

SENATE BILL NO. 372

INTRODUCED BY D. EMRICH, T. MANZELLA, B. BROWN, S. HINEBAUCH, B. USHER, M. NOLAND, J. ELLSWORTH, F. MANDEVILLE, T. VERMEIRE

A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE VII, SECTION 8, OF THE MONTANA CONSTITUTION TO PROVIDE FOR THE APPOINTMENT OF SUPREME COURT JUSTICES AND DISTRICT COURT JUDGES BY THE LEGISLATURE; AND PROVIDING AN EFFECTIVE DATE."

WHEREAS, the current system of electing judges is inherently difficult for the best candidate to rise to the surface because voters do not have information on a judge's performance and how the judge interprets the law; and

WHEREAS, this situation creates a circumstance of uninformed voting; and

WHEREAS, for the purpose of providing a more effective nonpartisan appointment and confirmation process, the People's House is best representative of the voters of Montana and will nominate judges in a manner that preserves the people's voice; and

WHEREAS, the Senate is the body that is best representative of Montana as a whole and is already equipped to vet the judges during a confirmation process.

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

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

"Section 8. Selection. (1) Supreme court justices and district court judges shall be ~~electe~~d by the ~~qualified electors as provided by law~~ appointed by the house of representatives and confirmed by the senate.

(2) For any vacancy in the office of supreme court justice or district court judge when the legislature is not in session, the governor shall appoint a replacement from nominees selected in the manner provided by law. If the governor fails to appoint within thirty days after receipt of nominees, the chief justice or acting chief justice shall make the appointment from the same nominees within thirty days of the governor's

1 failure to appoint. Appointments made under this subsection shall be subject to confirmation by the senate, as  
2 provided by law.

3 (3) ~~If the an~~ appointee is not confirmed, the office shall be vacant and a replacement shall be  
4 made under the procedures provided for in this section. The appointee shall serve until ~~the election for the~~  
5 ~~office as provided by law and until a successor is elected and qualified~~ appointed and confirmed. ~~The person~~  
6 ~~elected or retained at the election shall serve until the expiration of the term for which his predecessor was~~  
7 ~~elected. No appointee, whether confirmed or unconfirmed, shall serve past the term of his predecessor without~~  
8 ~~standing for election.~~

9 ~~(3) If an incumbent files for election and there is no election contest for the office, the name of the~~  
10 ~~incumbent shall nevertheless be placed on the general election ballot to allow the voters of the state or district~~  
11 ~~to approve or reject him. If an incumbent is rejected, the vacancy in the office for which the election was held~~  
12 ~~shall be filled as provided in subsection (2)."~~

13  
14 NEW SECTION. Section 2. Two-thirds vote required. Because [section 1] is a legislative proposal  
15 to amend the constitution, Article XIV, section 8, of the Montana constitution requires an affirmative roll call vote  
16 of two-thirds of all the members of the legislature, whether one or more bodies, for passage.

17  
18 NEW SECTION. Section 3. Effective date. [This act] is effective on approval by the electorate.

19  
20 NEW SECTION. Section 4. Submission to electorate. [This act] shall be submitted to the qualified  
21 electors of Montana at the general election to be held in November 2024 by printing on the ballot the full title of  
22 [this act] and the following:

- 23  YES on Constitutional Amendment \_\_\_\_\_.
- 24  NO on Constitutional Amendment \_\_\_\_\_.

25 - END -