



2013 SENATE JOINT RESOLUTION 86

March 13, 2014 – Introduced by Senators T. CULLEN, SCHULTZ, JAUCH, RISSER and LEHMAN, cosponsored by Representatives BERNARD SCHABER, POPE, HINTZ, KESSLER, WACHS and HULSEY. Referred to Committee on Government Operations, Public Works, and Telecommunications.

1 **To amend** section 4 (1) of article VII, section 9 of article VII and section 10 (1) of
2 article VII; and **to create** section 17 of article XIV of the constitution; **relating**
3 **to:** the appointment of supreme court justices (first consideration).

Analysis by the Legislative Reference Bureau

The constitution provides for the election of justices of the supreme court for ten-year terms and establishes a method of filling vacancies by appointment.

This constitutional amendment, proposed to the 2013 legislature on first consideration, provides that the governor will appoint, with the advice and consent of the senate, justices of the supreme court for ten-year terms. For appointees, the governor will choose from lists of five recommendations created by a nonpartisan judicial selection commission established by the legislature.

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

4 **Resolved by the senate, the assembly concurring, That:**

5 **SECTION 1.** Section 4 (1) of article VII of the constitution is amended to read:

6 [Article VII] Section 4 (1) The supreme court shall have 7 members who shall
7 be known as justices of the supreme court. ~~Justices shall be elected~~ The governor
8 shall appoint justices, with the advice and consent of the senate, for 10-year terms

1 of office commencing with the August 1 next succeeding the election. ~~Only one justice~~
2 ~~may be elected in any year.~~ appointment. The governor shall select a nominee from
3 a list of 5 candidates recommended by an independent judicial selection commission
4 established by the legislature. Any 4 justices shall constitute a quorum for the
5 conduct of the court's business.

6 **SECTION 2.** Section 9 of article VII of the constitution is amended to read:

7 [Article VII] Section 9. When a vacancy occurs in the office of ~~justice of the~~
8 ~~supreme court or~~ judge of any court of record, the vacancy shall be filled by
9 appointment by the governor, which shall continue until a successor is elected and
10 qualified. There shall be no election for a ~~justice or~~ judge at the partisan general
11 election for state or county officers, nor within 30 days either before or after such
12 election.

13 **SECTION 3.** Section 10 (1) of article VII of the constitution is amended to read:

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

19 **SECTION 4.** Section 17 of article XIV of the constitution is created to read:

20 [Article XIV] Section 17. The terms of office of justices of the supreme court
21 elected or appointed before the ratification of this section expire at the end of the term
22 for which elected or appointed.

23 **SECTION 5. Numbering of new provisions.** If another constitutional
24 amendment ratified by the people creates the number of any provision created in this

1 joint resolution, the chief of the legislative reference bureau shall determine the
2 sequencing and the numbering of the provisions whose numbers conflict.

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

6 (END)