HOUSE BILL NO. 353

INTRODUCED BY STRIZICH, BLAYLOCK, WHALEN, DOHERTY, O'KEEFE, NISBET, HARPER, B. BROWN, MAZUREK BY REQUEST OF THE SECRETARY OF STATE

IN THE HOUSE

	IN THE HOUSE
JANUARY 22, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
JANUARY 23, 1991	FIRST READING.
FEBRUARY 4, 1991	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 5, 1991	PRINTING REPORT.
FEBRUARY 6, 1991	SECOND READING, DO PASS AS AMENDED.
FEBRUARY 7, 1991	ENGROSSING REPORT.
FEBRUARY 8, 1991	THIRD READING, PASSED. AYES, 95; NOES, 1.
•	TRANSMITTED TO SENATE.
	IN THE SENATE
FEBRUARY 9, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
APRIL 1, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
APRIL 4, 1991	SECOND READING, CONCURRED IN.
APRIL 5, 1991	THIRD READING, CONCURRED IN. AYES, 48; NOES, 2.
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•	AYES, 48; NOES, 2.

REPORTED CORRECTLY ENROLLED.

CONSTITUTIONAL AMENDMENT

1	HOUSE BILL NO. 353
2	INTROBUCED BY Blay rock Whalen ingly
3 (BY REQUEST OF THE SECRETARY OF STATE
4	Biron Maguel 17
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6	QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE VII,
7	SECTION 8, OF THE MONTANA CONSTITUTION TO GENERALLY REVISE
8	THE LAW RELATING TO THE SELECTION OF SUPREME COURT JUSTICES
9	AND DISTRICT COURT JUDGES; TO REQUIRE THAT ELECTION,
.0	CONFIRMATION, AND RETENTION OF JUSTICES OR JUDGES MUST BE AS
.1	PROVIDED BY LAW; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
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.3	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
4	Section 1. Article VII, section 8, of The Constitution
15	of the State of Montana is amended to read:
16	"Section 8. Selection. (1) Supreme court justices and
17	district court judges shall be elected by the qualified
18	electors at a general election as provided by law.
19	(2) The For any vacancy in the office of supreme court
20	justice or district court judge, the governor shall nominate
21	appoint a replacement from nominees selected in the manner
22	provided by law for-any-vacancy-intheofficeofsupreme
23	court-justice-or-district-court-judge. If the governor fails
24	to nominate appoint within thirty days after receipt of
25	nominees, the chief justice or acting chief justice shall

L	make	the	non	inat	ion	app	oint	nent	fr	om	the	san	ie ne	om i r	ees
2	within	n thi	rty	days	of	the	gov	erno	r's	fai	lure	to	a	ppoi	nt.
3	Appoin	ntmen	ts	made	uı	der	thi	s su	bsec	tior	may	be	sub	ject	. to
4	confi	rmati	on	ъу	the	sen	ate,	as	pr	ovid	led	ьу	law	<u>.</u> E	ech
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NEW SECTION. Section 3. Submission to electorate. This

LC 0604/01

amendment shall be submitted to the qualified electors of Montana at the general election to be held in November 1992 by printing on the ballot the full title of this act and the following:

FOR amending the constitution to mandate the election of justices and judges as provided by law.

AGAINST amending the constitution to mandate the election of justices and judges as provided by law.

-End-

CONSTITUTIONAL AMENDMENT APPROVED BY COMMITTEE ON JUDICIARY

1	HOUSE BILL NO. 353
2	INTRODUCED BY STRIZICH, BLAYLOCK, WHALEN, DOHERTY,
3	O'KEEFE, NISBET, HARPER, B. BROWN, MAZUREK
4	BY REQUEST OF THE SECRETARY OF STATE
5	
6	A BILL FOR AN ACT ENTITLED: "AN ACT TO SUBMIT TO THE
7	QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE VII,
8	SECTION 8, OF THE MONTANA CONSTITUTION TO GENERALLY REVISE
9	THE LAW RELATING TO THE SELECTION OF SUPREME COURT JUSTICES
10	AND DISTRICT COURT JUDGES; TO REQUIRE THAT ELECTION,
11	CONFIRMATION, AND RETENTION OF JUSTICES OR JUDGES MUST BE AS
12	PROVIDED BY LAW; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
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14	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
15	Section 1. Article VII, section 8, of The Constitution
16	of the State of Montana is amended to read:
17	"Section 8. Selection. (1) Supreme court justices and
18	district court judges shall be elected by the qualified
19	electors at a general election as provided by law.
20	(2) The For any vacancy in the office of supreme court
21	justice or district court judge, the governor shall nominate
22	appoint a replacement from nominees selected in the manner
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1	nominees, the chief justice or acting chief justice shall
2	make the nomination appointment from the same nominees
3	within thirty days of the governor's failure to appoint.
4	Appointments made under this subsection may SHALL be subject
5	to confirmation by the senate, as provided by law. Bach
6	nominationshallbeconfirmedbythesenate;buta
7	nominationmade-while-the-senate-is-not-in-session-shall-be
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12	(2)If7atthefirstelectionaftersenate
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14	termofofficeanycandidateotherthan-the-incumbent
15	justice-or-district-judge-files-for-election-to-that-office;
16	the-name-of-the-incumbent-shall-be-placed-on-the-ballot:If
17	there-is-no-election-contest-for-the-office;-the-name-of-the
18	incumbentshallneverthelessbeplacedonthegeneral
19	electionballot-to-allow-voters-of-the-state-or-district-to
20	approve-or-reject-himIf-an-incumbent-is-rejected,another
21	selection-and-nomination-shall-be-made;
22	(3)Ifanincumbentdoesnot-run;-there-shall-be-an
23	election-for-the-office: 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

1	APPOINTEE SHALL SERVE UNTIL THE NEXT GENERAL ELECTION AND
2	UNTIL A SUCCESSOR IS ELECTED AND QUALIFIED. THE PERSON
3	ELECTED OR RETAINED AT THAT GENERAL ELECTION SHALL SERVE
4	UNTIL THE EXPIRATION OF THE TERM FOR WHICH HIS PREDECESSOR
5	WAS ELECTED. NO APPOINTEE, WHETHER CONFIRMED OR UNCONFIRMED,
6	SHALL SERVE PAST THE TERM OF HIS PREDECESSOR WITHOUT
7	STANDING FOR ELECTION.
8	(3) IF AN INCUMBENT FILES FOR ELECTION AND THERE IS NO
9	ELECTION CONTEST FOR THE OFFICE, THE NAME OF THE INCUMBENT
0	SHALL NEVERTHELESS BE PLACED ON THE GENERAL ELECTION BALLOT
1	TO ALLOW THE VOTERS OF THE STATE OR DISTRICT TO APPROVE OR
. 2	REJECT HIM. IF AN INCUMBENT IS REJECTED, THE VACANCY IN THE
.3	OFFICE FOR WHICH THE ELECTION WAS HELD SHALL BE FILLED AS
L 4	PROVIDED IN SUBSECTION (2)."
15	NEW SECTION. Section 2. Effective date. This amendment
16	is effective on approval by the electorate.
. 7	NEW SECTION. Section 3. Submission to electorate. This
.8	amendment shall be submitted to the qualified electors of
.9	Montana at the general election to be held in November 1992
20	by printing on the ballot the full title of this act and the
21 .	following:
22	FOR amending the constitution to mandate the
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