



2003 ASSEMBLY JOINT RESOLUTION 16

February 5, 2003 – Introduced by Representatives HUBLER, J. LEHMAN, MILLER, SHERMAN, ZIEGELBAUER, OTT and WASSERMAN, cosponsored by Senators SCHULTZ and BRESKE. Referred to Committee on Judiciary.

1 **To amend** section 9 of article VII and section 10 (1) of article VII of the constitution;
2 **relating to:** senate confirmation of justices appointed by the governor (first
3 consideration).

Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the 2003 legislature on first consideration, provides that a vacancy in the office of justice of the supreme court shall be filled by nomination and, with the advice and consent of the senate, appointment by the governor, which shall continue until a successor is elected and qualified. Presently, an appointment to a vacancy in the office of justice is not subject to senate confirmation.

Presently, justices and judges may not hold any other office of public trust, except a judicial office, during the term for which elected. This joint resolution applies that prohibition also to a term for which appointed.

A proposed constitutional amendment requires adoption by 2 successive legislatures, and ratification by the people, before it can become effective.

4 **Resolved by the assembly, the senate concurring, That:**
5 **SECTION 1.** Section 9 of article VII of the constitution is amended to read:
6 [Article VII] Section 9. When a vacancy occurs in the office of justice of the
7 supreme court ~~or judge of any court of record~~, the vacancy shall be filled by

1 nomination and, with the advice and consent of the senate, appointment by the
2 governor, which shall continue until a successor is elected and qualified. When a
3 vacancy occurs in the office of judge of any court of record, the vacancy shall be filled
4 by appointment by the governor, which shall continue until a successor is elected and
5 qualified. There shall be no election for a justice or judge at the partisan general
6 election for state or county officers, nor within 30 days either before or after such
7 election.

8 **SECTION 2.** Section 10 (1) of article VII of the constitution is amended to read:

9 [Article VII] Section 10 (1) No justice of the supreme court or judge of any court
10 of record shall hold any other office of public trust, except a judicial office, during the
11 term for which elected or appointed. No person shall be eligible to the office of judge
12 who shall not, at the time of election or appointment, be a qualified elector within the
13 jurisdiction for which chosen.

14 ***Be it further resolved, That*** this proposed amendment be referred to the
15 legislature to be chosen at the next general election and that it be published for 3
16 months previous to the time of holding such election.

17 (END)