

1 HOUSE BILL NO. 915
2 INTRODUCED BY B. MERCER

3
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 METHOD OF SELECTION FOR JUSTICES OF THE MONTANA SUPREME COURT; AND PROVIDING ~~AN A~~
7 DELAYED EFFECTIVE DATE AND AN APPLICABILITY DATE."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10
11 **Section 1.** Article VII, section 8, of The Constitution of the State of Montana is amended to read:

12 **"Section 8. Selection.** (1) ~~Supreme court justices and district~~ District court judges shall be elected by
13 the qualified electors as provided by law.

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

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

28 (4) A district court judge appointee selected as provided in subsection (2) shall serve until the

Amendment - 1st Reading-white - (H) Judiciary

- 2023

68th Legislature 2023

Drafter: Rachel Weiss, 406-444-5367

HB0915.001.002

1 election for the office as provided by law and until a successor is elected and qualified. The person elected or
2 retained at the district court judge election shall serve until the expiration of the term for which the judge's
3 predecessor was elected. A district court judge appointee, whether confirmed or unconfirmed, may not serve
4 past the term of the judge's predecessor without standing for election.

5 (5) A supreme court justice appointee selected as provided in subsection (2) shall serve until the
6 expiration of the term for which the justice was appointed or until the expiration of the term of the justice's
7 predecessor if the appointment was to finish an unexpired term."

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

12
13 **NEW SECTION. Section 3. Effective date.** [This act] is effective ~~on approval by the electorate~~
14 January 7, 2025.

15
16 **NEW SECTION. Section 4. Applicability.** [This act] applies to vacancies in the office of supreme
17 court justice that occur on or after [the effective date of this act].

18
19 **NEW SECTION. Section 5. Submission to electorate.** [This act] shall be submitted to the qualified
20 electors of Montana at the general election to be held in November 2024 by printing on the ballot the full title of
21 [this act] and the following:

22 YES on Constitutional Amendment ____.

23 NO on Constitutional Amendment ____.

24 - END -