary sponsor of the law being challenged. In a rural state like Montana, which has many single-judge districts, this law effectively allows legislators to pick the particular judge who would be tasked with reviewing whether a law complies with Montana's constitution.
- Montana legislators considered two other bills that would have altered venue for the highest-profile cases in the state. [S.B. 13](#) [link-128] would have stripped the Montana Supreme Court's original jurisdiction over approval for summary statements accompanying ballot measures and transferred it to district courts. In recent years, the Montana Supreme Court and Montana's attorney general have [disagreed](#) [link-129] over

whether ballot summaries rewritten by the attorney general comply with state law. A separate Montana law ([S.B. 385](#) [\[link-130\]](#)) would have created a new court to hear all constitutional challenges to Montana

law, with judges appointed by the governor and confirmed by the senate. S.B. 13 passed one legislative chamber and S.B. 385 passed a legislative committee.

Interfering with Judicial Administration

Legislators in two states considered four bills seeking to assert greater control over judicial administration. One bill was vetoed by a governor, and two bills passed one legislative chamber.

- A North Carolina bill ([H.B. 171](#) [\[link-131\]](#)) would have prohibited any state agency, including the judicial branch, from “promot[ing], support[ing], fund[ing], implement[ing], or maintain[ing] workplace diversity, equity, and inclusion (DEI), including using DEI in State government hirings and employment; maintaining dedicated DEI staff positions or offices; or

offering or requiring DEI training.” Judicial officers who violate this prohibition would have been subject to civil penalties of up to \$10,000, and a prior version of the bill would have treated violations as a Class 1 misdemeanor. The bill came against the backdrop of a prior [ethics investigation](#) [\[link-132\]](#) into Justice Anita Earls — the state’s lone Black female justice — for comments she made about the lack of diversity among judicial law clerks and oral appellate advocates. H.B. 171 was [vetoed](#) [\[link-133\]](#) by the governor, who criticized the bill for being “riddled with vague definitions” and for imposing “extreme penalties for unknowable violations.”

- Two Montana bills would have interfered with the Montana Supreme Court’s authority over disciplinary

proceedings against lawyers. [S.B. 14](#) [\[link-134\]](#), which passed one legislative chamber, would have required a legislative audit of the Office of Disciplinary Counsel (OCD), which oversees investigations into misconduct by Montana attorneys and is supervised by the Montana Supreme Court. The bill was considered amid a [multiyear political standoff](#) [\[link-135\]](#) involving the OCD, the Montana legislature, the state's attorney general, and the Montana Supreme Court. In 2023, the OCD filed a complaint against the attorney general alleging that actions taken during a prior dispute over a legislative subpoena of internal judicial documents had undermined

public confidence in the judiciary. This past December, the [Montana Supreme Court](#) [\[link-136\]](#) found that the attorney general had disobeyed a court order but rejected the commission's recommendation of a 90-day suspension of his law license. [S.B. 49](#) [\[link-137\]](#), which also passed one legislative chamber, would have prohibited judicial officers from conducting professional disciplinary proceedings or taking disciplinary actions against attorneys serving as constitutional officers, including legislators, for actions taken during their term of office that could "impede the faithful execution of office."

Endnotes

- 1 These bills were identified by the Brennan Center through PolicyNote, with support from the Piper Fund, National Center for State Courts' Gavel to Gavel database, and media reports. Special thanks to Friends of the Third Branch and Montana State Votes for assistance tracking bills in Montana. Our analysis of legislation that targeted the role or independence of state courts in previous years can be found [here](#).
- 2 This summation does not include H.R. 5125, a federal bill targeting local courts in Washington, DC.

- 3 AR H.B. 1832; KS S.C.R. 1611; MO S.B. 22; MT H.B. 39; MT H.B. 409; MT S.B. 45; MT S.B. 48; MT S.B. 97; TX S.B. 1362; TX S.B. 293; TX S.B. 509; TX S.J.R. 27; UT S.B. 1003; UT S.B. 265. This count also includes UT H.J.R. 201, which is a legislatively adopted joint resolution.
- 4 IA S.F. 407; IN H.B. 1032; MT H.B. 169; MT S.B. 13; MT S.B. 14; MT S.B. 15; MT S.B. 21; MT H.B. 30; MT H.B. 35; MT H.B. 36; MT S.B. 40; MT S.B. 42; MT S.B. 49; MT S.B. 715; MO H.B. 1175; MO H.B. 507; NC H.B. 171; OK H.J.R. 1024; TX H.B. 113; TX H.B. 796; TX S.B. 618; UT H.B. 296; WV S.B. 521; WY H.B. 177.
- 5 H.R. 5125.

Links

- link-1:** lengthy veto <https://le.utah.gov/~2025/veto/SB0296.veto.pdf?inline=1>
- link-2:** substantially similar law <https://le.utah.gov/~2025S1/bills/static/SB1003.html>
- link-3:** resolution <https://le.utah.gov/~2025S2/bills/static/HJR201.html>
- link-4:** impeach <https://utahnewsdispatch.com/2025/11/11/utah-judge-impeachment-threats-redistricting-map-adds-democratic-seat/>
- link-5:** adding two seats <https://utahnewsdispatch.com/2025/11/11/utah-judge-impeachment-threats-redistricting-map-adds-democratic-seat/>
- link-6:** objections <https://apnews.com/article/utah-supreme-court-expansion-republicans-31bbae547027156ddd6648237997587>
- link-7:** select committee <https://archive.legmt.gov/committees/other-groups/sjor/>
- link-8:** dozens of bills <https://friendsofthethirdbranch.org/legislature/2025-legislative-session/>
- link-9:** partisan judicial elections <https://bills.legmt.gov/#/laws/bill/2/LC1506>
- link-10:** gerrymander <https://bills.legmt.gov/#/laws/bill/2/LC2937>
- link-11:** shrink https://bills.legmt.gov/#/laws/bill/2/LC0025?open_tab=sum

link-12: strip jurisdiction <https://bills.legmt.gov/#/laws/bill/2/LC1433>

link-13: ignore judicial rulings https://bills.legmt.gov/#/laws/bill/2/LC0618?open_tab=bill

link-14: enable judge-shopping https://bills.legmt.gov/#/laws/bill/2/LC0045?open_tab=sum

link-15: remove key guardrails <https://bills.legmt.gov/#/laws/bill/2/LC0611>

link-16: contribute directly https://bills.legmt.gov/#/laws/bill/2/LC1438?open_tab=bill

link-17: record-breaking levels of spending <https://www.brennancenter.org/our-work/research-reports/politics-judicial-elections-2021-2022>

link-18: signaled continued interest <https://www.ktvh.com/news/montana-politics/montana-legislative-leaders-react-to-end-of-69th-session>

link-19: constitutional amendment <https://www.montanansfornonpartisancourts.com/>

link-20: significant role <https://statecourtreport.org/our-work/analysis-opinion/three-years-after-dobbs-state-courts-are-defining-future-abortion>

link-21: constitutional amendment https://www.kslegislature.gov/li/b2025_26/measures/scr1611/

link-22: undermine abortion rights <https://kansasreflector.com/2025/03/07/kansas-senate-adopts-plan-to-elect-supreme-court-justices-a-step-toward-overturning-abortion-rights/>

link-23: as they did in 2024 <https://www.brennancenter.org/our-work/research-reports/legislative-assaults-state-courts-2024>

link-24: major impediment <https://ocpathink.org/post/independent-journalism/advocates-oklahoma-judicial-reform-crucial-to-pro-life-cause>

link-25: narrow right to abortion <https://statecourtreport.org/case-tracker/oklahoma-call-reproductive-justice-v-drummond-0>

link-26: proposed amendment <https://www.oklegislature.gov/BillInfo.aspx?Bill=HJR1024&session=2500>

link-27: key bulwark <https://www.brennancenter.org/our-work/policy-solutions/choosing-state-judges-plan-reform>

link-28: citizen-initiated ballot measures <https://www.brennancenter.org/our-work/research-reports/politicians-take-aim-ballot-initiatives>

link-29: striking down <https://apnews.com/article/abortion-missouri-transgender-health-care-30eefaa2f5d21e6fcfee68e4a328d3f>

link-30: rewriting <https://www.newsfromthestates.com/article/missouri-appeals-court-rewrites-ballot-proposal-clarify-yes-would-end-right-abortion?emci=3d397927-57d1-f011-8195-000d3a1d58aa&emdi=804691f0-d1d1-f011-8195-000d3a1d58aa&ceid=599505>

link-31: a version https://www.senate.mo.gov/25info/bts_web/bill.aspx?SessionType=R&BillID=394

link-32: unanimously invalidated https://www.komu.com/news/state/missouri-supreme-court-overturns-law-that-modified-ballot-language-review-process/article_4f3beb2f-d4d1-4f46-89bf-9fec03838bd9.html

link-33: the previous year <https://www.brennancenter.org/our-work/research-reports/legislative-assaults-state-courts-2024>

link-34: law <https://arkleg.state.ar.us/Bills/Detail?id=HB1832&ddBienniumSession=2025%2F2025R>

link-35: must now be filed https://bills.legmt.gov/#/laws/bill/2/LC0045?open_tab=sum

link-36: activist <https://montanafreepress.org/2022/10/06/montana-election-laws-ruling-guide/>

link-37: judges <https://arkadelphian.com/2023/05/31/arkansas-ag-seeks-stay-in-learns-act-restraining-order/>

link-38: violate separation of powers <https://statecourtreport.org/our-work/analysis-opinion/kentucky-supreme-court-strikes-down-law-meant-steer-cases-away-liberal>

link-39: continued to chip away at the safeguards <https://statedemocracy.law.wisc.edu/featured/2024/white-paper-state-judicial-conduct-commissions-the-challenge-of-judging-judges/>

link-40: helps to prevent <https://statedemocracy.law.wisc.edu/featured/2024/white-paper-state-judicial-conduct-commissions-the-challenge-of-judging-judges/>

link-41: consolidated control <https://www.brennancenter.org/our-work/research-reports/legislative-assaults-state-courts-2023>

link-42: opened baseless complaints <https://dailymontanan.com/2025/11/13/state-senator-leads-new-effort-with-old-charges-to-oust-supreme-court-justice/>

link-43: eliminated a prohibition <https://bills.legmt.gov/#/laws/bill/2/LC0611>

link-44: electoral cudgel <https://montanafreepress.org/2022/10/17/republican-operative-files-october-surprise-ethics-complaints-montana-supreme-court/>

link-45: national outlier <https://statedemocracy.law.wisc.edu/featured/2024/white-paper-state-judicial-conduct-commissions-the-challenge-of-judging-judges/>

link-46: second Montana law <https://bills.legmt.gov/#/laws/bill/2/LC0527>

link-47: North Carolina bill <https://www.ncleg.gov/BillLookup/2025/H171>

link-48: ethics probe <https://www.brennancenter.org/our-work/analysis-opinion/judicial-ethics-doesnt-bar-judges-speaking-out-about-diversity-and-racial>

link-49: bill <https://capitol.texas.gov/BillLookup/History.aspx?LegSess=89R&Bill=SB618>

link-50: bill https://www.senate.mo.gov/26info/BTS_Web/Bill.aspx?SessionType=r&BillID=484

link-51: H.B. 39 https://bills.legmt.gov/#/laws/bill/2/LC1438?open_tab=bill

link-52: record-breaking spending <https://www.brennancenter.org/our-work/research-reports/politics-judicial-elections-2021-2022>

link-53: S.B. 42 <https://bills.legmt.gov/#/laws/bill/2/LC1506>

link-54: H.B. 751 https://bills.legmt.gov/#/laws/bill/2/LC1739?open_tab=sum

link-55: H.B. 295 <https://bills.legmt.gov/#/laws/bill/2/LC3030>

link-56: H.B. 838 <https://bills.legmt.gov/#/laws/bill/2/LC2372>

link-57: S.B. 543 https://bills.legmt.gov/#/laws/bill/2/LC2375?open_tab=sum

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link-59: successful efforts in other states <https://statecourtreport.org/our-work/analysis-opinion/how-years-legislative-maneuvering-shaped-years-judicial-elections>

link-60: judicial elections remain nonpartisan <https://www.montanansfornonpartisancourts.com/>

link-61: S.B. 521 https://www.wvlegislature.gov/Bill_Status/Bills_history.cfm?input=521&year=2025&sessiontype=RS&btype=bill

link-62: H.J.R. 1015 <https://arkleg.state.ar.us/Bills/Detail?id=HJR1015&ddBienniumSession=2025%2F2025R>

link-63: S.J.R. 13 <https://arkleg.state.ar.us/Bills/Detail?id=SJR13&ddBienniumSession=2025%2F2025R>

link-64: publicly vetoed <https://le.utah.gov/~2025/veto/SB0296.veto.pdf?inline=1>

link-65: S.B. 296 <https://le.utah.gov/~2025/bills/static/SB0296.html>

link-66: S.B. 1003 <https://le.utah.gov/~2025S1/bills/static/SB1003.html>

link-67: H.B. 512 <https://le.utah.gov/~2025/bills/static/HB0512.html>

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link-70: prompting attacks on the commission <https://www.kcur.org/politics-elections-and-government/2025-08-07/kansas-governor-picks-newest-state-supreme-court-justice-it-could-be-the-last-time>

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link-72: abortion cases <https://statecourtreport.org/case-tracker/oklahoma-call-reproductive-justice-v-drummond-0>

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link-74: as it did in 2023 <https://www.brennancenter.org/our-work/research-reports/legislative-assaults-state-courts-2023>

link-75: S.F. 407 <https://www.legis.iowa.gov/legislation/BillBook?ga=91&ba=SF407>

link-76: preceded multiple high-profile reversals <https://statecourtreport.org/our-work/analysis-opinion/how-years-legislative-maneuvering-shaped-years-judicial-elections>

link-77: H.R. 5125 <https://www.congress.gov/bill/119th-congress/house-bill/5125>

link-78: functions similarly to state courts <https://statecourtreport.org/our-work/analysis-opinion/district-columbia-courts-explained>

link-79: in recent years <https://montanafreepress.org/2022/10/17/republican-operative-files-october-surprise-ethics-complaints-montana-supreme-court/>

link-80: S.B. 45 <https://bills.legmt.gov/#/laws/bill/2/LC0527>

link-81: S.B. 48 <https://bills.legmt.gov/#/laws/bill/2/LC0611>

link-82: forbid <https://statedemocracy.law.wisc.edu/featured/2024/white-paper-state-judicial-conduct-commissions-the-challenge-of-judging-judges/>

link-83: a 2023 law <https://www.brennancenter.org/our-work/research-reports/legislative-assaults-state-courts-2023>

link-84: refile <https://dailymontanan.com/2025/11/13/state-senator-leads-new-effort-with-old-charges-to-oust-supreme-court-justice/>

link-85: S.B. 15 https://bills.legmt.gov/#/laws/bill/2/LC1439?open_tab=bill

link-86: limited <https://www.brennancenter.org/our-work/analysis-opinion/impeachment-and-removal-judges-explainer>

link-87: H.B. 35 <https://bills.legmt.gov/#/laws/bill/2/LC0522>

link-88: H.B. 36 <https://bills.legmt.gov/#/laws/bill/2/LC1437>

link-89: 2023 law <https://www.brennancenter.org/our-work/research-reports/legislative-assaults-state-courts-2023>

link-90: public release of otherwise confidential records https://courts.mt.gov/external/rules/jud_std_comn.pdf?inline=1

link-91: S.J.R. 27 <https://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=89R&Bill=SJR27>

link-92: S.B. 293 <https://capitol.texas.gov/BillLookup/History.aspx?LegSess=89R&Bill=SB293>

link-93: S.B. 22 https://www.senate.mo.gov/25info/bts_web/bill.aspx?SessionType=R&BillID=394

link-94: striking down <https://apnews.com/article/abortion-missouri-transgender-health-care-30eefaa2f5d21e6fcfee68e4a328d3f>

link-95: rewriting <https://www.newsfromthestates.com/article/missouri-appeals-court-rewrites-ballot-proposal-clarify-yes-would-end-right-abortion>

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link-100: response <https://capitol.texas.gov/tlodocs/89R/analysis/pdf/SB00509F.pdf?inline=1>

link-101: H.B. 507 <https://archive.house.mo.gov/Bill.aspx?bill=HB507&Year=2025&code=R>

link-102: S.B. 618 <https://capitol.texas.gov/BillLookup/History.aspx?LegSess=89R&Bill=SB618>

link-103: S.B. 21 https://bills.legmt.gov/#/laws/bill/2/LC0618?open_tab=bill

link-104: judicial mechanism <https://statecourtreport.org/our-work/analysis-opinion/writ-mandamus-state-courts>

link-105: writs of mandamus <https://montanafreepress.org/2025/01/03/in-court-media-outlets-argue-for-access-to-legislative-records/>

link-106: other court orders [https://apnews.com/article/montana-attorney-general-professional-misconduct-](https://apnews.com/article/montana-attorney-general-professional-misconduct-bac4a2942394757e870f9652c7a2c090)

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link-107: H.B. 1032 <https://iga.in.gov/legislative/2026/bills/house/1032/details>

link-108: S.B. 265 <https://le.utah.gov/~2025/bills/static/SB0265.html>

link-109: law <https://le.utah.gov/~2024/bills/static/SB0057.html>

link-110: does not carry the force of law <https://le.utah.gov/documents/aboutthelegislature/resolutions.htm>

link-111: S.B. 1362 <https://capitol.texas.gov/BillLookup/History.aspx?LegSess=89R&Bill=SB1362>

link-112: H.B. 1175 <https://archive.house.mo.gov/bill.aspx?bill=hb1175&year=2025&code=r>

link-113: affirmed <https://ecf.ca8.uscourts.gov/opndir/24/08/231457P.pdf?inline=1>

link-114: H.B. 796 <https://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=89R&Bill=HB796>

link-115: H.B. 177 <https://wyoleg.gov/Legislation/2025/HB0177>

link-116: H.B. 409 <https://bills.legmt.gov/#/laws/bill/2/LC2373>

link-117: other states <https://www.brennancenter.org/our-work/research-reports/legislative-assaults-state-courts-2023>

link-118: H.B. 715 <https://bills.legmt.gov/#/laws/bill/2/LC3466>

link-119: veto letter <https://docs.legmt.gov/download-ticket?ticketId=089e6107-58f7-46ff-9fe0-5b5bed7b5398>

link-120: S.B. 40 https://bills.legmt.gov/#/laws/bill/2/LC0614?open_tab=sum

link-121: vetoed <https://docs.legmt.gov/download-ticket?ticketId=bc15b743-b658-4d44-a1e2-8a7880d377aa>

link-122: H.B. 30 <https://bills.legmt.gov/#/laws/bill/2/LC0617>

link-123: standard beyond unconstitutionality <https://statecourtreport.org/our-work/analysis-opinion/extra-hurdle-state-courts-prove-statute-violates-us-constitution>

link-124: H.B. 113 <https://capitol.texas.gov/BillLookup/History.aspx?LegSess=89R&Bill=HB113>

link-125: H.B. 1832 <https://arkleg.state.ar.us/Bills/Detail?id=HB1832&ddBienniumSession=2025%2F2025R>

link-126: allegedly stated <https://www.acluarkansas.org/news/review-2025-arkansas-legislative-session/>

link-127: S.B. 97 https://bills.legmt.gov/#/laws/bill/2/LC0045?open_tab=sum

link-128: S.B. 13 <https://bills.legmt.gov/#/laws/bill/2/LC1433>

link-129: disagreed <https://montanafreepress.org/2025/12/11/court-says-attorney-general-overstepped-in-rewriting-ballot-language/>

link-130: S.B. 385 <https://bills.legmt.gov/#/laws/bill/2/LC4358>

link-131: H.B. 171 <https://www.ncleg.gov/BillLookup/2025/H171>

link-132: ethics investigation <https://www.brennancenter.org/our-work/analysis-opinion/judicial-ethics-doesnt-bar-judges-speaking-out-about-diversity-and-racial>

link-133: vetoed <https://webservices.ncleg.gov/ViewBillDocument/2025/7264/0/H171-BD-NBC-16790>

link-134: S.B. 14 https://bills.legmt.gov/#/laws/bill/2/LC0620?open_tab=bill

link-135: multiyear political standoff <https://dailymontanan.com/2025/12/31/montana-supreme-court-declines-to-suspend-attorney-general-knudsen-for-misconduct/>

link-136: Montana Supreme Court <https://law.justia.com/cases/montana/supreme-court/2025/pr-23-0496-0.html>

link-137: S.B. 49 https://bills.legmt.gov/#/laws/bill/2/LC1436?open_tab=bill