

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN
5 AMENDMENT TO ARTICLE VII, SECTION 8, OF THE MONTANA CONSTITUTION TO REVISE THE
6 SELECTION OF SUPREME COURT JUSTICES; AND REQUIRING THAT THE GOVERNOR APPOINT
7 SUPREME COURT JUSTICES AT THE EXPIRATION OF A TERM OR AT THE OCCURRENCE OF A
8 VACANCY, SUBJECT TO CONFIRMATION BY THE SENATE, FROM NOMINEES SELECTED IN THE
9 MANNER PROVIDED BY LAW."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12
13 **Section 1.** Article VII, section 8, of The Constitution of the State of Montana is amended to read:

14 **"Section 8. Selection.** (1) ~~Supreme~~ The governor shall appoint, subject to confirmation by the senate,
15 supreme court justices and district from nominees selected in the manner provided by law. District court judges
16 shall be elected by the qualified electors as provided by law.

17 (2) For any vacancy in the office of supreme court justice, the governor shall appoint a replacement from
18 nominees selected in the manner provided by law.

19 ~~(2)(3)~~ (3) For any vacancy in the office of ~~supreme court justice or~~ district court judge, the governor shall
20 appoint a replacement from nominees selected in the manner provided by law. If the governor fails to appoint
21 within thirty days after receipt of nominees, the chief justice or acting chief justice shall make the appointment
22 from the same nominees within thirty days of the governor's failure to appoint. Appointments made under this
23 subsection shall be subject to confirmation by the senate, as provided by law. If the appointee is not confirmed,
24 the office shall be vacant and a replacement shall be made under the procedures provided for in this section. The
25 appointee to the office of district court judge shall serve until the election for the office as provided by law and until
26 a successor is elected and qualified. The person elected or retained at the election shall serve until the expiration
27 of the term for which his predecessor was elected. No appointee under this subsection, whether confirmed or
28 unconfirmed, shall serve past the term of his predecessor without standing for election.

29 ~~(3)(4)~~ (4) If an incumbent in the office of district court judge files for election and there is no election contest
30 for the office, the name of the incumbent shall nevertheless be placed on the general election ballot to allow the

1 voters of the state or district to approve or reject him. If an incumbent is rejected, the vacancy in the office for
2 which the election was held shall be filled as provided in subsection ~~(2)~~ (3)."

3
4 NEW SECTION. Section 2. Two-thirds vote required. Because [section 1] is a legislative proposal
5 to amend the constitution, Article XIV, section 8, of the Montana constitution requires an affirmative roll call vote
6 of two-thirds of all the members of the legislature, whether one or more bodies, for passage.

7
8 NEW SECTION. Section 3. Submission to electorate. [This act] shall be submitted to the qualified
9 electors of Montana at the general election to be held in November 2016 by printing on the ballot the full title of
10 [this act] and the following:

- 11 YES on Constitutional Amendment ____.
- 12 NO on Constitutional Amendment ____.

13
14 NEW SECTION. Section 4. Transition. Current supreme court justices shall finish their elected term
15 of office. At the expiration of the term of each justice or in the event of a vacancy, the governor shall appoint a
16 justice to the new term or to fill the vacant position.

17 - END -