

1 *House* BILL NO. *364*, *Johnson*
 2 INTRODUCED BY *Bentley, Smith, DeLoach, Douglas, Ellis*
 3 *Supr. H. Hunsicker, Caluserson, Freely, Lester*
 4 A BILL FOR AN ACT ENTITLED: *Revised* AN ACT TO AMEND SECTION

5 93-201, R.C.M. 1947, TO PROVIDE FOR THE ELECTION OF SUPREME
 6 COURT JUSTICES FROM DISTRICTS APPORTIONED ON THE BASIS OF
 7 POPULATION; AND TO PROVIDE FOR THE ELECTION OF A CHIEF
 8 JUSTICE BY THE JUSTICES OF THE SUPREME COURT."

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

11 Section 1. Section 93-201, R.C.M. 1947, is amended to
 12 read as follows:

13 "93-201. Justices ~~---number-increased-to-five---~~election
 14 and term of office. The supreme court consists of ~~a--chief~~
 15 ~~justice--and--four--associate~~ five (5) justices, who are
 16 elected from districts by the qualified electors of the
 17 state ~~at-large~~ at the general state elections next preceding
 18 the expiration of the terms of office of their predecessors,
 19 respectively, and hold their offices for the term of eight
 20 (8) years from and after the first Monday of January next
 21 succeeding their election. A chief justice shall be
 22 selected by the justices of the supreme court from their
 23 members at their first meeting of each year after a general
 24 election."

25 Section 2. There is a new R.C.M. section numbered

1 93-201.1 that reads as follows:

2 93-201.1. Judicial districts. In this state there are
 3 five (5) supreme court judicial districts, with one (1)
 4 supreme court justice elected from each district distributed
 5 as follows:

6 First district: Blaine, Chouteau, Daniels, Dawson,
 7 Fergus, Garfield, Glacier, Golden Valley, Hill, Liberty,
 8 McCone, Musselshell, Petroleum, Phillips, Pondera, Prairie,
 9 Richland, Roosevelt, Sheridan, Toole, Valley, and Wibaux
 10 counties.

11 Second district: Big Horn, Carbon, Carter, Custer,
 12 Fallon, Powder River, Rosebud, Stillwater, Sweetgrass,
 13 Treasure, and Yellowstone counties.

14 Third district: Broadwater, Cascade, Jefferson, Judith
 15 Basin, Lewis and Clark, Meagher, Teton, and Wheatland
 16 counties.

17 Fourth district: Beaverhead, Deer Lodge, Gallatin,
 18 Granite, Madison, Park, Powell, Ravalli, and Silver Bow
 19 counties.

20 Fifth district: Flathead, Lake, Lincoln, Mineral,
 21 Missoula, and Sanders counties.

22 Section 3. There is a new R.C.M. section numbered
 23 93-201.2 that reads as follows:

24 93-201.2. Transition -- incumbent justices. This act
 25 does not affect the current terms of supreme court justices.

1 The incumbent justices whose present terms of office extend
2 beyond January 1, 1977, shall, within fifteen (15) days
3 after the effective date of this act designate which
4 district each will serve by written declaration filed with
5 the secretary of state and each shall serve as justice from
6 that district until the term expires. If a justice fails to
7 designate a district or if more than one justice designates
8 a district, that justice office shall be declared opened for
9 election in 1976.

-End-

Approved by Committee
on Judiciary

HOUSE BILL NO. 364

INTRODUCED BY BENCTSON, SOUTH, GERKE, DRISCOLL, JACK MOORE,
ELLIS, LYNCH, HUENNEKENS, HALVORSON, FINLEY, LESTER, DUSSAULT, 16
BARDANOUE, SIVERTSEN

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
SECTIONS 23-3509, 23-3513, 23-4501, 23-4503, 23-4510.1, AND
93-201, R.C.M. 1947, TO PROVIDE FOR THE ELECTION OF SUPREME
COURT JUSTICES FROM DISTRICTS APPORTIONED ON THE BASIS OF
POPULATION; AND TO PROVIDE FOR THE ELECTION OF A CHIEF
JUSTICE BY THE JUSTICES OF THE SUPREME COURT."

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

Section 1. Section 93-201, R.C.M. 1947, is amended to
read as follows:

"93-201. Justices ~~--number-increased-to-five--~~election
and term of office. The supreme court consists of ~~a-chief~~
~~justice-and--four--associate~~ five (5) justices, who are
elected from districts by the qualified electors of the
state ~~at-large~~ at the general state elections next preceding
the expiration of the terms of office of their predecessors,
respectively, and hold their offices for the term of eight
(8) years from and after the first Monday of January next
succeeding their election. A chief justice shall be
selected by the justices of the supreme court from their

members at their first meeting of each year after a general
election."

Section 2. There is a new R.C.M. section numbered
93-201.1 that reads as follows:

93-201.1. Judicial districts. In this state there are
five (5) supreme court judicial districts, with one (1)
supreme court justice elected from each district distributed
as follows:

First district: Blaine, Chouteau, Daniels, Dawson,
Fergus, Garfield, Glacier, Golden Valley, Hill, Liberty,
McCone, Musselshell, Petroleum, Phillips, Pondera, Prairie,
Richland, Roosevelt, Sheridan, Toole, Valley, and Wibaux
counties.

Second district: Big Horn, Carbon, Carter, Custer,
Fallon, Powder River, Rosebud, Stillwater, Sweetgrass,
Treasure, and Yellowstone counties.

Third district: Broadwater, Cascade, Jefferson, Judith
Basin, Lewis and Clark, Meagher, Teton, and Wheatland
counties.

Fourth district: Beaverhead, Deer Lodge, Gallatin,
Granite, Madison, Park, Powell, Ravalli, and Silver Bow
counties.

Fifth district: Flathead, Lake, Lincoln, Mineral,
Missoula, and Sanders counties.

Section 3. There is a new R.C.M. section numbered

1 93-201.2 that reads as follows:

2 93-201.2. Transition -- incumbent justices. This act
3 does not affect the current terms of supreme court justices.
4 The incumbent justices whose present terms of office extend
5 beyond January 1, 1977, shall, within fifteen (15) days
6 after the effective date of this act designate which
7 district each will serve by written declaration filed with
8 the secretary of state and each shall serve as justice from
9 that district until the term expires. If a justice fails to
10 designate a district or if more than one justice designates
11 a district, that justice office shall be declared opened for
12 election in 1976.

13 SECTION 4. SECTION 23-3509, R.C.M. 1947, IS AMENDED TO
14 READ AS FOLLOWS:

15 "23-3509. Printing of candidate's name and party
16 designation on ballot--no party designation for candidates
17 for supreme and district court judgeships--persons nominated
18 by more than one party. (1) Candidates' names shall be
19 printed in one place on the ballot with the name of the
20 party or political organization, as found in the certificate
21 of nomination in not more than three (3) words, printed
22 opposite the name.

23 (2) The names of candidates for ~~chief---justice,~~
24 ~~associate~~ justices, of the supreme court, and district court
25 judges shall be followed by: "Nominated without party

1 designation."

2 (3) If a person is nominated for the same office by
3 more than one (1) party, he shall file a written election
4 with the officer with whom he filed his declaration of
5 nomination in the time required to file the declaration. If
6 he fails or neglects to file an election, his name shall
7 appear under the party with whom his nominating declaration
8 was first filed."

9 SECTION 5. SECTION 23-3513, R.C.M. 1947, IS AMENDED TO
10 READ AS FOLLOWS:

11 "23-3513. Order of placement. (1) The order of offices
12 on the ballot in the first column designated "STATE AND
13 NATIONAL," shall be as follows:

14 (a) If the election is in a year in which a president
15 of the United States is to be elected, in spaces separated
16 from the balance of the party tickets by a heavy black line,
17 shall be the names and spaces for voting for candidates for
18 president and vice-president. The names of candidates for
19 president and vice-president for each political party shall
20 be grouped together.

21 (b) United States senator;

22 (c) United States representative;

23 (d) Governor and lieutenant governor;

24 (e) Secretary of state;

25 (f) Attorney general;

1 (g) State treasurer;
 2 (h) State auditor;
 3 (i) Public service commissioners;
 4 (j) State superintendent of public instruction;
 5 (k) Clerk of the supreme court;
 6 ~~(l) Chief justice of the supreme court;~~
 7 ~~(m) (1) Associate--justices~~ Justices of the supreme
 8 court;
 9 ~~(n) (m)~~ District court judges;
 10 ~~(o) (n)~~ State senators, members of the house of
 11 representatives. If any offices are not to be elected, they
 12 shall not be designated but the order of offices to be
 13 filled shall maintain their relative positions.
 14 (2) In the column designated, "COUNTY AND TOWNSHIP,"
 15 the following order of placement shall be observed:
 16 (a) Clerk of the district court;
 17 (b) County commissioner;
 18 (c) County clerk and recorder;
 19 (d) Sheriff;
 20 (e) County attorney;
 21 (f) County auditor;
 22 (g) Other offices in the order designated by the
 23 registrar.
 24 (3) In the third column constitutional amendments
 25 shall be followed by referendum and initiative measures."

1 SECTION 6. SECTION 23-4501, R.C.M. 1947, IS AMENDED TO
 2 READ AS FOLLOWS:
 3 "23-4501. Judicial offices as separate and independent
 4 offices for election purposes. (1) Each vacancy for
 5 ~~associate~~ justice of the supreme court is a separate and
 6 independent office for election purposes. ~~The chief justice~~
 7 ~~of the supreme court shall assign an individual number to~~
 8 ~~the four (4) associate justices and certify these numbers to~~
 9 ~~the office of the secretary of state not less than one~~
 10 ~~hundred eighty (180) days before a primary nominating~~
 11 ~~election.~~
 12 (2) Each judicial office in a district which has more
 13 than one (1) district judge is a separate and independent
 14 office for election purposes."
 15 SECTION 7. SECTION 23-4503, R.C.M. 1947, IS AMENDED TO
 16 READ AS FOLLOWS:
 17 "23-4503. Declarations for nomination--contents--fee.
 18 (1) Judicial candidates shall file declarations for
 19 nomination as required by the primary election laws in a
 20 form specified by the secretary of state.
 21 (2) Declarations for nomination as ~~associate~~ justice
 22 of the supreme court shall designate the ~~number of the~~
 23 ~~office~~ district. A person can make only one (1) designation.
 24 (3) Candidates for nomination as district judge in a
 25 district having more than one (1) judge shall specify the

1 number of the office. His candidacy is limited to the number
2 specified.

3 (4) Declarations shall not indicate political
4 affiliation. The candidate shall not state in his
5 declaration any principles or measures he advocates nor any
6 slogans.

7 (5) Each person filing a declaration shall remit the
8 fee prescribed by law for the position he seeks.
9 Declarations for justice of the supreme court and district
10 court judge shall be filed with the secretary of state."

11 SECTION 8. SECTION 23-4510.1, R.C.M. 1947, IS AMENDED
12 TO READ AS FOLLOWS:

13 "23-4510.1. Form of ballot on retention of incumbent
14 supreme court justice. In the event there is no candidate
15 for the office of supreme court justice ~~or chief justice~~
16 other than the incumbent, the name of the incumbent shall be
17 placed on the official ballot for the general election as
18 follows:

19 Shall ~~(chief)~~ justice (here the name of the incumbent
20 justice is inserted) of the supreme court of the state of
21 Montana be retained in office for another term?

YES

NO

1 (Mark an "x" before the word "YES" if you wish the justice
2 to remain in office. Mark an "x" before the word "NO" if you
3 do not wish the justice to remain in office.)"

-End-

1 HOUSE BILL NO. 364

2 INTRODUCED BY BENGTSON, SOUTH, GERKE, DRISCOLL, JACK MOORE,
3 ELLIS, LYNCH, HUENNEKENS, HALVORSON, PINLEY, LESTER, DUSSAULT, 16
4 BARDANOUE, SIVERTSEN

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
7 SECTIONS 23-3509, 23-3513, 23-4501, 23-4503, 23-4510.1, AND
8 93-201, R.C.M. 1947, TO PROVIDE FOR THE ELECTION OF SUPREME
9 COURT JUSTICES FROM DISTRICTS APPORTIONED ON THE BASIS OF
10 POPULATION; AND TO PROVIDE FOR THE ELECTION OF A CHIEF
11 JUSTICE BY THE JUSTICES OF THE SUPREME COURT."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Section 1. Section 93-201, R.C.M. 1947, is amended to
15 read as follows:

16 "93-201. Justices ~~---number-increased-to-five---~~election
17 and term of office. The supreme court consists of ~~a-chief~~
18 ~~justice-and--four--associate~~ five (5) justices, who are
19 elected from districts by the qualified electors of the
20 state ~~at-large~~ at the general state elections next preceding
21 the expiration of the terms of office of their predecessors,
22 respectively, and hold their offices for the term of eight
23 (8) years from and after the first Monday of January next
24 succeeding their election. A chief justice shall be
25 selected by the justices of the supreme court from their

1 members at their first meeting of each year after a general
2 election."

3 Section 2. There is a new R.C.M. section numbered
4 93-201.1 that reads as follows:

5 93-201.1. Judicial districts. In this state there are
6 five (5) supreme court judicial districts, with one (1)
7 supreme court justice elected from each district distributed
8 as follows:

9 First district: Blaine, Chouteau, Daniels, Dawson,
10 Fergus, Garfield, Glacier, Golden Valley, Hill, Liberty,
11 McCone, Musselshell, Petroleum, Phillips, Pondera, Prairie,
12 Richland, Roosevelt, Sheridan, Toole, Valley, and Wibaux
13 counties.

14 Second district: Big Horn, Carbon, Carter, Custer,
15 Fallon, Powder River, Rosebud, Stillwater, Sweetgrass,
16 Treasure, and Yellowstone counties.

17 Third district: Broadwater, Cascade, Jefferson, Judith
18 Basin, Lewis and Clark, Meagher, Teton, and Wheatland
19 counties.

20 Fourth district: Beaverhead, Deer Lodge, Gallatin,
21 Granite, Madison, Park, Powell, Ravalli, and Silver Bow
22 counties.

23 Fifth district: Flathead, Lake, Lincoln, Mineral,
24 Missoula, and Sanders counties.

25 Section 3. There is a new R.C.M. section numbered

1 ~~93-201.2~~ that reads as follows:

2 93-201.2. Transition -- incumbent justices. This act
 3 does not affect the current terms of supreme court justices.
 4 The incumbent justices whose present terms of office extend
 5 beyond January 1, 1977, shall, within fifteen (15) days
 6 after the effective date of this act designate which
 7 district each will serve by written declaration filed with
 8 the secretary of state and each shall serve as justice from
 9 that district until the term expires. If a justice fails to
 10 designate a district or if more than one justice designates
 11 a district, that justice office shall be declared opened for
 12 election in 1976.

13 SECTION 4. SECTION 23-3509, R.C.M. 1947, IS AMENDED TO
 14 READ AS FOLLOWS:

15 "23-3509. Printing of candidate's name and party
 16 designation on ballot--no party designation for candidates
 17 for supreme and district court judgeships--persons nominated
 18 by more than one party. (1) Candidates' names shall be
 19 printed in one place on the ballot with the name of the
 20 party or political organization, as found in the certificate
 21 of nomination in not more than three (3) words, printed
 22 opposite the name.

23 (2) The names of candidates for ~~chief---justice,~~
 24 ~~associate justices,~~ of the supreme court, and district court
 25 judges shall be followed by: "Nominated without party

1 designation."

2 (3) If a person is nominated for the same office by
 3 more than one (1) party, he shall file a written election
 4 with the officer with whom he filed his declaration of
 5 nomination in the time required to file the declaration. If
 6 he fails or neglects to file an election, his name shall
 7 appear under the party with whom his nominating declaration
 8 was first filed."

9 SECTION 5. SECTION 23-3513, R.C.M. 1947, IS AMENDED TO
 10 READ AS FOLLOWS:

11 "23-3513. Order of placement. (1) The order of offices
 12 on the ballot in the first column designated "STATE AND
 13 NATIONAL," shall be as follows:

14 (a) If the election is in a year in which a president
 15 of the United States is to be elected, in spaces separated
 16 from the balance of the party tickets by a heavy black line,
 17 shall be the names and spaces for voting for candidates for
 18 president and vice-president. The names of candidates for
 19 president and vice-president for each political party shall
 20 be grouped together.

- 21 (b) United States senator;
- 22 (c) United States representative;
- 23 (d) Governor and lieutenant governor;
- 24 (e) Secretary of state;
- 25 (f) Attorney general;

1 (g) State treasurer;
 2 (h) State auditor;
 3 (i) Public service commissioners;
 4 (j) State superintendent of public instruction;
 5 (k) Clerk of the supreme court;
 6 ~~(l) Chief justice of the supreme court;~~
 7 ~~(m) (1) Associate--justices~~ Justices of the supreme
 8 court;
 9 ~~(n) (m)~~ District court judges;
 10 ~~(o) (n)~~ State senators, members of the house of
 11 representatives. If any offices are not to be elected, they
 12 shall not be designated but the order of offices to be
 13 filled shall maintain their relative positions.
 14 (2) In the column designated, "COUNTY AND TOWNSHIP,"
 15 the following order of placement shall be observed:
 16 (a) Clerk of the district court;
 17 (b) County commissioner;
 18 (c) County clerk and recorder;
 19 (d) Sheriff;
 20 (e) County attorney;
 21 (f) County auditor;
 22 (g) Other offices in the order designated by the
 23 registrar.
 24 (3) In the third column constitutional amendments
 25 shall be followed by referendum and initiative measures."

1 SECTION 6. SECTION 23-4501, R.C.M. 1947, IS AMENDED TO
 2 READ AS FOLLOWS:
 3 "23-4501. Judicial offices as separate and independent
 4 offices for election purposes. (1) Each vacancy for
 5 ~~associate~~ justice of the supreme court is a separate and
 6 independent office for election purposes. ~~The chief justice~~
 7 ~~of the supreme court shall assign an individual number to~~
 8 ~~the four (4) associate justices and certify these numbers to~~
 9 ~~the office of the secretary of state not less than one~~
 10 ~~hundred eighty (180) days before a primary nominating~~
 11 ~~election.~~
 12 (2) Each judicial office in a district which has more
 13 than one (1) district judge is a separate and independent
 14 office for election purposes."
 15 SECTION 7. SECTION 23-4503, R.C.M. 1947, IS AMENDED TO
 16 READ AS FOLLOWS:
 17 "23-4503. Declarations for nomination--contents--fee.
 18 (1) Judicial candidates shall file declarations for
 19 nomination as required by the primary election laws in a
 20 form specified by the secretary of state.
 21 (2) Declarations for nomination as ~~associate~~ justice
 22 of the supreme court shall designate the ~~number of the~~
 23 ~~office~~ district. A person can make only one (1) designation.
 24 (3) Candidates for nomination as district judge in a
 25 district having more than one (1) judge shall specify the

1 number of the office. His candidacy is limited to the number
2 specified.

3 (4) Declarations shall not indicate political
4 affiliation. The candidate shall not state in his
5 declaration any principles or measures he advocates nor any
6 slogans.

7 (5) Each person filing a declaration shall remit the
8 fee prescribed by law for the position he seeks.
9 Declarations for justice of the supreme court and district
10 court judge shall be filed with the secretary of state."

11 SECTION B. SECTION 23-4510.1, R.C.M. 1947, IS AMENDED
12 TO READ AS FOLLOWS:

13 "23-4510.1. Form of ballot on retention of incumbent
14 supreme court justice. In the event there is no candidate
15 for the office of supreme court justice ~~or chief justice~~
16 other than the incumbent, the name of the incumbent shall be
17 placed on the official ballot for the general election as
18 follows:

19 Shall ~~(shall)~~ justice (here the name of the incumbent
20 justice is inserted) of the supreme court of the state of
21 ~~Wyoming~~ be retained in office for another term?

YES

NO

1 (Mark an "x" before the word "YES" if you wish the justice
2 to remain in office. Mark an "x" before the word "NO" if you
3 do not wish the justice to remain in office.)"

-End-